



City of Racine

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

Meeting Minutes - Final Common Council

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

Tuesday, July 17, 2012

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 13 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart and Weidner
EXCUSED: 1 - Sarrazin

B. Pledge of Allegiance To The Flag

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

C. Approval of Journal of Council Proceedings (Minutes)

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

D. Public Hearings

[Res.12-3137](#) Quincy Avenue to Deane Boulevard

Resolved, that since public interest requires it, that the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

The east-west alley bounded by Wright Avenue and Fifteenth Street; Quincy Avenue and Deane Boulevard.

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

Fiscal Note: N/A

Sponsors: Sandy Weidner

*His Honor, Mayor Dickert opened the public hearing.
Brian O'Connell spoke.
His Honor, Mayor Dickert closed the public hearing.*

E. Public Comments

*James DeMatthew
Scott Dresen
Wayne Clingman
Ken Brown
Scott Sharp
David Dorn
Randy Bryne
Carol Wester
Mark Celeste
Jeff Abel
Micheal Exner
Monte Osterman
George Meyers*

F. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[12-7923](#)

Subject: communication from the City Attorney requesting additional funding for the Professional Services 101.160.5610 account for the 2012 budget year.

Referred to Finance and Personnel Committee

[12-7932](#)

Subject: communication from the City Attorney submitting the claim of Ann Trower for consideration.

Referred to Finance and Personnel Committee

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

[12-7922](#)

Subject: Communication from Rick Reinders, 723 Roosevelt Avenue, requesting an easement to connect their sump pump discharge to the storm sewer collection inlet.

Referred to Public Works and Services Committee

[12-7931](#)

Subject: Communication from Real Racine requesting permission to use city right-of-way for the Ironman Racine 70.3 triathlon on Sunday, July 15, 2012.

Received and Filed as Reported

12-7934

Subject: Communication from Real Racine requesting to use the Walker Site as a parking lot and storage facility for the Ironman 70.3 Racine event on Sunday, July 15, 2012.

Alderman Weidner requested that items 12-7931 and 12-7934 be considered separately and to suspend the rules to approve items 12-7931 and 12-7934.

Alderman Weidner made a motion, seconded by Alderman DeHahn to approve 12-7931 and 12-7934 as the event was already past and the necessary documents were submitted by the organizers. Motion carried without objection.

Received and Filed as Reported

Refer to City Plan Commission, by Ald. Wisner**12-7897**

Subject: communication from the City Attorney recommending that the condition numbered 8., pertaining to a 10-foot wide strip of land for a walking/bike path on the property, be removed and recreated to require the execution of a Restrictive Covenant for a 10-foot wide strip of land for its future acquisition for a public pedestrian walk/bike path, with such Restrictive Covenant document to be prepared by City of Racine. (cross reference Res. 10-2310 and 10-2232)

Referred to City Plan Commission

Refer to Board of Parks, Recreation, and Cultural Services, by Ald. McCarthy**12-7933**

Subject: Communication from St. Catherine's High School Alumni & Outreach Coordinator requesting permission to erect a tent at Horlick Athletic Field on Friday, September 21, 2012, for a reunion/tailgate event that will be held in conjunction with the St. Catherine vs. Lutheran football game.

Referred to Board of Park, Recreation and Cultural Services

G. Committee Reports**Finance and Personnel Committee Report, by Ald. McCarthy****12-7894**

Subject: Communication from the Purchasing Agent submitting bid results and recommendation on Official Notice #9, One (1) Brush Chipper with 15" Capacity. (Res No. 12-3222)

Recommendation of the Finance & Personnel Committee on 7/09/12: Permission be granted to award to Atlas Companies the bid, as they are the low responsive, responsible bidder. The Bandit 1390 XP as offered by Atlas Companies will best serve the needs of the

Parks Department Forestry Crew.

Fiscal Note: Funds for this purchase at their net bid price are available in account 107.700.5770, Licensed Vehicles.

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

[12-7850](#)

Subject: Communication from the Interim Director of Parks, Recreation and Cultural Services requesting permission to accept donations for the Juneteenth Day Celebration. The received \$10,000.00 from Caron Butler and \$2,000.00 from S C Johnson will be used for entertainment on the main stage and the children's corner. (Res No. 12-3223)

Recommendation of the Finance & Personnel Committee on 7/09/12: Permission be granted to the Interim Director of Parks, Recreation and Cultural Services to accept donations for the Juneteenth Day Celebration from Caron Butler and S.C. Johnson, and that appropriate letters of thanks be sent.

Fiscal Note: \$10,000.00 from Caron Butler be used for entertainment on the main stage and \$2,000.00 from S.C. Johnson be used for the children's corner.

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

[12-7868](#)

Subject: Communication from the Interim Director of Parks, Recreation and Cultural Services requesting permission to apply for the 2012 Great Lakes Restoration Initiative Grant Program in the amount of \$215,000.00 for mitigating Emerald Ash Borer (EAB) impacts. (Res No. 12-3224)

Recommendation of the Finance & Personnel Committee on 7/09/12: Permission be granted to the Interim Director of Parks, Recreation & Cultural Services Department, to apply for the 2012 Great Lakes Restoration Initiative Grant Program in the amount of \$215,000.00 for mitigating Emerald Ash Borer (EAB) impacts.

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

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

[12-7889](#)

Subject: Communication from the Director of City Development requesting to apply for a grant from the Wisconsin Housing and Economic Development Authority's Strategic Blight Elimination Program. (Res No. 12-3225)

Recommendation of the Finance & Personnel Committee on

7/09/12: Permission be granted to the Director of City Development to apply for a grant from the Wisconsin Housing and Economic Development Authority's Strategic Blight Elimination Program.

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

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

Council Action

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

AYES: 13 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart and Weidner

EXCUSED: 2 - Wisneski and Sarrazin

Public Works and Services Committee Report, by Ald. Weidner12-7846

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 3 to Contract 53-11 (K1-058), City Hall Restroom Renovations, Absolute Construction Enterprises, Inc., contractor. (Res. No. 12-3232)

Recommendation of the Public Works and Services Committee on 7-10-12: That Change Order No. 3 on Contract 53-11 (K1-058), City Hall Restroom Renovations, Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$12,135.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 991.100.5010, City Hall Facility Plan Implementation.

