



# City of Racine

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

## Meeting Agenda - Final Common Council

*Mayor John T. Dickert, President, Alderman Terry McCarthy  
Alderman Dennis Wiser, Alderman Jim Kaplan  
Alderman Q.A. Shakoor, II, Alderman Ronald D. Hart, Alderman  
Sandy Weidner  
Alderman Krystyna Sarrazin, Alderman Jeff Coe, Alderman  
Michael Shields  
Alderman Melissa Kaprelian-Becker, Alderman Raymond  
DeHahn,  
Alderman Gregory Holding, Alderman James Morgenroth  
Alderman Edward E. Diehl, Alderman Henry Perez*

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Tuesday, November 5, 2013

7:00 PM

Room 205, City Hall

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

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

[13-9517](#)      **Subject:** Communication from the Finance Director requesting to refer Section 46-64 of the City of Racine Municipal Code to the Finance and Personnel Committee at their next scheduled meeting on Monday, November 11, 2013 for revocation.

[13-9518](#)      **Subject:** Communication from the Racine County Economic Development Corporation requesting a semi-annual certification of the industrial/commercial revolving loan fund to the U.S. Economic Development Administration.

[13-9519](#)      **Subject:** Communication from the Assistant Director of City Development submitting a request from Business Improvement District No. 1, Downtown Racine, for approval of its proposed 2014 operating plan.

[13-9520](#)      **Subject:** Communication from the Assistant Director of City Development submitting a request from Business Improvement District

No. 4, Douglas Avenue, for approval of its proposed 2014 operating plan.

[13-9521](#)      **Subject:** Communication from the Assistant Director of City Development submitting a request from Business Improvement District No. 3, Uptown, for approval of its proposed 2014 operating plan.

[13-9522](#)      Subject: Communication from the Police Chief, requesting to accept Human Trafficking Funding.

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

[13-9515](#)      **Subject:** Communication from Jennifer Poppler regarding a drainage issue at 3320 Daisy Lane which was caused by a design flaw.

[13-9516](#)      **Subject:** Communication from Kara Kading requesting to use City right-of-way for the St. John's Lutheran School Bunny Hop on Saturday, April 26, 2014 from 10:00 A.M. until 12 noon.

(Also refer to the Board of Parks, Recreation and Cultural Services)

[13-9503](#)      **Subject:** Communication from the Alderman of the 6th District, on behalf of RUSD, requesting a barrier on Rapids Drive to direct pedestrian traffic to the crosswalks.

[13-9524](#)      **Subject:** Communication from the Alderman of the 11th District requesting a study for the replacement or upgrade of the Safety Building.

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

[13-9472](#)      **Subject: (New)** Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Dino's Pizza LLC, located at 515 Sixth Street, David Ferderer, Agent. (**1st District**).

## **F. Resolution**

[Res.13-0422](#)      RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$4,475,000 General Obligation Refunding Bonds  
WHEREAS, the Common Council of the City of Racine, Racine County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of refunding obligations of the City, including interest on them, specifically, the 2017 through 2019 maturities of the General Obligation Refunding Bonds, dated October 15, 2005 (the "Refunded 2005

Bonds") and the 2019 and 2020 maturities of the General Obligation Refunding Bonds, Series 2006A, dated October 5, 2006 (the "Refunded 2006 Bonds") (collectively, the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service cost savings;

WHEREAS, cities are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and to sell its general obligation refunding bonds (the "Bonds") to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of its bond purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of FOUR MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$4,475,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Bonds aggregating the principal amount of FOUR MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$4,475,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$4,475,000; shall be dated December 2, 2013; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on December 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2014. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set

forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds shall not be subject to optional redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2013 through 2019 for the payments due in the years 2014 through 2020 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$4,475,000 General Obligation Refunding Bonds, dated December 2, 2013" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt

Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. In order to accomplish the purpose for which the Bonds are issued, proceeds of the Bonds shall be transferred to the Escrow Account, as provided in Section 17 hereof. Monies in the

Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Execution of the Bonds; Closing; Professional Services.

The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 11. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit D and incorporated herein by this reference.

Section 12. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like

aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 13. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 15. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 16. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in

the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 17. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the City, for the purpose of ensuring the payment of the principal of and interest on the Refunded Obligations (the "Escrow Agent").

The Mayor and City Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit E (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of such agreement by said officers to constitute full approval of the Common Council of any such modifications), with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

The Bond Proceeds allocable to refunding the Refunded Obligations shall be deposited in a refunding escrow account which is hereby created with the Escrow Agent, pursuant to the Escrow Agreement, for the purpose of retaining the required amount of cash, if any, and acquiring the United States obligations provided for in the Escrow Agreement.

Upon transfer of the Bond Proceeds and any other necessary funds allocable to refunding the Refunded Obligations to the Escrow Account, the taxes heretofore levied to pay debt service on the Refunded Obligations shall be abated to the extent such transfer together with investment earnings thereon is sufficient to pay the principal of and interest on the Refunded Obligations, but such abatement shall not affect the City's pledge of its full faith, credit and resources to make such payments. The refunding escrow account created by the Escrow Agreement shall hereinafter serve as the debt service (or sinking) fund account for the Refunded Obligations. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

Section 18. SLGs Subscriptions. The Escrow Agent and the Purchaser are authorized to submit subscriptions for United States Treasury Securities - State and Local Government Series and to purchase other U.S. government securities on behalf of the City in such amount as is necessary in order to carry out the Refunding.

Section 19. Redemption of the Refunded Obligations. The Refunded 2005 Bonds are hereby called for prior payment and redemption on December 1, 2015, and the Refunded 2006 Bonds are hereby called for prior payment and redemption on December 1, 2016, all at a price of par plus accrued interest to the date of redemption.

The City hereby directs the Escrow Agent appointed above to cause timely notice of redemption, in substantially the forms attached to the Escrow Agreement (the "Notices"), to be provided at the times, to the parties and in the manner set forth on the Notices.

Section 20. Record Book. The City Clerk shall provide and keep the

transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 21. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 22. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded November 5, 2013.

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John Dickert  
Mayor  
ATTEST

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Janice M. Johnson-Martin  
City Clerk (SEAL)

Sponsors: Q.A. Shakoor, II

## G. Committee Reports

### Public Works and Services Committee Report, by Ald. Weidner

[13-9447](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 15-12 (K2-016), Professional Services-Masonry Restoration at City Hall, City Hall Annex and Sam Johnson Parkway, Industrial Roofing Services, Inc., consultant. (Res. No. 13-0427)

**Recommendation of the Public Works and Services Committee on 10-29-13:** That the professional services provided by Industrial Roofing

Services, Inc., under Contract 15-12 (K2-016), Professional Services-Masonry Restoration at City Hall, City Hall Annex and Sam Johnson Parkway, be accepted and final payment authorized for a total contract amount of \$27,076.33.

**Fiscal Note:** Contract was authorized under Resolution No. 12-2969, dated February 22, 2012.

13-9411

**Subject:** Communication from the Race Director of the Ragnar Relay Chicago 2014 race requesting permission to use city right-of-way on Saturday, June 7, 2014. (Res. No. 13-0423)

**Recommendation of the Public Works and Services Committee on 10-29-13:** Permission be granted to the sponsor of the Ragnar Relay Chicago 2014 Race to use certain city streets for the period of 12:00 a.m. to 9:00 a.m. on Saturday, June 7, 2014, and to use city right-of-way (sidewalks and parking lanes) along the following streets:

Start at Main Street and Three Mile Road (city limits)

South on Main St. to Carlton Dr.

West on Carlton Dr. to Erie St.

South on Erie St. to Melvin Ave.

East on Melvin Ave. to Main St.