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

12-7871

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer requesting a preliminary resolution for paving Victorian Drive - Emstan Hills Dr. to Maryland Ave. with Bituminous Concrete Paving - 30' width at \$56.54/front foot. (Res. No. 12-3231)

Recommendation of the Public Works and Services Committee on 7-10-12: That a preliminary resolution be introduced for Bituminous Concrete Paving on Victorian Drive from Emstan Hills Drive to

Maryland Avenue.

Fiscal Note: N/A

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

[12-7883](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 23-12 (K2-025), Signal Interconnect and System Timing. (Res No. 12-3226)

Recommendation of the Public Works and Services Committee on 7-10-12: That Contract 23-12 (K2-025), Signal Interconnect and System Timing, be awarded to Pro Electric, Inc., Franksville, WI, at their bid price of \$1,342,041.59, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 109,584.00 - Account 991.600.5020, Traffic Signal Interconnect-South
\$ 59,691.00 - Account 991.600.5030, Traffic Signal Interconnect-North
\$ 100,000.00 - Account 992.600.5020, CMAQ N & S Optimization
\$ 75,000.00 - Account 403.992.5010, City Fiber Network Deployment
\$ 103,000.00 - Account 403.991.5010, City Fiber Network Deployment
\$ 37,966.00 - Account 991.600.5010, Traffic Signal Replacements
\$ 28,000.59 - Account 992.600.5010, Traffic Signal Replacements
\$ 414,000.00 - Account 950.000.5820, CMAQ North Const 1693-49-72
\$ 381,800.00 - Account 950.010.5820, CMAQ South Const 1693-49-71
\$ 33,000.00 - Account 992.908.5020, Concrete Pvmt Replacement-Misc
\$ 1,342,041.59 - Total

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

[12-7885](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 47-12 (K2-058), M.L. King Community Center - Boiler Replacement. (Res No. 12-3228)

Recommendation of the Public Works and Services Committee on 7-10-12: That Contract 47-12 (K2-058), Dr. ML King Community Center-Boiler Replacement, be awarded to Butters-Fetting Co., Inc.,

Milwaukee, WI, at their base bid price of \$137,900.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 992.660.5010, King-Boiler Replacement.

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

[12-7886](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 48-12 (K2-059), Central Heating Plant - Boiler Upgrades. (Res. No. 12-3229)

Recommendation of the Public Works and Services Committee

on 7-10-12: That Contract 48-12 (K2-059), Central Heating Plant-Boiler Upgrades, be awarded to Butters-Fetting Co., Inc., Milwaukee, WI, at their base bid price of \$154,500.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 992.220.5010, CHP-Boiler Upgrades.

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

[12-7887](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 49-12 (K2-060), Equipment Maintenance Garage - Make-Up Air Unit Replacement. (Res. No. 12-3230)

Recommendation of the Public Works and Services Committee

on 7-10-12: That Contract 49-12 (K2-060), Equipment Maintenance Garage-Make-Up Air Unit Replacement, be awarded to Butters-Fetting, Inc., Milwaukee, WI, at their bid price of \$49,480.00, plus Alternate #1 in the amount of \$38,900.00, for a total contract amount of \$88,380.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 401.992.5760, Make-Up Air Units.

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

[12-7898](#)

Subject: Resolution 12-3211, created July 2, 2012, relating to alley improvements at the following locations:

PORTLAND CEMENT CONCRETE PAVING

Alley - Third St to State St; Wisconsin Ave to Main St

Alley - Sixteenth St to Washington Ave; Packard Ave to Memorial Dr

Alley - Seventeenth St to Sixteenth St; Morton Ave to Austin Ave

Alley - Seventeenth St to Sixteenth St; Murray Ave to Phillips Ave
Alley - DeKoven to Eighteenth St; Franklin St to Center St
Alley - DeKoven to Eighteenth St; Villa St to Park Ave
Alley - Jerome Blvd to Twentieth St; Taylor Ave to Kearney Ave
Alley - Charles St to Sixth Ave; North St to Shoreland Ave
Alley - Jones Ave to Walton Ave; Charles St to Geneva St (N-S)
Alley - Jones Ave to Walton Ave; Charles St to Geneva St (E-W)
Alley - LaSalle St to Superior St; Walton Ave to Goold St

Recommendation of the Public Works and Services Committee on 7-10-12: That Resolution No. 12-3211, created July 2, 2012, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

Alley - Third St to State St; Wisconsin Ave to Main St
Alley - Sixteenth St to Washington Ave; Packard Ave to Memorial Dr
Alley - Seventeenth St to Sixteenth St; Morton Ave to Austin Ave
Alley - Seventeenth St to Sixteenth St; Murray Ave to Phillips Ave
Alley - DeKoven to Eighteenth St; Villa St to Park Ave
Alley - Jerome Blvd to Twentieth St; Taylor Ave to Kearney Ave
Alley - Charles St to Sixth Ave; North St to Shoreland Ave
Alley - Jones Ave to Walton Ave; Charles St to Geneva St (E-W)

and, as amended, Resolution No. 12-3211, created July 2, 2012 be adopted.

Fiscal Note: Funds will be appropriated in the 2013 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

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

12-7899

Subject: Ord. 7-12, created July 2, 2012, to amend Chapter 18 of the Racine Building Code concerning the regulation of hoop houses.

Recommendation of the Public Works and Services Committee on 7-10-12: That Ordinance No. 7-12 to amend Chapter 18 of the Municipal Code of the City of Racine, Wisconsin relating to hoop houses, be adopted.

Fiscal Note: Not applicable.

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

12-7907

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 22-12 (K2-023), Safety Building-Replace Ceiling and

Lights, Absolute Construction Company, contractor. (Res. No. 12-3233)

Recommendation of the Public Works and Services Committee on 7-10-12: That Change Order No. 1 on Contract 22-12 (K2-023), Safety Building-Replace Ceiling and Lights, Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$20,391.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 991.210.5040, Safety Building-Building Updates.

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

Council Action

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

AYES: 13 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart and Weidner

EXCUSED: 2 - Wisneski and Sarrazin

12-7884

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 46-12 (K2-056), Festival Hall Roof Replacement (R1). (Res No. 12-3227)

Recommendation of the Public Works and Services Committee on 7-10-12: That Contract 46-12 (K2-056), Festival Hall Roof Replacement (R1), be awarded to Carlson Racine Roofing & Sheet Metal, Inc., Racine, WI, at their bid price of \$488,135.00, plus Alternate #1 in the amount of \$25,000.00 and Alternate #2 in the amount of \$15,000.00, for a total contract amount of \$528,135.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 108.992.5030, FH-Replace Main Roof.

Alderman Holding requested that item 12-7884 be considered separately.

Alderman Holding made a motion, seconded by Alderman Kaplan that the copper color for the roof be accepted as presented by the Civic Centre Commission. Motion failed by the following vote:

AYES: Morgenroth, Wisner, Fair, Holding, Kaplan, McCarthy

NOES: Mozol, Shakoor, Shields, Weidner, DeHahn, Hart, Kaprelian Becker

EXCUSED: Sarrazin

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

AYES: 13 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart and Weidner

EXCUSED: 2 - Wisneski and Sarrazin

City Plan Commission Report, by Ald.Wiser

12-7809

Subject: A Resolution to adopt the document titled "Root Works - Revitalizing Racine's Urban River Corridor Plan: Root River Corridor Redevelopment Plan". (PC-12) (Res. No. 12-3240)

Recommendation of the City Plan Commission on 6-27-12: That the Resolution be adopted.

Fiscal Note: N/A

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

12-7816

Subject: Communication from the Root River Council requesting amendment to the Access Corridor and Downtown Area Design Guidelines. (Ord. 8-12)

Recommendation of the City Plan Commission on 7-11-12: That an ordinance be prepared and a public hearing scheduled.

Fiscal Note: N/A

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

12-7901

Subject: (Direct Referral) Request by Marty Finn of Hidden Treasures, seeking a conditional use permit for a "resale boutique" at 1744 Rapids Drive. (PC-12) (Res. No. 12-3234)

Recommendation of the City Plan Commission on 7-12-12: That the item be approved subject to conditions.

Fiscal Note: N/A

A motion was made that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED.

Council Action

A motion was made by Alderman Dennis Wiser , seconded by Alderman Sandy Weidner, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 13 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart and Weidner

EXCUSED: 2 - Wisneski and Sarrazin

Housing Loan Board Report, by Ald. Wiser

12-7918

Subject:(Direct Referral) Request of the Director of City Development to accept the offer of Pedro Tafoya to purchase 1620 Flett Avenue. (Res. No. 12-3235)

Recommendation of the Loan Board of Review on July 11, 2012:

That the offer of Pedro Tafoya to purchase 1620 Flett Avenue, as set forth in his offer dated June 26, 2012 and the counter-offer dated June 29, 2012 be approved.

Further recommends that the Mayor, the City Clerk, and the Director of City Development be authorized to execute any documents necessary to complete the sale.

Fiscal Note: The property was acquired and rehabilitated through the NSP-1 program. The city will receive \$65,000 in proceeds, minus commissions and closing costs.

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

12-7919

Subject: (Direct Referral) Request of the Director of City Development to accept the offer of Joel Findley and Cindy Findley to purchase 3002 Arlington Avenue. (Res. No. 12-3236)

Recommendation of the Loan Board of Review on July 11, 2012:

That the offer of Joel and Cindy Findley to purchase 3002 Arlington Avenue, as set forth in their offer dated July 2, 2012 and the counter-offer dated July 5, 2012, be approved.

Further recommends that the Mayor, the City Clerk, and the Director of City Development be authorized to execute any documents necessary to complete the sale.

Fiscal Note: The property was acquired and rehabilitated through the NSP-1 program. The city will receive \$68,000 in proceeds, minus commissions and closing costs.

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

Council Action

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

AYES: 13 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart and Weidner

EXCUSED: 2 - Wisneski and Sarrazin

Committee of the Whole Report, by Ald. Kaplan

12-7921

Subject: (Direct Referral) Communication from the City Administrator and the City Attorney requesting to meet in closed session with the Committee of the Whole pursuant to Wis. Stat. §19.85(e) concerning the conduct of certain public business and pursuant to Wis. Stat. §19.85(g) concerning strategy to be adopted by the body with respect to litigation in which it is involved and litigation in which it is likely to become involved. Competitive and bargaining reasons require a closed session. Identifying the specific nature of the public business to be addressed may negatively affect the City's competitive advantage. (Res. No. 12-3239)

Recommendation of the Committee of the Whole: that the Common Council rescind Resolutions 10-2298, 10-2331, 10-2353, 10-2354, 11-2403, and 11-2404 as to any provision of any 2013-2014 collective bargaining agreement or memorandum of agreement between the City of Racine and any bargaining unit or employee association, that is a prohibited subject of bargaining under 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32, or either of such Acts, and declare that any provision in such collective bargaining agreement or memorandum of agreement that is a prohibited subject of bargaining under 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32, or either of such Acts, does not and shall not have effect at any time; and further that the City Attorney's office draft a resolution to such effect.

Fiscal Note: to be determined.

Alderman Fair made a motion, seconded by Alderman Shields that item 12-7921 be referred back to the Committee of the Whole. Motion failed by the following vote:

Ayes: Shakoor, Shields, Fair

Noes: Morgenroth, Mozol, Weidner, Wiser, DeHahn, Hart, Holding, Kaplan, Kaprelian-Becker, McCarthy.

Excused: Sarrazin

A motion was made by Alderman Jim Kaplan , seconded by Alderman Gregory Holding, that this be Received and Filed as Reported. The motion PASSED by the following vote:

AYES: 11 - Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart and Weidner

NOES: 2 - Fair and Shields

EXCUSED: 2 - Wisneski and Sarrazin

Office of the Mayor Report, by Ald. Kaplan.

12-7930

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

Appoint Carole Johnson, 1742 College Ave. Racine, 53403 to the Library Board for a 3 year term, expiring June 1, 2015

Appoint Thomas Molbeck to the position of Director of Parks, Recreation and Cultural Services.

Alderman Kaplan made a motion seconded by Alderman McCarthy to split the question.