South on Main St. to Goold St.

East on Goold St. to Michigan Blvd.

South on Michigan Blvd. to Dodge St.

West on Dodge St. to Main St.

South on Main St. to Gas Light Dr.

East on Gas Light Dr. to Lake Ave.

South on Lake Ave. to 6th St.

East on 6th St. to Pershing Park Dr.

South on Pershing Park Dr. to 11th St.

West on 11th St. to Main St.

South on Main St. to 16th St.

West on 16th St. to Wisconsin Ave.

South on Wisconsin Ave. to 21st St.

West on 21st St. to Roosevelt Park Dr.

South on Roosevelt Park Dr. to 24th St.

West on 24th St. to Racine St.

South on Racine St. to Durand Ave. (this portion located in County)

West on Durand Ave. to West Blvd. (pick up Trail through Elmwood Park)

Further recommends that this permission be granted with the following stipulations:

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

- fee paid;
- B. A liability insurance certificate be filed prior to this event;
  - C. Any overtime costs and equipment and material loss incurred by any department in the assistance of this event shall be charged to the sponsor;
  - D. Sponsor shall comply with the approved policy on parking restrictions for special events, and the sponsor shall distribute to all abutting property occupants on those streets where parking is being prohibited written notices of the ban approximately 48 hours in advance of this event.
  - E. Sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval; and providing and removing all temporary traffic control devices and detour signs.
  - F. 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 in accordance with these stipulations.

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

[13-9449](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 1 to Contract 15-12 (K2-016), Professional Services-Masonry Restoration at City Hall, City Hall Annex and Sam Johnson Parkway, Industrial Roofing Services, Inc., consultant. (Res. No. 13-0426)

**Recommendation of the Public Works and Services Committee on 10-29-13:** That Amendment No. 1 to Contract 15-12 (K2-016), Professional Services-Masonry Restoration at City Hall, City Hall Annex and Sam Johnson Parkway, Industrial Roofing Services, Inc., consultant, as submitted, be approved in the not-to-exceed amount of \$76.33.

**Fiscal Note:** Funding to defray the cost of these professional services be appropriated from Account 992.200.5010, City Hall Annex Tuckpointing.

[13-9460](#)

**Subject:** Communication from the Downtown Racine Corporation for the use right of way for The "Big Chill" snow and ice carving event on January 11-13, 2014. (Res. No. 13-0425)

**Recommendation of the Public Works and Services Committee on 10-29-13:** That the Mayor and City Clerk be authorized and directed to

enter into an agreement with the Downtown Racine Corporation granting permission to place ice sculptures on city sidewalks along Sixth Street and Main Street from State Street to 7th Street, from January 11, 2014 until they melt, with the following stipulations:

- A. That a clear area be established along the building line of a minimum of five feet in order to meet ADA requirements.
- B. That any ice sculptures be set back a minimum of two feet from the back of the curb in order to meet Wisconsin Department of Transportation requirements.
- C. That a hold harmless agreement be filed with the City Attorney's office and a \$75.00 processing fee paid.
- D. That a Certificate of Liability Insurance be filed with the City Attorney's office.

**Fiscal Note:** N/A

[13-9461](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting Change Order No. 1 to Contract 25-12 (K2-027) - 2012 Alley Paving Assessable (R1), D.C. Burbach, Inc., contractor. (Res. No. 13-0428)

**Recommendation of the Public Works and Services Committee on 10-29-13:** That Change Order No. 1 to Contract 25-12 (K2-027), 2012 Alley Paving Assessable (R1), D.C. Burbach, Inc., contractor, as submitted, be approved in the deduct amount of \$5,667.60.

**Fiscal Note:** Change Order No. 1 will result in a decrease of \$5,667.60 to the contract price. Funding account to be adjusted is 906.000.5030, Concrete Alley Paving (2012 Budgets).

[13-9462](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting final payment on Contract 25-12 (K2-027) - 2012 Alley Paving Assessable (R1), D.C. Burbach, Inc., contractor. (Res. No. 13-0429)

**Recommendation of the Public Works and Services Committee on 10-29-13:** That the work done by D.C. Burbach, Inc. under Contract 25-12 (K2-027), 2012 Alley Paving Assessable (R1), be accepted and final payment authorized for a total contract amount of \$217,557.25.

**Fiscal Note:** Contract was authorized under Resolution No. 12-3103, dated May 1, 2012.

[13-9480](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting the 2013

Pavement Management System Summary Report.

**Recommendation of the Public Works and Services Committee on 10-29-13:** That the communication be received and filed.

**Fiscal Note:** N/A

13-9504

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting a State/Municipal Agreement for State Project ID: 2260-08-00/70 Durand Avenue (STH 11), Kearney Avenue to Sheridan Road (STH 32). (Res. No. 13-0430)

**Recommendation of the Public Works and Services Committee on 10-29-13:** That the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for reconstructing Durand Avenue (STH 11) from Kearney Avenue to Sheridan Road (STH 32), State Project ID: 2260-08-00/70, in the amount of \$3,650,500.00 with the City's share being \$140,125.00 and the State's share being \$3,510,375.00.

**Fiscal Note:** Funding to defray the City's share of this project will be included in a future CIP.

13-9513

**Subject:** (Direct Referral) Communication from the Downtown Racine Corporation requesting to use city right-of-way for the annual Holiday Parade on Saturday, November 9, 2013. (Res. No. 13-0424)

**Recommendation of the Public Works and Services Committee on 10-29-13:** That the Downtown Racine Corporation be granted permission to close Ontario Street, State Street between Ontario Street and Main Street, Main Street between State Street and Sixth Street, Sixth Street between Main Street and City Hall, on Saturday, November 9, 2013, from 4:00 p.m. to 6:30 p.m., for the Downtown Holiday Parade with the following conditions:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. Sponsor shall notify all abutting property occupants 72 hours in advance of the event.
- E. The sponsor shall be responsible for the signing of the necessary detours for the State Highway route.
- F. The sponsor shall pay a \$750 special event fee.

Further recommend that the Commissioner of Public Works, City Engineer and Chief of Police provide any necessary 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.

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

[13-9450](#)

**Subject:** Communication requesting Change of Agent for Vero's LLC, (dba Vero's) 211 Sixth Street - Anthony Wooden, Agent, "Class B" Fermented Malt Beverage and Intoxicating Liquor license (1st District).

**Recommendation of the Public Safety and Licensing Committee on October 21, 2013:** That the Change of Agent for Vero's LLC, (dba Vero's) 211 Sixth Street - Anthony Wooden, Agent, "Class B" Fermented Malt Beverage and Intoxicating Liquor license be approved.

**Fiscal Note:** N/A

[13-9451](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting authorization of final payment for Contract 62-12 (K2-073), Bryant Center Replacement Lighting. (Res. No. 13-0431)

**Recommendation of the Public Safety and Licensing Committee October 21, 2013:** That the final payment for Contract 62-12 (K2-073), Bryant Center Replacement Lighting be approved.

**Fiscal Note:** Final payment of \$4,619.25 for a total contract amount of \$61,590.00 be appropriated from account 992.680.5010.

[13-9452](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting authorization for payment of Change Order #1 for Contract 23-13 (K3-023) Johnson Park Tee & Green Rehab. (Res. No. 13-0432)

**Recommendation of the Public Safety and Licensing Committee October 21, 2013:** That Change Order #1 for Contract 23-13 (K3-023) Johnson Park Tee & Green Rehab be approved.

**Fiscal Note:** Payment of \$12,348.00 for a total contract amount of \$248,098.00 be appropriated from Johnson Park Rebuild Tees and Greens 107.000.5750.