Alderman Kaplan made a motion, seconded by Alderman McCarthy to approve the appointment of Carole Johnson to the Library Board for a 3 year term, expiring June 1, 2015. Motion carried with the following vote:

Ayes: Morgenroth, Shakoor, Shields, Wiser, DeHahn, Hart, Kaplan and McCarthy

Noes: Holding

Non-Voting: Mozol, Weidner, Fair, Kaprelian-Becker

Excused: Sarrazin

Alderman Kaplan made a motion, seconded by Alderman Shields to approve the appointment of Tom Molbeck to the position of Director of Parks, Recreation and Cultural Services. Motion carried with the following votes:

Ayes: Morgenroth, Mozol, Shakoor, Shields, Weidner, Wiser, DeHahn, Fair, Hart, Holding, Kaplan, Kaprelian-Becker and McCarthy

Excused: Sarrazin

This Communication was Received and Filed as Reported

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

12-7792

Subject: Communication from the Greater Racine Kennel Club requesting to reserve Pershing Park and to control parking on a portion of the lakefront for the American Kennel Club All Breed Dog Shows scheduled for Sunday, August 12, 2012 and Monday, August 13, 2012. (Res. No. 12-3237)

Recommendation of Board Parks, Recreation and Cultural Services 7-11-12: To approve the communication from the Greater Racine Kennel Club requesting to reserve Pershing Park and to control parking on a portion of the lakefront for the American Kennel

Club All Breed Dog Shows scheduled for Sunday, August 12, 2012 and Monday, August 13, 2012.

Further recommend that permission be granted with the following stipulations:

- A. A hold harmless agreement is executed;
- B. A liability insurance certificate is filed prior to the event;
- C. Any overtime costs incurred by any City department to assist with this project is charged to the sponsor.

Fiscal note: \$730.00 in revenue. There will be nominal costs to various City departments, on a regular shift basis to assist in implementing this event;

Further recommends that the Parks, Recreation and Cultural Services Department and Chief of Police provide limited assistance, in the interest of public safety, to implement this event.

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

[12-7793](#)

Subject: Communication from Alderman Jim Kaplan and Alderman Raymond DeHahn and the members of the Affirmative Action Human Relations Commission recommending the renaming of Marquette Street Park to William Dyess Park.

Recommendation of the Board of Parks, Recreation and Cultural Services 7-11-12: To defer.

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

[12-7900](#)

Subject: (Direct Referral) Communication from Racine Yacht Club and Catamaran Racing Association requesting permission to use city parking lots located immediately next to RYC in conjunction with a scheduled Regatta August 3, 2012 through August 12, 2012 and waiver of ordinance 70.104 for overnight parking of vehicles and trailers. (Res. No. 12-3238)

Recommendation of the Parks, Recreation and Cultural Services on 7-11-12: To approve the communication from Racine Yacht Club and Catamaran Racing Association requesting permission to use city parking lots located immediately next to RYC in conjunction with a scheduled Regatta August 3, 2012 through August 12, 2012 and waiver of ordinance 70.104 for overnight parking of vehicles and trailers.

Further recommend 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;

Further recommends that the Parks, Recreation and Cultural Services Department, and Chief of Police provide limited assistance, in the interest of public safety, to implement this event.

Fiscal Note: \$200.00 in revenue. 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.

Council Action

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

AYES: 13 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart and Weidner

EXCUSED: 2 - Wisneski and Sarrazin

Civic Centre Commission Report, by Ald. Kaplan

[12-7866](#)

Subject: [Direct Referral] CIP Project.

Recommendation of the Civic Centre Commission on 6-27-2012:

That the Civic Centre Commission requests that the Common Council reconsider the replacement roof color previously approved for Festival Hall based on the results of a study done which impacts future CIP objectives.

Fiscal Note: N/A

Alderman Weidner made a motion, seconded by Alderman DeHahn, to suspend the rules and take action on item 12-7866. Motion and second was later withdrawn.

Alderman Weidner made a motion, seconded by Alderman DeHahn to refer item #12-7866 to the Public Works and Services Committee and that the Civic Centre Commission and the Design Review Committee be invited for the discussion. Motion carried.

A motion was made that this Communication be Referred to the Public Works and Services Committee.

AYES: 11 - Fair, Shields, DeHahn, McCarthy, Holding, Morgenroth, Wiser, Kaplan, Shakoor, II, Hart and Weidner

NOES: 2 - Kaprelian-Becker and Mozol

EXCUSED: 2 - Wisneski and Sarrazin

H. Consent Agenda-Resolutions

Res.12-3222 Official Notice #9, One (1) Brush Chipper with 15" Capacity

Resolved, that permission is granted to award to Atlas Companies the bid, as they are the low responsive, responsible bidder. The Bandit 1390XP as offered by Atlas Companies will best serve the needs of the Parks Department Forestry Crew.

Fiscal Note: Funds for this purchase at their net bid price are available in account 107.700.5770, Licensed Vehicles.

Sponsors: Q.A. Shakoor, II

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

Res.12-3223 Donations for the Juneteenth Day Celebration

Resolved, that permission is granted to the Interim Director of Parks, Recreation and Cultural Services to accept donations for the Juneteenth Day Celebration from Caron Butler and S.C. Johnson, and that appropriate letters of thanks be sent.

Fiscal Note: \$10,000.00 from Caron Butler be used for entertainment on the main stage

Sponsors: Q.A. Shakoor, II

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

Res.12-3224 2012 Great Lakes Restoration Initiative Grant Program

Resolved, that permission is granted to the Interim Director of Parks, Recreation & Cultural Services Department, to apply for the 2012 Great Lakes Restoration Initiative Grant Program in the amount of \$215,000.00 for mitigating Emerald Ash Borer (EAB) impacts.

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

Sponsors: Q.A. Shakoor, II

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

[Res.12-3225](#)

Wisconsin Housing and Economic Development Authority's Strategic Blight Elimination Program

Resolved, that permission is granted to the Director of City Development to apply for a grant from the Wisconsin Housing and Economic Development Authority's Strategic Blight Elimination Program.

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

Sponsors: Q.A. Shakoor, II

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

[Res.12-3226](#)

Contract 23-12 (K2-025), Signal Interconnect and System Timing

Resolved, that Contract 23-12 (K2-025), Signal Interconnect and System Timing, be awarded to Pro Electric, Inc., Franksville, WI, at their bid price of \$1,342,041.59, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 109,584.00 - Account 991.600.5020, Traffic Signal Interconnect-South
\$ 59,691.00 - Account 991.600.5030, Traffic Signal Interconnect-North
\$ 100,000.00 - Account 992.600.5020, CMAQ N & S Optimization
\$ 75,000.00 - Account 403.992.5010, City Fiber Network Deployment
\$ 103,000.00 - Account 403.991.5010, City Fiber Network Deployment
\$ 37,966.00 - Account 991.600.5010, Traffic Signal Replacements
\$ 28,000.59 - Account 992.600.5010, Traffic Signal Replacements
\$ 414,000.00 - Account 950.000.5820, CMAQ North Const 1693-49-72
\$ 381,800.00 - Account 950.010.5820, CMAQ South Const 1693-49-71
\$ 33,000.00 - Account 992.908.5020, Concrete Pvmt Replacement-Misc
\$ 1,342,041.59 - Total

Sponsors: Sandy Weidner

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

[Res.12-3227](#)

Contract 46-12 (K2-056), Festival Hall Roof Replacement (R1)

Resolved, that Contract 46-12 (K2-056), Festival Hall Roof Replacement (R1), is awarded to Carlson Racine Roofing & Sheet

Metal, Inc., Racine, WI, at their bid price of \$488,135.00, plus Alternate #1 in the amount of \$25,000.00 and Alternate #2 in the amount of \$15,000.00, for a total contract amount of \$528,135.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public

Sponsors: Sandy Weidner

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

Res.12-3228

Contract 47-12 (K2-058), M.L. King Community Center - Boiler Replacement

Resolved, that Contract 47-12 (K2-058), Dr. ML King Community Center-Boiler Replacement, is awarded to Butters-Fetting Co., Inc., Milwaukee, WI, at their base bid price of \$137,900.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 992.660.5010, King-Boiler Replacement.

Sponsors: Sandy Weidner

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

Res.12-3229

Contract 48-12 (K2-059), Central Heating Plant - Boiler Upgrades

Resolved, that Contract 48-12 (K2-059), Central Heating Plant-Boiler Upgrades, be awarded to Butters-Fetting Co., Inc., Milwaukee, WI, at their base bid price of \$154,500.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 992.220.5010, CHP-Boiler Upgrades.

Sponsors: Sandy Weidner

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

Res.12-3230

Contract 49-12 (K2-060), Equipment Maintenance Garage - Make-Up Air Unit Replacement

Resolved, that Contract 49-12 (K2-060), Equipment Maintenance Garage-Make-Up Air Unit Replacement, is awarded to Butters-Fetting, Inc., Milwaukee, WI, at their bid price of \$49,480.00, plus Alternate #1 in the amount of \$38,900.00, for a total contract amount of \$88,380.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 401.992.5760, Make-Up Air Units.

Sponsors: Sandy Weidner

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

Res.12-3231

Preliminary - Ten (10) Year
Benefits and Damages

Bituminous Concrete Paving

RESOLVED, by the Common Council of the City of Racine,
Wisconsin:

1. The Common Council hereby declares its intention to exercise its power under s. 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following street(s):

All property fronting upon both sides:

Bituminous Concrete Paving

Victorian Drive - Emstan Hills Dr. to Maryland Ave.

2. Said public improvement shall consist of bituminous concrete paving.

3. The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall not be greater than the benefits accruing thereto from said improvements.

4. The assessments against any parcel may be paid in cash or in ten (10) annual installments.

5. The Commissioner of Public Works is directed to prepare a report consisting of:

- a. Preliminary or final plans and specifications for said improvement.
- b. An estimate of the entire cost of the proposed work or improvement.
- c. An estimate, as to each parcel of property within the assessment district, of:

- (1) The assessment of benefits to be levied.
- (2) The damages to be awarded for property taken or damaged.
- (3) The net amount of such benefits over damages or the net amount of such damages over benefits.

Upon completing such report, the Commissioner of Public Works is directed to file a copy thereof on the City Clerk's Office for public inspection.

6. Upon receiving the report of the Commissioner of Public Works, the City Clerk is directed to give a Class 1 notice of a public hearing on such report as specified in §. 66.60(7), Wisconsin Statutes.

The hearing shall be held at the Council Chambers in the City Hall at a time set by the Clerk in accordance with §. 66.0703 (7)(a), Wisconsin Statutes.

Fiscal Note: N/A

Sponsors: Sandy Weidner

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

Res.12-3232

Change Order No. 3 to Contract 53-11 (K1-058), City Hall Restroom Renovations

Resolved, that Change Order No. 3 on Contract 53-11 (K1-058), City Hall Restroom Renovations, Absolute Construction Enterprises, Inc., contractor, is approved in the amount of \$12,135.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 991.100.5010, City Hall Facility Plan Implementation.

Sponsors: Sandy Weidner

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

Res.12-3233

Change Order No. 1 to Contract 22-12 (K2-023), Safety Building-Replace Ceiling and Lights

Resolved, that Change Order No. 1 on Contract 22-12 (K2-023), Safety Building-Replace Ceiling and Lights, Absolute Construction Enterprises, Inc., contractor, is approved in the amount of \$20,391.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 991.210.5040, Safety Building-Building Updates.

Sponsors: Sandy Weidner

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

Res.12-3234

Hidden Treasures "Resale Boutique"

Resolved, that the request by Marty Finn of Hidden Treasures seeking a conditional use permit for a "resale boutique" at 1744 Rapids Drive is approved, subject to the following conditions:

-
- a. That the plans presented to the Plan Commission on July 11, 2012 be approved subject to the conditions contained herein.
- b. That a resale boutique, as detailed in the written description included in the applicant's submittal materials is found by the Plan Commission to be of the same general character as the uses permitted in this district.
- c. The use shall not operate as a flea market or general thrift, secondhand, rummage or pawn shop.
- d. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- e. That hours the business will be open to the public are from 10:00 a.m. to 5:00 p.m., Monday through Saturday.
- f. That all signs be professionally made, comply with zoning ordinance requirements, and be submitted to the Director of City Development for review and approval prior to installation.
- g. That all trash and recyclables be stored in closed containers and screened from view.
- h. That failure to maintain operational and activities standards established by this permit may result in the initiation of enforcement and/or revocation proceedings, the issuance of fines, or both.
- i. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- j. That this permit is subject to Plan Commission review for compliance

with the listed conditions.

Fiscal Note: N/A

Sponsors: Aron Wisneski

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

Res.12-3235

1620 Flett Avenue

Resolved, that the offer of Pedro Tafoya to purchase 1620 Flett Avenue, as set forth in his offer dated June 26, 2012 and the counter-offer dated June 29, 2012 is approved.

Further resolved, that the Mayor, the City Clerk, and the Director of City Development are authorized to execute any documents necessary to complete the sale.