[13-9453](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting authorization of final payment for

professional golf course architectural services by Lohmann Golf Designs. (Res. No. 13-0433)

**Recommendation of the Public Safety and Licensing Committee**

**October 21, 2013:** That the final payment for professional golf course architectural services by Lohmann Golf Designs be approved.

**Fiscal Note:** Final payment of \$4,412.50 for a total contract amount of \$7,912.50 be appropriated from Johnson Park Rebuild Tees and Greens 107.000.5750.

[13-9466](#)

**Subject:** (Direct Referral) Communication from the Director of Parks, Recreation & Cultural Services submitting bids for contract 57-13 (K3-062) Pershing Soccer Facility Roof & Exterior Repairs. (Res. No. 13-0434)

**Recommendation of the Public Safety and Licensing Committee on**

**October 21, 2013:** That contract 57-13 (K3-062) Pershing Soccer Facility Roof & Exterior Repairs be awarded to Kaschak Roofing as the lowest responsible bidder.

**Fiscal Note:** Funds are available in the following accounts:

993.700.5080 - Pershing Soccer Facility Roof Repair - \$50,000  
993.700.5090 - Pershing Soccer Facility Exterior Repair - \$24,000  
992.700.5100 - Pershing Park Parking Lot Asphalt - \$30,000

**Traffic Commission Report, by Ald. Weidner**

[13-9184](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer requesting a review of Ordinance 94-145 - Parking Prohibited Between 2:00 AM and 6:00 AM; Exceptions.

**Recommendation of the Traffic Commission on 08-19-13:** Deferred

**Recommendation of the Traffic Commission on 09-16-13:** Deferred

**Recommendation of the Traffic Commission on 10-21-13:**

Recommends that Section 94-145 (6) of the Municipal Code of the General Ordinances of the City of Racine relating to "Parking prohibited between 2:00 A.M. and 6:00 A.M." be deleted.

**Fiscal Note:** N/A

[13-9253](#)

**Subject:** (Direct Referral) Communication from the Assistant

Commissioner of Public Works/City Engineer proposing an Ordinance regarding "right turn only" during the months of June, July and August on the east approach of Hoffert Drive and Michigan Boulevard.

**Recommendation of the Traffic Commission on 08-19-13:** Deferred

**Recommendation of the Traffic Commission on 09-16-13:** Deferred

**Recommendation of the Traffic Commission on 10-21-13:**

Recommends that the item be received and filed.

**Fiscal Note:** N/A

[13-9383](#)

**Subject:** Communication from the Alderman of the 6th District requesting Common Council to rescind Council action taken on July 2, 2013 regarding approval of a request for right-turn only off Hoffert Drive for the months of June, July and August.

**Recommendation of the Traffic Commission on 10-21-13:**

Recommends that 13-9103 be rescinded.

**Fiscal Note:** N/A

[13-9454](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer recommending a mandatory right-turn lane on the north approach (SB Ohio Street) of the Washington Avenue and Ohio Street intersection.

**Recommendation of the Traffic Commission on 10-21-13:**

Recommends that the request to install a mandatory right turn lane on Ohio Street, southbound, to Washington Avenue, westbound, be granted.

Further recommends that Section 94-94, Mandatory right turns, be amended to include; The operator of a vehicle proceeding southerly on Ohio Street and approaching Washington Avenue in the lane furthest to the right shall turn right onto Washington Avenue and shall not proceed in any other direction.

**Fiscal Note:** There is a nominal cost to sign and mark pavement to implement this change.

[13-9455](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting gap studies for the possible removal of additional crossing guards for the 4-year old pre-school programs. (Res. No. 13-0435)

**Recommendation of the Traffic Commission on 10-21-13:**

Recommends that the mid-session crossing guards be eliminated at the following locations for the 2013 - 2014 school year:

Byrd Avenue & Ohio Street  
Byrd Avenue & Roosevelt Avenue  
Kewaunee Street & North Main Street  
La Salle Street & North Street  
16th Street & Grange Avenue  
16th Street & West Boulevard  
Bates Street & Taylor Avenue  
Durand Avenue & Drexel Avenue  
Mars Avenue & Yout Street

**Fiscal Note:** This will reduce the Police Administration 101.311.5020 - Other Salaries budget by \$34,000.

**13-9467**

**Subject:** (Direct Referral) Communication from the Racine Police Department requesting changes to parking signage restrictions surrounding St. Lucy's School at 3035 Drexel Avenue.

**Recommendation of the Traffic Commission on 10-21-13:**

Recommends that No parking and stopping zones on Drexel Avenue and Carpenter Street be changed from 7:30 A.M. to 4:30 P.M. to 6:30 A.M. to 3:30 P.M. on any school day.

Further recommends that Schedule F of Section 94-141 be amended to create "No stopping, standing or parking from 6:30 A.M. to 3:30 P.M. on any school day except for school buses".

Further recommends that this new section be amended to include:

1. Drexel Avenue, east side, from 240 feet south of Durand Avenue south 330 feet.
2. Carpenter Street, west side, from Winthrop Avenue north 315 feet.

**Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

**13-9469**

**Subject:** (Direct Referral) Communication from the Racine Police Department requesting changes to parking signage restrictions surrounding Red Apple Elementary School at 914 St. Patrick Street.

**Recommendation of the Traffic Commission on 10-21-13:**

Recommends that No parking, standing and stopping 7:30 A.M. to 4:30 P.M. on school days on Superior Street, west side, from 273 feet north of St. Patrick Street, north 108 feet; and LaSalle Street, east side, from

237 feet north of St. Patrick Street, north 121 feet be changed to No Parking Loading zone.

**Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

[13-9471](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer, on behalf of Dr. Nancy Woods (3624 Washington Avenue), requesting a limited parking zone on West Lawn Avenue.

**Recommendation of the Traffic Commission on 10-21-13:**

Recommends that Schedule G of Section 94-143 be amended to create "One-hour parking from 6:00 A.M. to 6:00 P.M. except Sundays and holidays".

Further recommends that this new section be amended to include "West Lawn Avenue, east side, north 45 feet of Washington Avenue north 25 feet".

**Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

[13-9512](#)

**Subject:** In accordance with Section 2-95 of the Municipal Code of the general ordinances of the City of Racine, recommends that the following requests for changes in traffic code be granted:

**A. Recommends that Section 94-141 (9) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No stopping, standing or parking form 7:30 A.M. to 4:30 P.M. on any school day except for school buses" be amended:**

**By Deleting:**

1. Drexel Avenue, east side, from 240 feet south of Durand Avenue south 330 feet.

**City Plan Commission Report, by Ald. Wiser**

[13-9443](#)

**Subject:** (Direct Referral) A request by Ron Guarascio Jr., representing Teresa Sanchez, for a conditional use permit to operate a restaurant at 1510 Junction Avenue. (Res. No. 13-0436)

**Recommendation of the City Plan Commission on 10-30-13:** That the item be approved subject to conditions.

**Fiscal Note:** N/A

[13-9494](#)

**Subject:** (Direct Referral) A request from Nathan Lukow for conditional use approval to utilize the property at 1914 Carter Street for work and repair on his personal vehicles. (PC-13) (Res. No. 13-0437)

**Recommendation of the City Plan Commission on 10-30-13:** That the item be approved subject to conditions.

**Fiscal Note:** N/A

[13-9495](#)

**Subject:** (Direct Referral) A request by Darren Hutcherson for a conditional use approval to operate a tattoo shop with light retail at 232 Main Street. (PC-13) (Res. No. 13-0438)

**Recommendation of the City Plan Commission on 10-30-13:** That the item be approved subject to conditions.

**Fiscal Note:** N/A

[13-9496](#)

**Subject:** (Direct Referral) A request by Rebecca Rannow seeking a conditional use permit to operate a daycare center at 3131 Taylor Avenue, Building #5. (Res. No. 13-0439)

**Recommendation of the City Plan Commission on 10-30-13:** That the item be approved, subject to conditions.

**Fiscal Note:** N/A

[13-9497](#)

**Subject:** (Direct Referral) A request by Pedro Hernandez seeking a conditional use permit to operate an auto repair and detailing business at 1241 Frederick Street. (PC-13) (Res. No. 13-0440)

**Recommendation of the City Plan Commission meeting on 10-30-13:** That the item be approved subject to conditions.

**Fiscal Note:** N/A

[13-9498](#)

**Subject:** (Direct Referral) A request by Richard and Sparkus Morris seeking a conditional use permit to operate an auto detailing and repair business at 1508 Junction Avenue. (PC-13) (Res. No. 13-0441)

**Recommendation of the City Plan Commission on 10-30-13:** That the item be approved subject to conditions.

**Fiscal Note:** N/A

[13-9499](#)

**Subject:** (Direct Referral) A request by Jerome Campbell of Campbell Construction JD, Inc. seeking an amendment to the conditional use permit at 5801 21st Street for a façade remodeling project for Culver's. (PC-13) (Res. No. 13-0442)

**Recommendation of the City Plan Commission on 10-30-13:** That the item be approved subject to conditions.

**Fiscal Note:** N/A

### Community Development Committee Report, by Ald. McCarthy

[13-9448](#)

**Subject:** (Direct Referral) Approval of the 2014 Annual Housing and Community Development Plan (Annual Action Plan). (Res. No. 13-0443)

**Recommendation of the Community Development Committee on 10-16-13:** That the 2014 Annual Housing and Community Development Plan, including \$300,000 in local option funds, be approved.

**Fiscal Note:** The plan is a guide to the allocation of 2014 community development funding. It anticipates the city will receive \$1,695,000 in CDBG funds plus \$300,000 from local option funds, \$400,000 in HOME funds and \$117,000 in Emergency Solutions Grant funds.

### Redevelopment Authority of the City of Racine Report, by Ald. Holding

[13-9458](#)

**Subject:** (Direct Referral) Request by the Assistant Executive Director seeking approval to access funds from the City of Racine US EPA Brownfield Cleanup Revolving Loan Fund to assist in the environmental remediation of 1248 Washington Avenue. (Res. No. 13-0444)

**Recommendation of the Redevelopment Authority on 10-14-13:** That the Authority access funds from the City of Racine United States Environmental Protection Agency Brownfield Cleanup Revolving Loan Fund (US EPA BC-RLF) and TID 16; and

That the Director of City Development, or his designee, to act on behalf of the Authority to: submit an application for a \$25,000 subgrant from the US EPA BC-RLF to aid in the site cleanup of 1248 Washington Avenue (aka the Nelson Electric property), sign all forms and documents necessary, pay all fees, and take necessary action to undertake, direct, and complete approved subgrant activities.

**Fiscal Note:** The subgrant will be from the City's US EPA BC-RLF for \$25,000. There are sufficient funds in TID 16 to pay the balance (\$5,000) of the remediation expenses, and in the capital budget for legal

fees and other associated costs.

[13-9459](#)

**Subject:** (Direct Referral) Request by the Assistant Executive Director seeking approval of a contract amendment for Stantec Consulting Services Inc. to provide Davis Bacon compliance services for brownfield remediation projects. (Res. No. 13-0445)

**Recommendation of the Redevelopment Authority on 10-14-13:**

That an amendment to the existing agreement between Stanec and the City for services associated with the City's brownfield cleanup efforts is deemed appropriate given Stantec's knowledge of the WEDC and EPA BC-RLF grant content as related to specific sites and their conditions, the design of the remediation plans, and their ability to expeditiously respond to the need for subsequent analysis of, or amendments and changes thereto.

Further, that Brian F.O;Connell, Executive Director, or his authorized agent to act on the behalf of the Authority to effectuate an amendment to the existing agreement between Stantec and the City for Davis Bacon compliance service associated with City's multiple brownfield cleanup grants, sign doucments, and take necessary action to undertake, direct, and complete approved activities.

**Fiscal Note:** Funds are available in the City's Brownfield Cleanup Revolving Loan Fund as well as the Intergovernmental Shared Revenue Account under account 919.000.5020. Stantec's current estimate for services is \$10,000.

**Office of the Mayor Report, by Ald. McCarthy**

[13-9523](#)

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

Appoint Sharon Campbell 725 Florence Ave Racine 53402 to the Community Development Committee filling a current vacancy expiring May 1, 2014

**City Attorney's Office Report, by Holding.**

[13-9128](#)

**Subject:** Communication from Alderman Holding to propose entering into an intergovernmental agreement with Kenosha pertaining to Ethics Board Hearing procedures and revising our Ethics Code to adhere with the terms of the intergovernmental agreement.

**Recommendation of the Committee of the Whole on 07-29-2013:**

the City Attorney be directed to negotiate an intergovernmental

agreement with the Kenosha City Attorney for effecting an ethics complaint processing ordinance.

**Recommendation of the City Attorney on 10-23-2013:** the Item be referred to Committee of the Whole for review and approval of the proposed intergovernmental agreement and revisions to the Ethics Code.

**Fiscal Note:** N/A

## H. Consent Agenda - Resolutions

### [Res.13-0423](#) Ragnar Relay Chicago 2014

Resolved, that permission is granted to the sponsor of the Ragnar Relay Chicago 2014 Race to use certain City streets for the period of 12:00 a.m. to 9:00 a.m. on Saturday, June 7, 2014, and to use City right-of-way (sidewalks and parking lanes) along the following streets:

Start at Main Street and Three Mile Road (city limits)

South on Main St. to Carlton Dr.

West on Carlton Dr. to Erie St.

South on Erie St. to Melvin Ave.

East on Melvin Ave. to Main St.

South on Main St. to Goold St.

East on Goold St. to Michigan Blvd.

South on Michigan Blvd. to Dodge St.

West on Dodge St. to Main St.

South on Main St. to Gas Light Dr.

East on Gas Light Dr. to Lake Ave.

South on Lake Ave. to 6th St.

East on 6th St. to Pershing Park Dr.

South on Pershing Park Dr. to 11th St.

West on 11th St. to Main St.

South on Main St. to 16th St.

West on 16th St. to Wisconsin Ave.

South on Wisconsin Ave. to 21st St.

West on 21st St. to Roosevelt Park Dr.

South on Roosevelt Park Dr. to 24th St.

West on 24th St. to Racine St.

South on Racine St. to Durand Ave. (this portion located in County)

West on Durand Ave. to West Blvd. (pick up Trail through Elmwood Park)

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

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs and equipment and material loss incurred by any department in the assistance of this event shall be charged to the sponsor;
- D. Sponsor shall comply with the approved policy on parking restrictions for special events, and the sponsor shall distribute to all abutting property occupants on those streets where parking is being prohibited written notices of the ban approximately 48 hours in advance of this event.
- E. Sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval; and providing and removing all temporary traffic control devices and detour signs.
- F. 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 in accordance with these stipulations.

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

Sponsors: Sandy Weidner

**Res.13-0424** 2014 Annual Holiday Parade

Resolved, that the Downtown Racine Corporation is granted permission to close Ontario Street, State Street between Ontario Street and Main Street, Main Street between State Street and Sixth Street, Sixth Street between Main Street and City Hall, on Saturday, November 9, 2013, from 4:00 p.m. to 6:30 p.m., for the Downtown Holiday Parade with the following conditions:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. Sponsor shall notify all abutting property occupants 72 hours in

advance of the event.