Fiscal Note: The property was acquired and rehabilitated through the NSP-1 program. The city will receive \$65,000.00 in proceeds, minus commissions and closing costs.

Sponsors: Dennis Wiser

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

Res.12-3236

3002 Arlington Avenue

Resolved, that the offer of Joel and Cindy Findley to purchase 3002 Arlington Avenue, as set forth in their offer dated July 2, 2012 and the counter-offer dated July 5, 2012, is approved.

Further, resolved that the Mayor, the City Clerk, and the Director of City Development are authorized to execute any documents necessary to complete the sale.

Fiscal Note: The property was acquired and rehabilitated through the NSP-1 program. The city will receive \$68,000.00 proceeds, minus commissions and closing costs.

Sponsors: Dennis Wiser

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

Res.12-3237

American Kennel Club All Breed Dog Shows

Resolved, that the communication from the Greater Racine Kennel Club requesting to reserve Pershing Park and to control parking on a

portion of the lakefront for the American Kennel Club All Breed Dog Shows scheduled for Sunday, August 12, 2012 and Monday, August 13, 2012 is approved.

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

- A. A hold harmless agreement is executed;
- B. A liability insurance certificate is filed prior to the event;
- C. Any overtime costs incurred by any City department to assist with this project is charged to the sponsor.

Further resolved, that the Parks, Recreation and Cultural Services Department and Chief of Police provide limited assistance, in the interest of public safety, to implement this event.

Fiscal Note: \$730.00 in revenue. There will be nominal costs to various City departments, on a regular shift basis to assist in implementing this event.

Sponsors: Terry McCarthy and Melissa Kaprelian-Becker

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

Res.12-3238

Regatta - August 3, 2012

Resolved, that the communication from Racine Yacht Club and Catamaran Racing Association requesting permission to use city parking lots on Barker Street and the Rooney lot located immediately next to RYC in conjunction with a scheduled Regatta August 3, 2012 through August 12, 2012 and waiver of ordinance 70.104 for overnight parking of vehicles and trailers is approved.

Further resolved, that permission is 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;

Further resolved, that Ordinance 70-104 (overnight parking) be waived during the use of these lots.

Further resolved, that the Parks, Recreation and Cultural Services Department, and Chief of Police provide limited assistance, in the interest of public safety, to implement this event.

Fiscal Note: \$200.00 in revenue. There will be nominal costs to

various City departments, on a regular shift basis to assist in implementing this event.

Sponsors: Terry McCarthy and Melissa Kaprelian-Becker

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

Res.12-3240

RootWorks - Revitalizing Racine's Urban River Corridor Plan: Root River Corridor Redevelopment Plan

Adopt document titled "*Root River Corridor Redevelopment Plan: RootWorks-Revitalizing Racine's Urban River Corridor*"

WHEREAS, The Root River Council, with the assistance of the firm of Vandewalle & Associates, Inc., and in consultation with the River Alliance of Wisconsin and the City of Racine, in September of 2011 began preparation of the Plan that serves to assist in promoting and guiding development within the study area by: understanding the context within the city and the region, stimulating economic growth, allowing for public access and interaction with the river, improving water quality, and recommending implementation strategies; and

WHEREAS, Pursuant to Section 62.23 of the Wisconsin Statutes, the City of Racine is authorized to prepare and adopt the document "RootWorks-Revitalizing Racine's Urban River Corridor: Root River Corridor Redevelopment Plan" (the Plan), as an amendment to the City's comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; and

WHEREAS, The Root River Council (RRC) conducted stakeholders' interviews and public informational meetings to solicit opinion and educate the public on the Plan, and upon approval on April 20, 2012 the RRC forwarded a recommendation for adoption to the Plan Commission; and

WHEREAS, On May 9, 2012 the Plan Commission received the Plan and directed that prior to its adoption, an ordinance and resolution be prepared, and a public hearing before the Common Council be held.

WHEREAS, On June 13, 2012 the Plan Commission conducted an open house and plan presentation to solicit opinion and educate the public on the Plan.

WHEREAS, the City duly noticed an public hearing before the Common Council for June 19, 2012 following the procedures in Section 66.1001 (4) (d) of the Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the

City of Racine hereby adopts the plan embodied in the document titled "RootWorks-Revitalizing Racine's Urban River Corridor: Root River Corridor Redevelopment Plan " as a tool to assist in promoting and guiding development within the study area by: understanding the context within the city and the region, stimulating economic growth, allowing for public access and interaction with the river, improving water quality, and recommending implementation strategies as an amendment to a document titled "A Comprehensive Plan for the City of Racine: 2035."

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to transmit a certified copy of this resolution to the Racine County Board and the SEWRPC.

Fiscal Note: To be determined

Sponsors: Aron Wisneski

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

Council Action

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

AYES: 13 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart and Weidner

EXCUSED: 2 - Wisneski and Sarrazin

Res.12-3239

2013 - 2014 Collective Bargaining Agreements

WHEREAS, several changes contained in 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32 affect collective bargaining between represented municipal employees and municipal employers, to wit:

As to "general municipal employees," the sole permitted subject of collective bargaining is total base wages.

As to "public safety employees," the design and selection of health care coverage plans by the municipal employer, and the impact of the design and selection of the health care coverage plans on wages, hours, and conditions of employment, the requirement that for public safety personnel hired on or after July 1, 2011 the employer may not pay the employee's WRS contribution share, and the permissibility of a collective bargaining agreement to include dispute resolution procedures, including arbitration, addressing suspension, reduction in rank, suspension and reduction in rank, or removal of public safety

employees are all prohibited subjects of collective bargaining.

WHEREAS, pursuant to the terms of 2011 Wisconsin Acts 10 and 32, the applicability of the above-described changes under the law first apply to employees who are covered by a collective bargaining agreement on the day when the collective bargaining agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

WHEREAS, the now-existing collective bargaining agreements between the City of Racine and Local 321 International Association of Firefighters, the Racine Police Association, AFSCME Local 67 (DPW/Parks Unit), AFSCME Local 67 (City Hall Clericals Unit), AFSCME Local 67 (Police Department Clericals Unit), and the now-existing memoranda of agreement between the City of Racine and the Racine Fire Department Staff Officers' Association and the Racine Police Department Staff Officers' Association, and each of them, expire on December 31, 2012.