E. The sponsor shall be responsible for the signing of the necessary detours for the State Highway route.

F. The sponsor shall pay a \$750 special event fee.

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

Fiscal Note: There will be nominal costs incurred on a regular

Sponsors: Sandy Weidner

**Res.13-0425** 2014 "Big Chill" Snow and Ice Carving Event

Resolved, that the Mayor and City Clerk are authorized and directed to enter into an agreement with the Downtown Racine Corporation granting permission to place ice sculptures on City sidewalks along Sixth Street and Main Street from State Street to 7th Street, from January 11, 2014 until they melt, with the following stipulations:

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

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

C. That a hold harmless agreement be filed with the City Attorney's office and a \$75.00 processing fee paid.

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

Fiscal Note: N/A

Sponsors: Sandy Weidner

**Res.13-0426** Amendment No. 1 to Contract 15-12 (K2-016), Professional Services-Masonry Restoration at City Hall, City Hall Annex and Sam Johnson Parkway

Resolved, that Amendment No. 1 to Contract 15-12 (K2-016), Professional Services-Masonry Restoration at City Hall, City Hall Annex and Sam Johnson Parkway, Industrial Roofing Services, Inc., consultant, as submitted, is approved in the not-to-exceed amount of \$76.33.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 992.200.5010, City Hall Annex Tuckpointing.

Sponsors: Sandy Weidner

[Res.13-0427](#) Final Payment on Contract 15-12 (K2-016), Professional Services-Masonry Restoration at City Hall, City Hall Annex and Sam Johnson Parkway

Resolved, that the professional services provided by Industrial Roofing Services, Inc., under Contract 15-12 (K2-016), Professional Services-Masonry Restoration at City Hall, City Hall Annex and Sam Johnson Parkway, are accepted and final payment authorized for a total contract amount of \$27,076.33.

Fiscal Note: Contract was authorized under Resolution No. 12-2969, dated February 22, 2012.

Sponsors: Sandy Weidner

[Res.13-0428](#) Change Order No. 1 to Contract 25-12 (K2-027) - 2012 Alley Paving Assessable (R1)

Resolved, that Change Order No. 1 to Contract 25-12 (K2-027), 2012 Alley Paving Assessable (R1), D.C. Burbach, Inc., contractor, as submitted, is approved in the deduct amount of \$5,667.60.

Fiscal Note: Change Order No. 1 will result in a decrease of \$5,667.60 to the contract price. Funding account to be adjusted is 906.000.5030, Concrete Alley Paving (2012 Budgets).

Sponsors: Sandy Weidner

[Res.13-0429](#) Final Payment on Contract 25-12 (K2-027) - 2012 Alley Paving Assessable (R1)

Resolved, that the work done by D.C. Burbach, Inc. under Contract 25-12 (K2-027), 2012 Alley Paving Assessable (R1), is accepted and final payment authorized for a total contract amount of \$217,557.25.

Fiscal Note: Contract was authorized under Resolution No. 12-3103, dated May 1, 2012.

Sponsors: Sandy Weidner

[Res.13-0430](#) State / Municipal Agreement for State Project ID: 2260-08-00/70 Durand Avenue (STH 11), Kearney Avenue to Sheridan Road (STH 32)

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a 2-party agreement with the Wisconsin Department of

Transportation for reconstructing Durand Avenue (STH 11) from Kearney Avenue to Sheridan Road (STH 32), State Project ID: 2260-08-00/70, in the amount of \$3,650,500.00 with the City's share being \$140,125.00 and the State's share being \$3,510,375.00.

Fiscal Note: Funding to defray the City's share of this project will be included in a future CIP.

Sponsors: Sandy Weidner

**Res.13-0431** Final payment for Contract 62-12 (K2-073), Bryant Center Replacement Lighting

Resolved, that the final payment for Contract 62-12 (K2-073), Bryant Center Replacement Lighting is approved.

Fiscal Note: Final payment of \$4,619.25 for a total contract amount of \$61,590.00 be appropriated from account 992.680.5010.

Sponsors: Gregory Holding

**Res.13-0432** Change Order #1 for Contract 23-13 (K3-023) Johnson Park Tee & Green Rehab

Resolved, that Change Order #1 for Contract 23-13 (K3-023) Johnson Park Tee & Green Rehab is approved.

Fiscal Note: Payment of \$12,348.00 for a total contract amount of \$248,098.00 be appropriated from Johnson Park Rebuild Tees and Greens 107.000.5750.

Sponsors: Gregory Holding

**Res.13-0433** Final payment for Professional Golf Course Architectural Services by Lohmann Golf Designs

Resolved, that the final payment for professional golf course architectural services by Lohmann Golf Designs is approved.

Fiscal Note: Final payment of \$4,412.50 for a total contract amount of \$7,912.50 be appropriated from Johnson Park Rebuild Tees and Greens 107.000.5750.

Sponsors: Gregory Holding

**Res.13-0434** Contract 57-13 (K3-062) Pershing Soccer Facility Roof & Exterior Repairs

Resolved, that contract 57-13 (K3-062) Pershing Soccer Facility Roof & Exterior Repairs is awarded to Kaschak Roofing as the lowest responsible bidder.

Fiscal Note: Funds are available in the following accounts:

993.700.5080 - Pershing Soccer Facility Roof Repair - \$50,000.00  
993.700.5090 - Pershing Soccer Facility Exterior Repair - \$24,000.00  
992.700.5100 - Pershing Park Parking Lot Asphalt - \$30,000

Sponsors: Gregory Holding

**Res.13-0435** Removal of Additional Crossing Guards for the 4-year old Pre-school Programs

Resolved, that the mid-session crossing guards are eliminated at the following locations for the 2013 - 2014 school year:

Byrd Avenue & Ohio Street  
Byrd Avenue & Roosevelt Avenue  
Kewaunee Street & North Main Street  
La Salle Street & North Street  
16th Street & Grange Avenue  
16th Street & West Boulevard  
Bates Street & Taylor Avenue  
Durand Avenue & Drexel Avenue  
Mars Avenue & Yout Street

Fiscal Note: This will reduce the Police Administration 101.311.5020 - Other Salaries budget by \$34,000.00.

Sponsors: Sandy Weidner

**Res.13-0436** Restaurant at 1510 Junction Avenue

That the request by Ron Guarascio Jr., representing Teresa Sanchez, for a conditional use permit to operate a restaurant at 1510 Junction Avenue is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on October 30, 2013, be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the hours and days the facility is open to the general public for regular business be 7:00 a.m. to 2:00 a.m., daily.
- d. That the outside smoking area shall be confined to the sidewalk along Junction Avenue, directly in front of the building at 1510 Junction Avenue.

e. That the following shall be accomplished **prior to the establishment opening** for regular business:

1. Submit scaled drawing indicating the removal of obsolete signage and installation of new signage in accordance with a plan provided to the Director of City Development for review and approval.
2. Screening of trash and recycling containers in accordance with a plan provided to the Director of City Development for review and approval.
3. Submittal of an illustrated exterior color scheme for the painting of the building.
4. Install an operational security camera system in accordance with plans prepared by a qualified security professional and submitted to the Director of City Development for review and approval.

f. That the following shall be accomplished **by June 1, 2014**:

1. Paving and striping of the on-site off-street parking area at 1503 Junction Avenue in compliance with plans to be submitted to the Director of City Development for review and approval.
2. Painting of the building in a color scheme to be approved by the Director of City Development.

g. That, if by June 1, 2014 the site improvements required and described in conditions "f." are not completed, the establishment shall close for all general business and events until such time as a financial surety be provided to the City in an amount equal in value to the required improvements, subject to the following terms:

1. Financial surety documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance.
2. Shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial surety.
3. The City is authorized by the Conditional Use permit to enter the site, implement the plan(s) and draw on the financial surety for the cost of implementation of work if required improvements are not completed by August 1, 2014, or by an earlier date as may be required. Any costs

incurred in excess of the value of the financial surety shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with applicable statute.

4. By operating under this Conditional Use, the applicant and owner give permission to the City to enter upon the property for the purposes described herein.

h. 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.

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

Fiscal Note: n/a

**Sponsors:** Dennis Wiser

**Res.13-0437** Garage Structure at 1914 Carter Street

That the request by Nathan Lukow to utilize the garage structure at 1914 Carter Street for private, non-commercial use for personal automobile repair and interior remodel for private use is approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on October 30th, 2013 be approved subject to the conditions contained herein.

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

c. That the facility be utilized only for the hobby automobile repair activity of the owner, and the storage of materials and equipment shall be indoors.

There shall be no outdoor storage allowed.

d. That work on vehicles shall cease from 10:00 p.m. to 7:00 a.m., 7 days a week.

e. That at no time shall this location be used as a living residence by the applicant / owner, or rented as a living residence to any other party. Use of this structure in any way as a residence is prohibited.

f. That the work on the vehicles shall require property ventilation and the garage doors to remain closed so as not to disturb neighboring properties.

g. That the following are prohibited in relation to this facility:

1. Vehicle display and sales
2. Outdoor repair, servicing and testing activities.
3. Outdoor storage of parts, equipment, materials or products.
4. Outdoor storage of junk of inoperable vehicles.
5. Street storage of vehicles, parts, equipment, materials or products.
6. Sounds, fumes, or vibrations that adversely impact area properties.
7. Vehicle salvage and disassembly for commercial purposes.
8. Repair or servicing vehicles other than that of the applicants personal vehicles.

h. That all trash and recyclables be stored in closed containers and screened from view.

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

j. 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.

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

Fiscal Note: n/a

**Sponsors:** Dennis Wiser

**Res.13-0438** Tattoo Establishment at 232 Main Street

That the request by Darren Hutcherson to operate a tattoo establishment at 232 Main Street is approved subject to the following conditions:

a. That the plans presented to the Plan Commission on Wednesday, October 30, 2013 be approved subject to the conditions contained herein.

- b. That all license requirements with the State Department of Health and the City of Racine be obtained, complied with, and kept current.
- c. That the applicant shall provide information on the location of a trash area or dumpster enclosure, with said location and enclosure, if required, to be reviewed and approved by the Department of City Development prior to issuance of an occupancy permit. All sharps or other equipment used in administering tattoos shall be disposed of in accordance with State and local regulations.
- d. That no loitering in or around the building shall be permitted.
- e. That the hours of operation shall be 12:00 p.m. - 9:00 p.m. seven days a week.
- f. That the sale of food or drink shall not be allowed.
- g. That all signs shall be professionally made, comply with zoning ordinance requirements, and be approved by the Downtown Design Review Commission.
- h. That all codes and ordinances be complied with and required permits acquired.
- i. That no major changes be made from the conditions of this permit without 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 conditional use permit is subject to Plan Commission review for compliance with the listed conditions.

**Sponsors:** Dennis Wiser

**Res.13-0439** Daycare Center at 3131 Taylor Avenue, Building 5

That the request for a conditional use permit for a daycare center in Building 5 at 3131 Taylor Avenue be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on October 30, 2013 be approved subject to the conditions contained herein.

b. That by approving this conditional use permit, it is acknowledged that an exception is being granted to the Zoning Ordinance, Section 114-428.(4)d., in that this daycare will be located within 1,000 feet of an existing daycare operation, located on the same campus.

c. That all codes and ordinances be complied with and that all required permits be obtained.

d. That all staff members providing care be properly trained and licensed as required by the State of Wisconsin.

e. That all grounds be maintained on a daily basis.

f. That the hours of operation be from 5:30 a.m. through 11:30 p.m., Monday through Saturday.

g. That the loading and unloading of children shall be conducted on-site and not block any driveways or parking areas within the site, including access to any of the other buildings.

h. Any proposed signage shall be submitted to the Director of City Development for review and approval prior to issuance of building permits

i. That the following shall be accomplished:

1. The parking lot be sealed and restriped by June 1, 2014.

2. That all trash and recyclebles be stored in closed containers and screened from view. The design and location of such trash enclosure shall be presented to the Director of City Development for review and approval prior to installation. Said trash enclosure shall be installed by December 1, 2013.

j. That, if by June 1, 2014 the site improvement required and described in conditions "i.1" is not completed, a financial surety shall be provided to the City in an amount equal in value to the required improvements, subject to the following terms:

1. Financial surety documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance.

2. Shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice

to the Department of City Development prior to the expiration of said financial surety.

3. The City is authorized by the Conditional Use permit to enter the site, implement the plan(s) and draw on the financial surety for the cost of implementation of work if required improvements are not completed by June 1, 2014, or by an earlier date as may be required. Any costs incurred in excess of the value of the financial surety shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with applicable statute.

4. By operating under this Conditional Use, the applicant and owner give permission to the City to enter upon the property for the purposes described herein.

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

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

Fiscal Note: n/a

Sponsors: Dennis Wiser

**Res.13-0440** Auto Repair and Detailing Business at 1421 Frederick Street

That the request by Pedro Hernandez seeking a conditional use permit to operate an auto repair and detailing business at 1241 Frederick Street is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on October 30, 2013, be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That all applicable codes and ordinances be complied with and required permits acquired.
- d. That prior to the issuance of an occupancy permit, all trash, debris, junk and construction equipment be removed from the property.
- e. That by June 1, 2014 the following shall be accomplished:

1. Landscaping shall be replanted in accordance with plans to be submitted for review and approval to the Department of City Development.
2. Installation of privacy slats in the north and east fences. Slat colors and materials to be presented to the Director of City Development for review and approval prior to their installations.
3. The parking areas shall be sealed and striped indicating a minimum of 20 code compliant off-street parking spaces.
4. The installation of a dumpster enclosure the design of which shall be submitted for review and approval to the Department of City Development.
- f. That at this location, the following activities are prohibited:
  1. The conduct of work between the hours of 7:00 p.m. to 7:00 a.m.
  2. Storage of boats, construction equipment, recreational vehicles or other. This site shall be used solely for the repair, servicing and detailing of automobiles and light trucks.
  3. The repair and servicing of vehicles outdoors.
  4. Storage of construction materials.
  5. Vehicle painting and/or body work.
  6. Vehicle salvage or sales.
  7. The outdoor storage of vehicle parts and equipment.
  8. The conduct of work on vehicles outside of the building, or on the streets.
  9. Storage of customer or employee vehicles for more than 20 days.
  10. Overnight storage of customer or employee vehicles in the public

streets.

g. That the hours of operation shall be from 7:00 a.m. to 7:00 p.m., daily.

h. That all signage requests are subject to review and approval by the Department of City Development prior to installation.

i. That if by June 1, 2014 the site improvements required and described in conditions "e." herein are not completed, a financial surety shall be provided to the City in an amount equal in value to the required improvements, subject to the following terms:

1. Financial surety documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial surety.

2. The City is authorized by the Conditional Use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation of work if required improvements are not completed by the time of the issuance of an occupancy permit, or by an earlier date as may be required herein. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with applicable statute.

3. By operating under this Conditional Use, the applicant and owner give permission to the City to enter upon the property for the purposes described herein.

j. 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.

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

Fiscal Note: n/a

Sponsors: Dennis Wiser

Res.13-0441 Auto Detailing and Repair Business at 1508 Junction

That the request by Richard and Sparkus Morris seeking a conditional use permit to operate an auto detailing and repair business at 1508 Junction Avenue is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on October 30, 2013, be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That all applicable codes and ordinances be complied with and required permits acquired.
- d. That prior to the issuance of an occupancy permit, all trash, debris, junk be removed from the property.
- e. That by June 1, 2014 the following shall be accomplished:
  1. Installation of privacy slats in the north fence. Slat colors and materials to be presented to the Director of City Development for review and approval prior to their installations.
  2. The parking areas shall be paved and parking areas striped indicating a minimum of 11 code compliant on-site, off-street parking spaces. If the site cannot accommodate 11 off-street spaces, than proof of off-site, off-street parking provision shall be provided to the Director of City development for review and approval.
  3. The installation of a dumpster enclosure the design of which shall be submitted for review and approval to the Department of City Development.
  4. The repair of the rear porch railing.
  5. The painting of the building in a color scheme that has been submitted to the Director of City development for review and approval.

f. That at this location, the following activities are prohibited:

1. The conduct of work between the hours of 8:00 p.m. to 8:00 a.m.
2. Storage of boats, construction equipment, recreational vehicles or other. This site shall be used solely for the detailing, repair, servicing of automobiles and light trucks.
3. The repair and servicing of vehicles outdoors.
4. Vehicle painting and/or body work.
5. Vehicle salvage or sales.
6. The outdoor storage of vehicle parts and equipment.
7. The conduct of work on vehicles outside of the building, or on the streets.
8. Storage of customer or employee vehicles for more than 20 days.
9. Overnight storage of customer or employee vehicles in the public streets or alleyways.

g. That the hours of operation shall be from 8:00 a.m. to 8:00 p.m., daily.

h. That all signage requests are subject to review and approval by the Department of City Development prior to installation.

i. That if by June 1, 2014 the site improvements required and described in conditions "e." herein are not completed, a financial surety shall be provided to the City in an amount equal in value to the required improvements, subject to the following terms:

1. Financial surety documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice

to the Department of City Development prior to the expiration of said financial surety.

2. The City is authorized by the Conditional Use permit to enter the site, implement the plan(s) and draw on the financial surety for the cost of implementation of work if required improvements are not completed by the time of the issuance of an occupancy permit, or by an earlier date as may be required herein. Any costs incurred in excess of the value of the financial surety shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with applicable statute.

3. By operating under this Conditional Use, the applicant and owner give permission to the City to enter upon the property for the purposes described herein.

j. 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.

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

Fiscal Note: N/A

Sponsors: Dennis Wiser

[Res.13-0442](#) Facade Remodeling Project for Culver's - 5801 21st Street

That the request by Jerome Campbell of Campbell Construction JD, Inc. seeking an amendment to the conditional use permit at 5801 - 21st Street for a façade remodeling project for Culver's is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on October 30, 2013, be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That all applicable codes and ordinances be complied with and required permits acquired.
- d. 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.

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

Fiscal Note: n/a

Sponsors: Dennis Wiser

**Res.13-0443** 2014 Annual Housing and Community Development Plan (Annual Action Plan)

Resolved, that the 2014 Annual Housing and Community Development Plan, including \$300,000 in local option funds, is approved.

Fiscal Note: The plan is a guide to the allocation of 2014 community development funding. It anticipates the City will receive \$1,695,000.00 in CDBG funds plus \$300,000.00 from local option funds, \$400,000.00 in HOME funds and \$117,000.00 in Emergency Solutions Grant funds.

Sponsors: Jim Kaplan

**Res.13-0444** US EPA Brownfield Cleanup Revolving Loan Fund

Resolved, that it is approved that the Authority access funds from the City of Racine United States Environmental Protection Agency Brownfield Cleanup Revolving Loan Fund (US EPA BC-RLF) and TID 16;

Further resolved, that the Director of City Development, or his designee, to act on behalf of the Authority to: submit an application for a \$25,000.00 subgrant from the US EPA BC-RLF to aid in the site cleanup of 1248 Washington Avenue (aka the Nelson Electric property), sign all forms and documents necessary, pay all fees, and take necessary action to undertake, direct, and complete approved subgrant activities.

Fiscal Note: The subgrant will be from the City's US EPA BC-RLF for \$25,000. There are sufficient funds in TID 16 to pay the balance (\$5,000.00) of the remediation expenses, and in the capital budget for legal fees and other associated costs.

Sponsors: Q.A. Shakoor, II

**Res.13-0445** Contract Amendment for Stantec Consulting Services Inc. to provide Davis Bacon Compliance Services for Brownfield Remediation Projects

Resolved, that an amendment to the existing agreement between Stanec and the City for services associated with the City's brownfield

cleanup efforts is deemed appropriate given Stantec's knowledge of the WEDC and EPA BC-RLF grant content as related to specific sites and their conditions, the design of the remediation plans, and their ability to expeditiously respond to the need for subsequent analysis of, or amendments and changes thereto.

Further resolved, that Brian F. O'Connell, Executive Director, or his authorized agent to act on the behalf of the Authority to effectuate an amendment to the existing agreement between Stantec and the City for Davis Bacon compliance service associated with City's multiple brownfield cleanup grants, sign documents, and take necessary action to undertake, direct, and complete approved activities.

Fiscal Note: Funds are available in the City's Brownfield Cleanup Revolving Loan Fund as well as the Intergovernmental Shared Revenue Account under account 919.000.5020. Stantec's current estimate for services is \$10,000.00.

Sponsors: Q.A. Shakoor, II

## I. Ordinances

### Ord.16-13

Ordinance 16-13

To create Sec. 42-37. Waste Tire Generators and Transporters and recreate Sec. 42-28. Payment of Forfeiture in Lieu of Court Appearance to include increased forfeitures for the illegal dumping or accumulation of waste tires, in the Municipal Code of Racine, Wisconsin.

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

Part 1: To create Sec. 42-37. Waste Tire Generators and Transporters in the Municipal Code of Racine, Wisconsin as follows:

“Sec. 42-37. Waste Tire Generators and Transporters.

1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. *Commissioner* means the health officer, or the chief building inspector, or a designated representative within either department, or any other city official to whom the commissioner's functions or duties under this section have been delegated pursuant to a memorandum of understanding.

b. *Department* means the health department, building department, or

police department to which functions or duties under this section have been delegated pursuant to a memorandum of understanding.

c. *Person* means any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club or organization of any kind.

d. *Tire disposer* means any person who, in compliance with all applicable state, federal and local laws, rules and regulations disposes of or converts tires to another purpose including, without limitation, any person who is engaged in any of the following activities:

1. Incinerating or disposing of tires as waste or fuel.
2. Reducing tires into basic components for oil, steel, carbon black, rubber, road paving or other marketable salvage materials by shredding, grinding, chemical treatment or other means.
3. Converting tires into other useful items such as, but not limited to, doormats, pads and shoe soles.

e. *Tire reprocessor* means any person who regrooves, recaps, retreads or otherwise remanufactures waste tires.

f. *Used tire* means any tire that is retained by a person, tire reprocessor, or waste tire generator and is intended to be sold at a later time.

g. *Waste tire* means any tire which is worn, defective, damaged, or is not fit for use upon a public way, or any new or used tire that is destined for a tire disposer or tire reprocessor.

h. *Waste tire generator* means any person who, in the course of normal business activities, generates or removes 25 or more waste tires per calendar year. This term includes, but is not limited to, the following:

1. Any person engaged in the sale and mounting of new, used or remanufactured automobile, truck and equipment tires who receive waste tires in the exchange process associated therewith.
2. Any person who requires or allows customers to take waste tires.
3. Fleet owners.

i. *Waste tire transporter* means any person who does any of the following:

1. Engages in the business of transporting waste tires on a public way.
2. At any one time transports more than 5 waste tires on a public way.
3. Transports waste tires for a waste tire generator, irrespective of the number of tires being transported.

2. License Required

a. No person shall operate a business within the city which generates or transports waste tires without having obtained a license as provided in this section. A license shall be required for each business location and each vehicle used to transport waste tires.

b. The requirements of this section do not apply to the following:

1. Vehicles containing 5 or fewer waste tires unless the transporter is hauling waste tires for a waste tire generator.
2. Vehicles which originate outside of the city and are designated for transport outside of the city, provided that no waste tires are loaded or

unloaded within the city.

3. Fleet owners that take their vehicles to an outside tire vendor's facility for service. In such situations, the tire vendor shall be considered the waste tire generator.

### 3. Application

a. Application for a waste tire generator or transporter license shall be made to the city clerk upon forms provided by the commissioner and shall state:

1. The name, address, telephone number and date of birth of the applicant. In the case of a corporation, the name, address, date and state of incorporation, state identification number and the name of the registered agent.

2. The name, address and telephone number of the business to be licensed.

3. A description of each vehicle which will be used to transport waste tires, including the vehicle manufacturer, gross weight, license number, vehicle identification number and registered owner.

4. The address within the city at which the records required in this section shall be kept.

5. Whether the applicant has had a license issued under this section denied, revoked or suspended within the last 3 years.

6. Such other reasonable and pertinent information as the city may from time to time require.

b. The application shall be sworn to be true and correct by the applicant before an officer authorized to administer oaths.

c. A copy of the current state vehicle registration of each vehicle that will be used to transport waste tires shall be submitted with the application.

d. A check for the license fee in the amount specified on the license application, which shall be deposited upon the application's approval by the public safety and licensing committee.

### 4. License Issuance: Terms

a. All applications for waste tire generator or transporter licenses will come before the public safety and licensing committee for approval. Upon the committee's approval, the city clerk shall issue a license and a unique license number to the applicant.

b. No license shall be granted to an applicant who has had a license issued under this section denied, revoked or suspended during the previous 3 years.

c. Licenses are not transferable to other business locations or vehicles and are personal to the licensee and cannot be transferred, sublet, leased, assigned, given away, loaned, borrowed or sold under any circumstances.

### 5. Regulations

a. *Illegal Dumping of Waste Tires.* No waste tire generator may dispose of any waste tires other than through a licensed waste tire transporter. No waste tire transporter may dispose of any waste tires other than to a tire disposer or tire reprocessor. No person may deposit a waste tire on

or along any City of Racine highway, in any waters of the City, on the ice of any waters of the City, or on any other public or private property within the City unless the premises is a licensed waste tire generator, reprocessor, or disposer facility.

b. No person may store or permit the storage of more than 24 waste tires upon any premises within the City unless the premise is a licensed waste tire generator, reprocessor, or disposer facility.

c. No person who is not transporting tires for a waste tire generator may transport or cause or permit to be transferred upon any public way more than 5 waste tires unless that person is a licensed waste tire transporter. No person transporting tires for a waste tire generator may transport or cause or permit to be transferred upon any public way any number of waste tires unless that person is a licensed waste tire transporter. The licensee shall at all times have a copy of the waste tire generator or transporter license in the registered vehicle being used to transport the waste tires.

d. Each waste tire generator shall maintain for 3 years all records and receipts relating to the number and destination of all waste tires handled by the business. The record for each consignment shall include the number of waste tires generated, name of the waste tire transporter, the date of pickup and the transporter's license number.

e. Each waste tire transporter shall maintain for 3 years all records and receipts relating to the source and destination of all waste tires handled by the business. The record for each consignment shall include the date of pickup, the number of waste tires, name and address of the waste tire generator, and the name, address and date of delivery of the waste tires to the waste tire disposer or reprocessor.

f. Each waste tire transporter shall submit to the building department an annual report of waste tire collections. The building department shall determine what information is required in such reports and shall specify the date by which each annual report shall be submitted.

g. Each used tire and waste tire located at a licensed waste tire generator business shall be permanently marked with "WTG" and the waste tire generator license number. This marking shall be done in white indelible ink or paint on the tread-side of each waste tire said business accumulates. Each tire shall be marked before it leaves the business premises, and all tires shall be marked not later than the close of business on the day they are received at the business. The waste tire generator licensee is responsible for compliance with this requirement.

h. All tires shall be stored and secured in a manner approved by the commissioner to eliminate theft and potential nuisances.

i. Waste tire generators and transporters shall prominently display their licenses at their place of business and carry a copy thereof in each registered vehicle being used to transport the waste tires.

j. The commissioner, or a designee thereof, may enter such business premises during normal business hours to inspect an accumulation of used tires and waste tires for their compliance with the labeling

requirement in subsection (g) and display of license in subsection (i). Additionally, a police officer may ask a waste tire transporter to show proof of a waste tire license and vehicle registration.

k. Each used tire and/or waste tire found on the premises or in a vehicle that is not in compliance with this subsection shall result in a separate citation for violating this subsection.

#### 6. Changes To Be Reported

Each licensee shall advise the commissioner in writing within thirty (30) days of any change regarding the licensee's operations as reflected in the application.

#### 7. Nuisance Abatement

a. Violations of this section may be subject to forfeitures under section 42-28 and ordered to correct all violations by the commissioner or the police department. If the property owner or licensee fails to comply with the order to correct the conditions which are in violation, the city may correct the conditions. The property owner or licensee, or both, shall be personally liable for any expenses to the city for correcting the conditions of the violation.

#### 8. Suspension or Revocation of License

a. The public safety and licensing board may suspend, revoke or deny issuance of any license upon a finding that:

1. The applicant made any false statement or materially incorrect statement in the application.

2. The applicant or employees of the licensed business violated any provision of this section.

b. Any person whose license under this section has been suspended, revoked or denied, upon written petition to the commissioner, shall be afforded a hearing before the health and sanitation appeal board within 10 days of such petition. The hearing shall be conducted by the health and sanitation appeal board, which shall serve as an appeal board for all petitions for the reinstatement of any license issued under this section which has been suspended or revoked and for the issuance of any license under this section whose issuance has been denied by the public safety and licensing committee.

c. Based upon the record of a hearing held under par. b, the commissioner shall enforce the decisions of the health and sanitation appeal board. The commissioner shall furnish a written report of the hearing to the licensee or applicant.

#### 9. Penalty

a. Any person who violates any provision of this section or who fails to comply with an order of the commissioner as issued under this section or otherwise issued concerning operation as a waste tire generator or waste tire transporter shall, upon conviction, be liable to a forfeiture as provided in section 42-28.

b. Citations may be issued for any violations of this section, with or without prior notice.”

Part 2: Sections 42-38 - 42-54 of the Municipal Code of the City of

Racine are hereby reserved.

Part 3: To recreate Sec. 42-28. Payment of Forfeiture in Lieu of Court Appearance of the Municipal Code of Racine, Wisconsin to include a forfeiture of \$1,000 for the violation of the ordinance set forth in Part 1 (Sec. 42-XX. Waste Tire Generators and Transporters) as follows:

<u>Section number</u>	<u>Violation</u>	<u>Forfeiture</u>
"42-37(5)(a)	Illegal Dumping of Waste Tires.	\$1,000.00
42-37(5)(b)-(k)	Other Waste Tire Regulations Violations	\$100.00"

Part 4: 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: Melissa Kaprelian-Becker and Krystyna Sarrazin

## J. Adjourn

Office of The City Clerk

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