WHEREAS, under the terms of 2011 Wisconsin Act 32, for all future years the City of Racine will only be permitted to increase its levy over the amount it levied in the prior year by the percentage increase in equalized value from net new construction, absent a referendum approving a tax increase.

NOW THEREFORE, in order to comply with 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32, and both of such Acts, as to collective bargaining, and because of the levy limit provisions of 2011 Wisconsin Act 32, be it hereby RESOLVED that:

Resolution 10-2298, dated December 7, 2010, as to any provision of the prospective 2013-2014 collective bargaining agreement between the City of Racine and Local 321, International Association of Firefighters, that is a prohibited subject of collective bargaining under 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32, or either of such Acts, is hereby rescinded, and any provision in such collective bargaining agreement that is a prohibited subject of collective bargaining under 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32, or either of such Acts, does not and shall not have effect at any time.

Resolution 10-2331, dated December 21, 2010, as to any provision of the prospective 2013-2014 collective bargaining agreement between the City of Racine and the Racine Police Association, that is a prohibited subject of collective bargaining under 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32, or either of such Acts, is hereby rescinded, and any provision in such collective bargaining agreement

that is a prohibited subject of collective bargaining under 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32, or either of such Acts, does not and shall not have effect at any time.

Resolution 10-2353, dated January 4, 2011, as to any provision of the prospective 2013-2014 memorandum of agreement between the City of Racine and Racine Police Department Staff Officers' Association, that is a prohibited subject of bargaining under 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32, or either of such Acts, is hereby rescinded, and any provision in such memorandum of agreement that is a prohibited subject of bargaining under 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32, or either of such Acts, does not and shall not have effect at any time.

Resolution 10-2354, dated January 4, 2011, as to any provision of the prospective 2013-2014 memorandum of agreement between the City of Racine and Racine Fire Department Staff Officers' Association, that is a prohibited subject of bargaining under 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32, or either of such Acts, is hereby rescinded, and any provision in such memorandum of agreement that is a prohibited subject of bargaining under 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32, or either of such Acts, does not and shall not have effect at any time.

Resolution 11-2403, dated February 16, 2012, as to the entirety of the prospective 2013-2014 collective bargaining agreement between the City of Racine and AFSCME Local 67 (DPW/Parks), is hereby rescinded, and such collective bargaining agreement does not and shall not have effect at any time.

Resolution 11-2404, dated February 16, 2012, as to the entirety of the prospective 2013-2014 collective bargaining agreements between the City of Racine and AFSCME Local 67 (City Hall Clericals and Police Department Clericals), is hereby rescinded, and such collective bargaining agreements do not and shall not have effect at any time.

Fiscal Note: N/A

Sponsors: O. Keith Fair, Krystyna Sarrazin, Michael Shields, Jim Kaplan, Melissa Kaprelian-Becker, Sandy Weidner, Raymond DeHahn, Q.A. Shakoor, II, Terry McCarthy, Dennis Wiser, Gregory Holding, Aron Wisneski, James Morgenroth, Ronald D. Hart and Robert Mozol

Alderman Kaplan requested that Res 12-3239 be considered separately.

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

AYES: 11 - Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoore, II, Hart and Weidner

NOES: 2 - Fair and Shields

EXCUSED: 2 - Wisneski and Sarrazin

I. Ordinances

Ord.8-12

Ordinance 8-12 - Access Corridor and Downtown Area Design

Guidelines

An ordinance amending Access Corridor and Downtown Area Design Guidelines

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

Part 1: Create 114-328(19), 114-428(20), 114-468(29), 114-488(19), 114-568(38) to read as follows: "Uses as described in Sec. 114-825(b)."

Part 2: In Sec. 114-637, Access Corridor Overlay District, Mapped Districts; delete the "State Street corridor district" and its description, in its entirety.

Part 3: Create 114-822(9) Downtown Area Design Guidelines, Purpose and Intent, to read as follows:

(9) Promote the use, development and maintenance of property adjacent to or proximate to the Root River in order to accomplish public safety, environmental protection, economic development, and public health and recreation objectives.

Part 4: In Sec. 114-823, Downtown Area Design Guidelines, Definitions repeal and recreate the definition of "downtown area" as follows:

Begin at a point being on the centerline of North Wisconsin Avenue approximately 190 feet north of the intersection of the centerlines of North Wisconsin Avenue and Hamilton Street; from said beginning point proceed east to the center line of Main Street, then north along said centerline to the centerline of Hubbard Street; then easterly along the Hubbard Street centerline to the-west line of Michigan Boulevard;

then southerly along said west line 200 feet; the east to a line being the western shore of Lake Michigan (including those lands found south of the easterly extended centerline of the Root River and north, and west, of the harbor's south breakwater); then southerly along said line to a point on the extended centerline of Tenth Street; then west along said extended centerline to a point on the centerline of Wisconsin Avenue; then north along said centerline to a point on the centerline of Ninth Street; then west along said centerline to a point on the centerline of College Avenue; then north along said centerline to a point on the centerline of Eight Street; then west along said centerline to a point on the centerline of Grand Avenue; then south along said centerline to a point on the centerline of Ninth Street; then west along said centerline to a point on the western line of the former Chicago, Milwaukee and St. Paul Railroad right-of-way; then southwest along said western line to a point on the centerline of Tenth Street; then west along said centerline to a point on the centerline of Racine Street; then north along said centerline to a point on the centerline of Ninth Street; then west-southwest along said centerline to a point on the center line of Harrbridge Avenue; then north along said centerline to a point on the centerline of the Root River; then east along said centerline to a point on the centerline of Memorial Drive; then north along said centerline to a point on the centerline of West Sixth Street; then east along said centerline to a point on the west line of the Union Pacific (a.k.a. Chicago and Northwestern) Railroad right-of-way; then northwesterly on said west line to a point on the centerline of Liberty Street; then west along said centerline to a point on the centerline of North Memorial Drive; then north-northwesterly along said centerline to a point on the centerline of West Street; then east along said centerline-extended to a point on the centerline of LaSalle Street; then north along said centerline to a point on the centerline of Prospect Street; then east along said centerline to a point on the centerline of Douglas Avenue; then north along said centerline to a point on the centerline of Hamilton Street; then east along said centerline to a point on the centerline of North Wisconsin Avenue; then north along said centerline to the point of beginning.

Part 5: In Sec. 114-824, Downtown Area Design Guidelines. Mapped district, delete 114-824 (c) in its entirety.

Part 6: In Sec. 114-825, Downtown Area Design Guidelines, Land uses, insert "(a)" before paragraph that starts with the words "All permitted uses..."

Part 7: Create Sec. 114-825 (b) as follows:

(b) The following uses may be allowed by conditional use permit in

addition to those uses described in (a) above, excepting those lands zoned R-1, R-2 and R-3:

1. Boat launches, piers, pedestrian and bicycle facilities, private retaining walls and private storm water facilities.
2. East of the Marquette Street: outdoor storage of watercraft typically carried overland on trailers on parcels directly adjacent to the Root River.
3. Throughout the Downtown Area: outdoor storage of watercraft typically carried manually, such as canoes and kayaks.
4. Outdoor storage of recreation equipment as an accessory use.
5. For lands in a I-2 District, land uses which are otherwise permitted uses but may create noise, heat, vibration, or radiation, which are detectable at the property line, or involve materials which pose a significant safety hazard.
6. For lands in a B-5 District, industrial land uses which are otherwise not permitted therein.
7. Uses which are otherwise not permitted unless under the control of a Flex Development overlay or a Planned Development conditional use permit.

Part 8: Section 114-826, Downtown Area Design Guidelines, Prohibitions and Exemptions, shall be repealed and recreated as follows:

(a) In the downtown area, the following prohibitions shall apply:

1. No person shall undertake any new exterior construction activity, any building expansion, or any exterior renovation/rehabilitation activity for projects whose impact will result in the alteration of the visual character or impact of the facade without first making application to the design review commission and receiving approval from the design review commission and/or common council as prescribed in this division, nor without receiving all applicable permits.
2. No person shall install new or replacement signs, regardless of value, without first making application to the design review commission and receiving approval from the design review commission and/or common council as prescribed in this division, nor without receiving all applicable permits.
3. Outdoor storage of products, equipment, and other materials (as a primary or accessory use) unless otherwise noted in Sec. 114-825.

(b) In the downtown area, the following exemptions shall apply:

1. Signs advertising occasional sales, services or events are exempt from the requirements of subsection 114-826(2) of this division.
2. Maintenance and repair activities that do not alter the property's exterior design features are exempt from the requirements of this division.
3. Public recreation facilities which involve no pavement or buildings.
4. Essential services as defined by Section 114-238.

Part 9: Sec. 114-828 (a), Downtown Area Design Guidelines, Administration, is amended by deleting the words "...an at large member..." and inserting the words "...a member of the Root River Council or a similar successor organization..."

Part 10: Sec. 114-829, Downtown Area Design Guidelines, Evaluation Criteria, through existing Sec. 114-829(3), is repealed and recreated as follows:

The following design guidelines evaluation criteria shall be used to determine if a proposed activity fulfills the objectives of this division:

(1) Traffic circulation. All vehicular and pedestrian circulation systems shall provide adequate and reasonably safe access through the downtown, and should promote a pedestrian friendly environment.

(2) Environmental Design. All projects shall incorporate sustainable environmental design, processes and practices when possible or practical.

(3) Site layout and building arrangement.

a. The layout, mass, orientation and height of the structures on the site, including areas for use by motorized vehicles for circulation, parking and storage, should allow for appropriate use of the proposed development in light of surrounding uses, traffic patterns, pedestrian facilities, neighboring and opposite structures, and topography. The arrangement of structures on the site shall also be evaluated for their potential impact on the provision of city services, such as access for emergency vehicles.

b. The setback of structures shall conform to those of the underlying zoning district unless the following criteria provide a greater distance:

1. From surface water (OHWM), floodway, or 100 year floodplain: 60 feet from the mapped or surveyed limits.

2. From open drainage channels: 25 feet from the OHWM if documentable, or from the centerline of the channel if not documented.

3. From slopes exceeding 12%: 25 feet from the top of the slope, and from the bottom of the slope.

4. From a designated habitat area: 25 feet.

5. From a Primary Environmental Corridor, Secondary Environmental Corridor, Isolated Natural Feature, as identified by the Southeastern Wisconsin Regional Planning Commission, as recognized or modified by the City of Racine: 25 feet.

6. Reductions of the setbacks listed in 1-5 above may be approved through the conditional use process, if environmental protection objectives are accomplished to the same or greater degree.

(4) Project design. All projects shall be designed with attention and sensitivity to the historical, architectural, and physical context in which they are, or are to be located. Special attention should be paid to the sidewalk level of buildings through the creation of pedestrian

orientated details. Project design considerations are as follows:
 a. General requirements are that all buildings should have a unified design treatment and ; finished construction on all sides; facades facing the river shall be considered in design and function as if a street facade; any roof treatments or parapets shall extend completely around the building; and all rooftop equipment shall be screened from view.

Part 11: Sec. 114-829(4) through (8) is renumbered to be 114-829(5) through (9).

Part 12: Sec 114-829(10) is created as follows:

(10) Modifications to criteria. The above criteria may be modified by provisions of the Flex Development overlay, a Planned Development conditional use permit, or by administrative discretion as may be afforded by this Chapter.

Part 13: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

 Approved:

 Mayor

Attest:

 City Clerk

Fiscal Note: N/A

Sponsors: Aron Wisneski

Referred to City Plan Commission

Office of the President Report by Ald. Kaplan

1. **Approval of the election process to fill the unexpired term for the Seat of the 12th District Alderman.**
2. **Election to fill the unexpired term for the Seat of the 12th District Alderman until April 2013.**

Alderman Kaplan made a motion, seconded by Alderman Holding to accept the election process for the Alderman of the 12th District as presented. Motion carried by a voice vote.

Ballots were distributed and voted by all the Alderman present. The results of the first ballot were as follows:

*7 Molly Hall
 0 Colin McKenna
 0 William Kaplan*

5 Henry Perez
1 LeRoy Stewart III

Alderman Kaplan. seconded by Alderman Holding moved to appoint Molly Hall as Alderman of the 12th District to fill the unexpired term ending in April of 2013. Motion carried with the following vote:

*AYES: Morganroth, Mozol, Shakoor, Shields, Weidner, Wisner, DeHahn, Fair, Hart, Holding, Kaplan, Kaprelian-Becker and McCarthy.
EXCUSED: Sarrizan*

J. Adjourn

The meeting was adjourned at 9:50PM by Alderman Shakoor. The next scheduled meeting of the Council is Monday, August 6th, 2012.

*ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK*