



City of Racine

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

Meeting Minutes - Final Common Council

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

Tuesday, November 3, 2009

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

B. Pledge of Allegiance To The Flag

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

C. Approval of Journal of Council Proceedings (Minutes)

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

D. Public Hearings

[09-4228](#)

Subject: Vacate Northwestern Court from Northwestern Avenue to its terminus-Res.09-1602

No one appeared.

The Mayor, His Honor declared the public hearing closed.

E. Public Comments

Frank Smith
Brent K. Oglesby
Scott Terry
Karen Sorenson
Felix Servantez
Jessica Servantez
George Meyers
Sergio Servantez
Theresa Ford

F. Communications

[09-4361](#) **Subject:** Building Report for October 2009.
Received and Filed as Reported

Refer to Finance and Personnel Committee, by Ald. Spangenberg

[09-4332](#) **Subject:** communication from the City Attorney submitting the claim of Caroline Stephens for consideration.
Referred to Finance and Personnel Committee

[09-4340](#) **Subject:** communication from the City Attorney submitting the claim of Scott Tuska for consideration.
Referred to Finance and Personnel Committee

[09-4341](#) **Subject:** communication from the City Attorney submitting the claim of Celeste Balcer for consideration.
Referred to Finance and Personnel Committee

[09-4365](#) **Subject:** Communication from the City Attorney submitting the claim of Northeastern Development, LLC for consideration.
Referred to the Finance and Personnel Committee

[09-4339](#) **Subject:** communication from the City Attorney wishing to discuss settlement of the lawsuit filed in Racine County as Case No. 08-CV-1599, Clara Bridgeman v. City of Racine, et al.
Referred to Finance and Personnel Committee

[09-4329](#) **Subject:** Communication from Carlos Mireles of Wisconsin Thunder wheelchair basketball team requesting to waive the fee for the use of Dr. Bryant Community Center three or four times between November 2009 and February 2010.
Referred to Finance and Personnel Committee

[09-4343](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from Wisconsin Coastal Management (City Grant Control # 2009-072) for North Beach mats.
Referred to Finance and Personnel Committee

[09-4346](#) **Subject:** Communication from the Fire Chief requesting permission to apply for and accept a 2009 Urban Area Security Initiative Grant in the amount of \$45,000 for establishing a communications equipment cache in Racine County. The Racine Fire Department will be the host agency for this grant. There is no grant match required. Grant Control

Number 2009-073.

(Also refer to Public Safety and Licensing Committee)

Referred to Finance and Personnel Committee

Referred to Public Safety and Licensing Committee

[09-4347](#)

Subject: Communication from the Chief of Police requesting permission to apply for and accept a three-year 2010 Beat Patrol Grant (Grant Control No. 2009-074).

Referred to Finance and Personnel Committee

[09-4348](#)

Subject: The Director of City Development submitting a communication from Business Improvement District No. 1 - Downtown Racine submitting its proposed 2010 Operating Plan and special assessments.

Referred to Finance and Personnel Committee

[09-4355](#)

Subject: Request of the Assistant Director of City Development to revise the Neighborhood Stabilization Program (NSP) budget.

Referred to Finance and Personnel Committee

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

[09-4336](#)

Subject: Communication from Ann Yehle, McKinley Middle School Directing Principal, requesting to close off the south sidewalk of Rupert Boulevard from Chicago Street west to the cemetery during the winter.

Referred to Public Works and Services Committee

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

[09-4331](#)

Subject: Communication from Shawn R. Olley seeking an exchange of land between the Olle Brothers and the City of Racine. The City now uses Olle Brothers property to access the Dog Park.

Referred to Public Safety and Licensing Committee

[09-4338](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to enter into an agreement with Nielsen, Madsen & Barber SC to prepare plans and specifications for Root River canoe access.

Referred to Public Safety and Licensing Committee

[09-4354](#)

Subject: (New) Application of The Place, LLC., O. Keith Fair, Agent

for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License at 509 Sixth Street. (1st District)

Referred to the Public Safety and Licensing Committee

[09-4359](#)

Subject: Communication from Harbi Assad, Max Liquor Market, LLC, 1046 S. Memorial Drive, submitting a petition to exceed the Class A quota limit.

Referred to the Public Safety and Licensing Committee

Refer to Traffic Commission, by Ald. Holding

[09-4330](#)

Subject: Communication from Billie Novick, Principal of Goodland Elementary School (4800 Graceland Blvd.), requesting the signs at Ohio and Graceland be changed to "No Parking from 6:00 A.M. to 3:00 P.M."

Referred to Traffic Commission

Refer to Transit and Parking Commission, by Ald. DeHahn

[09-4335](#)

Subject: Communication from Kristin Niemiec, on behalf of the Uptown Improvement Organization Board of Directors, requesting the City of Racine consider constructing a stairway from the lower parking lot at 13th Street and Washington Avenue to Maiden Lane.

Referred to Transit and Parking Commission

Refer to Executive Committee, by Ald. Q. A. Shakoor, II

[09-4357](#)

Subject: Communication from Mayor Dickert requesting to change the polling place from Stephen Bull Fine Arts School to Dr. John Bryant Community Center, 601 21st Street beginning with the 2010 Elections.

Referred to the Executive Committee

Refer to Mayor's Office, by Ald. Q. A. Shakoor, II

[09-4352](#)

Subject: In order to promote the City of Racine's efforts to work and live in an environmentally efficient manner (both fiscally and physically) the following commission should be entertained. The purpose of the Committee is to act as an intermediary and find ways to adopt environmental objectives as a city with its businesses and citizens.

Title: Environmental Advisory Board
Comprised of 7 members (1 Aldermen, 6 Citizens)
To meet once a month or as the current city schedule permits.

Referred to the Mayor's Office[09-4353](#)

Subject: Over the past several years, at least two projects have come before the City of Racine that would name a development after Corinne Owens. Much public support was garnered because this remarkable woman would be honored. However, I believe that associating her name with a development project has also clouded the issue. Any State Street project must

I am requesting the following:

1. That Corinne Owen's name be removed from any development project proposed for the State Street corridor and that any proposed project stand on its own merits. Perhaps this will take some of the emotion out of the equation and allow for all involved to evaluate the proposals based on sound business projections. This would not prevent a developer from honoring Ms. Owens after a project was completed.
2. That a commission be established as soon as possible for the purpose of identifying a park, plaza, building or other suitable venue to recognize and honor Ms. Owens for her contributions to the civil rights movement and this community. I would be willing to either chair this commission or at least serve on it.

Referred to Mayor's Office**Refer to Board of Health, by Ald. Mozol**[09-4345](#)

Subject: Communication from Alderman Robert Mozol requesting the number of voting Board of Health members be increased from the current number of 8 voting members to 9 voting members.

(Also refer to the Board of Health.)

Referred to Board of Health

G. Committee Reports**Finance and Personnel Committee Report, by Ald. Spangenberg**[08-2700](#)

Subject: Communication from the General Manager of Water and

Wastewater Utilities offering to sell 37.5 acres of land for \$1,212,121 to the City of Racine.

Recommendation of the Finance & Personnel Committee on 10-27-08: Defer the item.

Recommendation of the Finance & Personnel Committee on 10-12-09: Item to be received and filed.

Fiscal Note: N/A

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

[09-4172](#)

Subject: Presentation from R. W. Baird on the Status of 2010 Capital Borrowing for the Water Utility

Recommendation of the Racine Waterworks Commission of 9-29-09: To adopt the use of the Traditional Tax-Exempt Borrowing plan. Refer to the Finance and Personnel Committee.

Recommendation of the Finance & Personnel Committee on 10-12-09: Recommends approval for the Waterworks Commission to obtain Waterworks System Mortgage Revenue Bonds to cover Capital Expenditures for the Water Utility.

Fiscal Note: The principal amount should not exceed \$3,500,000 with an anticipated interest rate of approximately 5.17%. Final amounts and rates will be determined in the market place.

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

[09-4193](#)

Subject: Communication from the Finance Director wishing to meet with the Finance & Personnel Committee to discuss refunding the City's outstanding 2009 Note Anticipation Notes.

Recommendation of the Finance & Personnel Committee on 10-12-09: To defer the item.

Recommendation of the Finance & Personnel Committee on 10-26-09: The 2009 Capital Improvement Note Anticipation Notes maturing on December 15, 2009 be refunded utilizing the Taxable Build America Bonds.

Fiscal Note: The refunding bonds will mature over a 14 year period. The principal amount should not exceed \$7,755,000 with an anticipated interest rate of approximately 3.12%. Final amounts and rates will be determined in the market place.

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

[09-4242](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to present bids for the North Beach Lift Station.

Recommendation of the Public Safety and Licensing Committee on 10-12-09: That the item be deferred at the request of the Parks, Recreation & Cultural Services Director.

Recommendation of the Public Safety and Licensing Committee on 10-26-09: That the lowest bid from Rawson Construction for \$274,333.00 be accepted and this item be referred to the Finance Committee.

Fiscal Note: Funds will be transferred from 989-700-5010 (\$22,955) 989-740-5020(\$33,576)989-740-5030(\$11,005)989-670-5010(\$26,797) to 989-700-5050(\$94,333). The balance requested currently exists in account 989-700-5050.

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

[09-4243](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to transfer funds to accept the bid for North Beach Lift Station renovation. (Res.09-1670)

Recommendation of the Finance & Personnel Committee on 10-26-09: Permission be granted for the Director of Parks, Recreation & Cultural Services to transfer a total of \$94,333 from the following accounts, \$22,955 from 989.700.5010 Forestry Chip Truck, \$33,576 from 989.740.5020 Zoo Replace South Meter Pit, \$11,005 from 989.740.5030 Zoo Repair Handicapped Ramp and \$26,797 from 989.670.5010 Tyler-Domer Doors & Windows Replacement and transferred into Account 989.700.505 North Beach Sanitary Lift Station.

Fiscal Note: There are sufficient funds available for the transfer.

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

[09-4289](#)

Subject: Communication from the Grants Facilitator requesting permission to apply for up to a \$50,000 Susan G. Komen for the Cure Community Health Grant. (Res.09-1667)

Recommendation of the Finance & Personnel Committee on 10-12-09: Permission be granted for the Grants Facilitator to apply up

to a \$50,000 Susan G. Komen Community Health Grant (Grant Control No. 2009-066) to be utilized to provide outreach services, free and reduced cost screening and diagnostic services.

Fiscal Note: No match required on the part of the City.

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

[09-4272](#)

Subject: Communication from the City Attorney submitting the claim of Amy Hammer for consideration.

Recommendation of the Finance & Personnel Committee on 10-12-09: The claim of Amy Hammer, 6910 Middle Rd., Apt. #7, requesting a reimbursement of \$189.19 for repairs to her vehicle damaged while allegedly driving through construction area on Northwestern Ave. near Rapids Drive be denied.

Fiscal Note: N/A

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

[09-4292](#)

Subject: Communication from the City Attorney submitting the claim of Jessica Salgado for consideration.

Recommendation of the Finance & Personnel Committee on 10-12-09: The claim of Jessica Salgado, 1529 Indiana Street, requesting a reimbursement of \$2,000 for the loss of her dog when the police officer allegedly shot her dog be denied.

Fiscal Note: N/A

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

[09-4294](#)

Subject: Communication from the Commissioner of Public Works/City Engineer requesting funding for ARRA energy projects due to delays in recovering federal funds. (Res.09-1669)

Recommendation of the Finance & Personnel Committee on 10-26-09: Recommend that up to \$795,000 be advanced from City funds to begin work on ARRA Energy Projects with the stipulation the City receive a letter guaranteeing the Federal Government will be issuing the funds and allowing the City to spend the money before they issue the City a line of credit.

Fiscal Note: There are sufficient funds available for the advance.

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

[09-4296](#)

Subject: Communication from the Interim Public Health Administrator requesting permission to apply for grant funds of \$4,000 from the Wisconsin Department of Transportation. (Res.09-1668)

Recommendation of the Finance & Personnel Committee on 10-12-09: Permission be granted for the Interim Public Health Administrator apply for a \$4,000 grant with the Wisconsin Department of Transportation (Grant Control No. 2009-067) to be utilized for the purchase of car seats for children during the period of December 1, 2009 through September 30, 2010.

Fiscal Note: There will be a 25% soft match on the part of the City.

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

Council Action

A motion was made by Alderman James T. Spangenberg that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

Public Works and Services Committee Report, by Ald. Holding

[08-2537](#)

Subject: Communication from the Alderman of the 7th District requesting to hire a consultant for a study on the efficacy and cost of establishing a quiet zone for railroad crossings in anticipation of increased railroad traffic due to the expansion of the Oak Creek power plant.

Recommendation of the Public Works and Services Committee on 8-26-08: Long term deferral.

Recommendation of the Public Works and Services Committee on 10-27-09: The communication be received and filed.

Fiscal Note: This item is in the 5-year Capital Improvement Program and can be discussed during budget hearings.

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

[09-4007](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 41-08 (K8-047), Professional Services - Festival Hall Awnings, Hartmann Design, Inc., consultant. (Res.09-1680)

**Recommendation of the Public Works and Services Committee
on 8-25-09, 9-08-09, 9-29-09 and 10-13-09: Defer**

**Recommendation of the Public Works and Services Committee
on 10-27-09:** That the study of the awning system at Festival Hall, as submitted by Hartmann Design, Inc., be adopted for the installation of metal awnings to match the existing roof.

Further recommends that the professional services provided by Hartmann Design, Inc. under Contract 41-08 (K8-047), Professional Services - Festival Hall Awnings, be accepted and final payment authorized for a total contract amount of \$2,500.00.

Fiscal Note: The recommended matching awnings are estimated to cost \$50,000.00, but will have a 20 year life expectancy. The contract was authorized under Resolution No. 08-0857, dated June 3, 2008.

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

[09-4236](#)

Subject: Request of the Executive Director of the Redevelopment Authority for authorization to deed 955 Marquette St. to the City of Racine for right-of-way.

Recommendation of the Redevelopment Authority on 10-7-09: That the Chairperson of the Redevelopment Authority, Executive Director of the Redevelopment Authority and City Attorney be authorized and directed to proceed with the transfer of 955 Marquette Street (parcel ID 02826001) to the City of Racine as right-of-way of West Street between Marquette Street and Gideon Court.

Further, that this item be referred to the Public Works and Services Committee for its review and approval.

Fiscal Note: Only city staff time and real estate recording fees are associated with this transfer.

**Recommendation of the Public Works and Services Committee
on 10-27-09:** That the City of Racine accept the deed for 955 Marquette Street from the Redevelopment Authority for future purpose as street right-of-way.

Fiscal Note: There will be nominal costs to facilitate this land transfer.

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

[09-4291](#)

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

No. 1 on Contract 33-09 (K9-034), Roof Replacement at Fire Station No. 7, Carlson Racine Roofing & Sheet Metal, Inc., contractor. (Res.09-1683)

Recommendation of the Public Works and Services Committee on 10-27-09: That Change Order No. 1 on Contract 33-09 (K9-034), Roof Replacement at Fire Station No. 7, Carlson Racine Roofing & Sheet Metal, Inc., contractor, be approved in the amount of \$2,290.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 989.300.5040, Station 7 Roof Replacement.

Fiscal Note: Funds are available as herein delineated.

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

[09-4287](#)

Subject: Communication from Adams Outdoor Advertising requesting to lease part of 1301 W. Sixth Street for a sign. (Res.09-1679)

Recommendation of the Public Works and Services Committee on 10-27-09: That the current billboard lease with Adams Outdoor Advertising, approved under Resolution 09-1182, dated January 20, 2009, be amended to include the placement of an electronic billboard sign at 1301 W. Sixth Street for the annual fee of \$2,000.00 with annual increases based upon the consumer price index.

Fiscal Note: This amendment for the placement of an electronic billboard at 1301 W. Sixth Street (Rec Center) will result in an additional \$2,000.00 in revenue per year and will result in the replacement of 3 existing billboards with one electronic billboard.

Alderman Holding requested that item 09-4287 be considered separately.

Alderman Holding made a motion to remove the word "electronic" from the wording in the communication and the item be adopted as amended.

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

[09-4293](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a request for final payment on Contract 39-09 (K9-040), Asbestos Abatement - N. Osborne Blvd. Ravine, Dirty Ducts Cleaning, Environmental & Insulation, Inc., contractor. (Res.09-1684)

Recommendation of the Public Works and Services Committee

on 10-27-09: The work done by Dirty Ducts Cleaning, Environmental & Insulation, Inc. under Contract 39-09 (K9-040), Asbestos Abatement - N. Osborne Boulevard, be accepted and final payment authorized for a total contract amount of \$53,560.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1435, dated June 2, 2009.

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

[09-4295](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations submitting an agreement from Maron Structure Technologies, Inc. to replace the existing Octel voicemail system. (Res.09-1685)

Recommendation of the Public Works and Services Committee

on 10-27-09: The Mayor and City Clerk be authorized and directed to enter into an agreement with Maron Structure Technologies for the installation of a replacement voicemail system at a cost not-to-exceed \$22,352.60.

Further recommends that funds to defray the cost for the purchase of this voicemail system be appropriated from Account 402.000.5810, Voice Mail Replacement.

Fiscal Note: Funds are available as herein delineated.

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

[09-4298](#)

Subject: Communication from the Downtown Racine Corporation requesting permission to close city streets for the annual Holiday Parade on November 14, 2009. (Res.09-1678)

Recommendation of the Public Works and Services Committee

on 10-27-09: Permission be granted to the Downtown Racine Corporation to close Ontario Street, State Street between Erie Street and Main Street, Main Street between State Street and Sixth Street, and Sixth Street between Main Street and City Hall, on Saturday, November 14, 2009, from 4:00 p.m. to 6:30 p.m., for their annual Downtown Holiday Parade on the following conditions:

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

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

[09-4317](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, AZAR, LLC., Contractor. (Res.09-1686)

Recommendation of the Public Works and Services Committee on 10-27-09: That Change Order No. 1 to Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, AZAR, LLC, contractor, as submitted, be approved that will provide a time extension until November 3, 2009 to complete this contract.

Fiscal Note: There will be no change in contract price as a result of this change order.

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

[09-4319](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a final payment on Contract 15-09 (K9-015), PS - Design West Sixth Street Bridge, Ayres Associates, consultant. (Res.09-1681)

Recommendation of the Public Works and Services Committee on 10-27-09: The professional services provided by Ayres Associates under Contract 15-09 (K9-015), Professional Services - Design West Sixth Street Bridge, be accepted and final payment authorized for a total contract amount of \$3,867.50.

Fiscal Note: Contract was authorized under Resolution No. 09-1226, dated February 3, 2009.

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

[09-4320](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a request for

final payment on Contract 59-09 (K9-060) PS - TIGER Discretionary Grant, HNTB Corporation, consultant. (Res.09-1682)

Recommendation of the Public Works and Services Committee on 10-27-09: The professional services provided by HNTB Corporation under 59-09 (K9-060), Professional Services - TIGER Discretionary Grant, be accepted and final payment authorized for a total contract amount of \$25,750.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1486, dated July 7, 2009.

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

Council Action

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

Public Safety and Licensing Committee Report, by Ald. Wisneski

09-4242

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to present bids for the North Beach Lift Station.

Recommendation of the Public Safety and Licensing Committee on 10-12-09: That the item be deferred at the request of the Parks, Recreation & Cultural Services Director.

Recommendation of the Public Safety and Licensing Committee on 10-26-09: That the lowest bid from Rawson Construction for \$274,333.00 be accepted and this item be referred to the Finance Committee.

Fiscal Note: Funds will be transferred from 989-700-5010 (\$22,955) 989-740-5020(\$33,576)989-740-5030(\$11,005)989-670-5010(\$26,797) to 989-700-5050(\$94,333). The balance requested currently exists in account 989-700-5050.

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

09-4264

Subject: (New) The following application for a "Class C" & Class "B" Fermented Malt Beverage and Wine License for Peppermint, Thomas J. Holmes, Agent at 515 Sixth Street. (1st District)

Recommendation of the Public Safety and Licensing Committee

on 10-26-09: That the application for a "Class C" & Class "B" Fermented Malt Beverage and Wine License for Peppermint, Thomas J. Holmes, Agent at 515 Sixth Street be approved and the license be issued when the following stipulations have been met: Kitchen has passed inspections and is open, a signed lease with the building owner is presented to the clerks office, and the cameras are installed, working and inspected by a person designated from the City as Mr. Holmes stated on the questionnaire. Motion carried.

Fiscal Note: N/A

Alderman Wisneski requested that item 09-4264 be considered separately.

Alderman Wisneski made a motion that the item be referred back to committee on the request of the Alderman of that district.

A motion was made that this Communication be Referred to the Public Safety and Licensing Committee, . The motion was APPROVED by the following vote:

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

[09-4277](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the report of bids received on the sale of abandoned vehicles(October 12, 2009)

Recommendation of the Public Safety and Licensing Committee

on 10-26-09: That the sale of abandoned vehicles be received and filed.

Fiscal Note: This will generate \$6,075.01in revenue.

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

Council Action

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

Traffic Commission Report, by Ald. Holding[09-3342](#)

Subject: Communication from the Alderman of the 11th District, on behalf of Laura Jocius of 3415 Southwood, requesting a 4-way stop at Southwood Dr. and Emstan Hills Rd.

Recommendation (04-20-09): Defer

Recommendation (10-19-09): The request for four-way stop signs at the intersection of Southwood Drive and Emstan Hills Road be approved.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$160.00 and an annual maintenance cost of \$80.00.

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

09-4318

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 94-66 (1) of Schedule C of the Municipal Code of the General Ordinances of the City of Racine relative to "Through streets" be amended:

By Deleting:

1. Southwood Drive, from north line of Taylor Avenue to south line of Maryland Avenue.

By Including:

1. Southwood Drive, from north line of Taylor Avenue to south line of Maryland Avenue, except at Emstan Hills Road.

B. Recommends that Section 94-66 (3) of Schedule C of the Municipal Code of the General Ordinances of the City of Racine relative to "All-way stop intersections" be amended:

By Including:

1. Southwood Drive and Emstan Hills Road.

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

Council Action

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

Transit and Parking Commission Report, by Ald. DeHahn[09-4326](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting that the Mayor and City Clerk be authorized and directed to execute the 2009 State Urban Mass Transit Operating Assistance contract between WISDOT and the City of Racine for Wisconsin Coach Lines, Kenosha-Racine-Milwaukee intercity bus service funding. (Res.09-1674)

Recommendation of the Transit and Parking Commission on 10-28-09: The Mayor and City Clerk be authorized and directed to execute the 2009 State Urban Mass Transit Operating Assistance contract for Wisconsin Coach Lines, Kenosha-Racine-Milwaukee intercity bus service funding.

Fiscal Note: The contract will provide Wisconsin Coach Lines with \$681,408 in State operating funds. No City funding is involved.

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

[09-4327](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting the Mayor and City Clerk be authorized and directed to execute the 2009 Federal Urban Mass Transit Operating Assistance contract between WISDOT and the City of Racine in the amount of \$2,416,441 for Belle Urban System funding. (Res.09-1675)

Recommendation of the Transit and Parking Commission on 10-28-09: The Mayor and City Clerk be authorized and directed to execute the 2009 Federal Urban Mass Transit Operating Assistance contract for the Belle Urban System.

Fiscal Note: The contract will provide the Belle Urban System with \$2,416,441 in Federal operating funds for the Belle Urban System.

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

[09-4328](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting the Mayor and City Clerk be authorized and directed to execute the 2009 State Urban Mass Transit Operating Assistance contract between WISDOT and the City of Racine in the amount of \$1,850,522 for Belle Urban System funding. (Res.09-1676)

Recommendation of the Transit and Parking Commission on

10-28-09: The Mayor and City Clerk be authorized and directed to execute the 2009 State Urban Mass Transit Operating Assistance contract for the Belle Urban System.

Fiscal Note: The contract will provide the Belle Urban System with \$1,850,522 in State operating funds for the Belle Urban System.

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

Council Action

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

City Plan Commission Report, by Ald. Holding

09-4267

Subject: (Direct Referral) A request by Jon Klema of Michael's Signs, representing Racine Unified School District, for a conditional use permit for an electronic sign at Horlick High School at 2119 Rapids Dr. (Res.09-1671)

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

Fiscal Note: N/A

Alderman Holding requested that item 09-4267 be considered separately.

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

09-4314

Subject: (Direct Referral) Request from Felix Servantez representing Servantez Automotive, Inc. seeking a conditional use permit for an automobile sales and repair establishment at 1407 South Memorial Drive. (Res.09-1672)

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

Fiscal Note: N/A

Alderman Holding requested that item 09-4314 be considered separately.

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

AYES: 12 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Spangenberg, Hart, Mozol and Stein

NOES: 3 - Weidner, Holding and Wisneski

09-4315

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

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

Fiscal Note: N/A

Alderman Holding requested that item 09-4315 be considered separately.

Alderman McCarthy made a motion that the item be referred back to committee for further discussion.

A motion was made that this Communication be Referred to the City Plan Commission, . The motion was APPROVED by the following vote:

AYES: 12 - Coe, Anderson, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

NOES: 3 - Shields, Kaplan and Maack

Community Development Committee Report, by Ald. Maack

09-4255

Subject: Communication from the Assistant Director of City Development requesting the allocation of the Homelessness Prevention and Rapid Re-housing Program (HPRP) grant be reviewed by the Community Development Committee (Grant Control No. 2009-012). (Res.09-1677)

Recommendation of the Community Development Committee on 10-21-09: That the Homeless Prevention and Rapid Re-housing Program grant be allocated as shown on the attached table.

Fiscal Note: The City has received and accepted a grant of \$817,554.

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

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

09-4170

Subject: Communication from Ben Lehner, UW-Parkside, and Mark

Mundl, Racine County Workforce Development, requesting permission to place a sculpture along the Root River Pathway. (Res.09-1663)

Recommendation of the Public Works and Services Committee on 9-29-09: That the proposal to place a sculpture along the Root River Pathway be approved in concept.

Further recommend that preliminary designs be submitted to the Public Works and Services Committee for approval.

Fiscal Note: N/A

Recommendation of the Board of Parks, Recreation and Cultural Services on 10-14-09: That the proposal to place a sculpture along the Root River Pathway be approved in concept.

Fiscal Note: N/A

A motion was made by Alderman Terry McCarthy that this be Received and Filed as Reported. The motion PASSED by the following vote:

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

Standing Joint Review Board Report, by Ald. Spangenberg

08-2535

Subject: (Direct Referral) Request to create Tax Incremental District No. 16 for Uptown Area.

Recommendation of the Standing Joint Review Board on 10-23-09: Your Standing Joint Review Board reports, pursuant to sec. 66.1105 (4m) (b) 3., Wisconsin Statutes, that the Standing Joint Review Board met on October 23, 2009 and approved the creation of Tax Increment District No. 16 as described in your Resolution No. 08-1044, and

Recommends that this communication be received and filed because the district is now established.

Fiscal Note: N/A

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

H. Consent Agenda-Resolutions

Res.09-1667

Permission granted to Grants Facilitator to apply for the Susan G. Komen

Community Health Grant

Resolved, that permission be granted for the Grants Facilitator to apply for the Susan G. Komen Community Health Grant (Grant Control No. 2009-066) in an amount up to \$50,000 for a project period of three years, to be utilized to provide outreach services, free and reduced cost screening and diagnostic services.

Fiscal Note: No match required on the part of the City.

Sponsors: James T. Spangenberg

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

Res.09-1668

Permission granted to Interim Public Health Administrator to apply for a grant from Wisconsin DOT for purchase of car seats for children

Resolved, that permission be granted for the Interim Public Health Administrator to apply for a \$4,000 grant from the Wisconsin Department of Transportation (Grant Control No. 2009-067) to be utilized for the purchase of car seats for children during the period of December 1, 2009 through September 30, 2010.

Fiscal Note: There will be a 25% soft match on the part of the City.

Sponsors: James T. Spangenberg

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

Res.09-1669

Permission granted to advance funding for ARRA energy projects

Resolved, that up to \$795,000 be advanced from City funds to begin work on ARRA Energy Projects with the stipulation that the City receive a letter guaranteeing the Federal Government will be issuing the funds and allowing the City to spend the money before they issue the City a line of credit.

Fiscal Note: There are sufficient funds available for the advance.

Sponsors: James T. Spangenberg

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

Res.09-1670

Contract 61-09 (K9-062), North Beach Park Lift Station, be awarded to Rawson Contractors, Inc.

Resolved, that Contract 61-09 (K9-062), North Beach Park Lift Station, be awarded to Rawson Contractors, Inc., at its bid price of \$274,333.00.

Further resolved, that total funds in the amount of \$94,333, be transferred

into Account No. 989.700.5050, North Beach Sanitary Lift Station, from the following accounts:

\$22,955 from Account No. 989.700.5010 Forestry Chip Truck
\$33,576 from Account No. 989.740.5020 Zoo Replace South Meter Pit
\$11,005 from Account No. 989.740.5030 Zoo Repair Handicapped Ramp
\$26,797 from 989.670.5010 Tyler-Domer Doors & Windows Replacement

Fiscal Note: There are sufficient funds available for the transfer. The balance requested currently exists in Account No. 989.700.5050.

Sponsors: James T. Spangenberg and Aron Wisneski

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

Res.09-1671

Conditional Use Permit granted for an electronic sign at Horlick High School, 2119 Rapids Drive

Resolved, that the request by Michael's Signs, representing Racine Unified School District, for a Conditional Use Permit for an electronic sign at Horlick High School, 2119 Rapids Drive, be approved subject to the following conditions:

- a. That the plans referred to as "Alternative 3" as presented to the Plan Commission on October 28, 2009 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, prior to the issuance of a building/sign permit a landscape plan be submitted for the review and approval of the Director of City Development. Landscaping shall be installed in accordance with the approved plans by May 1, 2010 unless a letter of credit, equal to the value of the landscaping, is submitted to the Director of City Development for review and approval prior to said date. In no case shall landscaping be installed later than July 1, 2010.
- d. That the operation of the sign comply with Section 114-1033 Electronic Message Signs of the City of Racine Municipal Code with the exception that letter height may be as tall as 5 inches and the setback may be no closer than 3 feet to the right-of-way of Rapids Drive.
- e. That only those activities directly related to Horlick High School may be advertised on this electronic sign.
- f. That all codes and ordinances be complied with and required permits acquired.
- g. 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.

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

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Res.09-1674

Mayor and City Clerk be authorized to execute 2009 State Urban Mass Transit Operating Assistance Contract for Wisconsin Coach Lines

Resolved, that the Mayor and City Clerk be authorized and directed to execute the 2009 State Urban Mass Transit Operating Assistance contract between WISDOT and the City of Racine, in the amount of \$681,408, for Wisconsin Coach Lines, Kenosha-Racine-Milwaukee intercity bus service funding.

Fiscal Note: The contract will provide Wisconsin Coach Lines with \$681,408 in State operating funds. No City funding is involved.

Sponsors: Raymond DeHahn

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

Res.09-1675

Mayor and City Clerk be authorized to execute the 2009 Federal Urban Mass Transit Operating Assistance contract for the Belle Urban System

Resolved, that the Mayor and City Clerk be authorized and directed to execute the 2009 Federal Urban Mass Transit Operating Assistance contract between WISDOT and the City of Racine in the amount of \$2,416,441, for Belle Urban System funding.

Fiscal Note: The contract will provide the Belle Urban System with \$2,416,441 in Federal operating funds for the Belle Urban System.

Sponsors: Raymond DeHahn

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

Res.09-1676

Mayor and City Clerk be authorized to execute the 2009 State Urban Mass Transit Operating Assistance contract for Belle Urban System

Resolved, that the Mayor and City Clerk be authorized and directed to execute the 2009 State Urban Mass Transit Operating Assistance contract between WISDOT and the City of Racine, in the amount of \$1,850,522, for Belle Urban System funding.

Fiscal Note: The contract will provide the Belle Urban System with \$1,850,522 in State operating funds for the Belle Urban System.

Sponsors: Raymond DeHahn

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

Res.09-1677

Allocation of Homeless Prevention and Rapid Re-housing Program Grant be approved

Resolved, that a three-year Homelessness Prevention and Rapid Re-housing Program (HPRP) Grant from the U.S. Department of Housing and Urban Development in the amount of \$817,554.00, Grant Control No. 2009-012, be allocated as shown on the table attached to the Community Development Committee Report.

Fiscal Note: The City has received and accepted a grant of \$817,554.00.

Sponsors: Gregory Holding

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

Res.09-1678

Permission granted to DRC to close City streets for annual Holiday Parade on November 14, 2009

Resolved, that permission be granted to the Downtown Racine Corporation to close Ontario Street, State Street between Erie Street and Main Street, Main Street between State Street and Sixth Street, and Sixth Street between Main Street and City Hall, on Saturday, November 14, 2009, from 4:00 p.m. to 6:30 p.m., for their annual Downtown Holiday Parade with the following conditions:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. 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 shift basis to provide limited assistance to implement this event.

Sponsors: Gregory Holding

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

Res.09-1679

Amend current billboard lease with Adams Outdoor Advertising to include sign at 1301 W. Sixth Street

Resolved, that the current billboard lease with Adams Outdoor Advertising, approved under Resolution 09-1182, dated January 20, 2009, be amended to include the placement of a billboard sign at 1301 W. Sixth Street for the annual fee of \$2,000.00 with annual increases based upon the consumer price index.

Fiscal Note: This amendment for the placement of a billboard at 1301 W. Sixth Street (Rec Center) will result in an additional \$2,000.00 per year in revenue.

Sponsors: Gregory Holding

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

Res.09-1680

Professional services provided by Hartmann Design, Inc., under Contract 41-08 (K8-047), Festival Hall Awnings, be accepted and final payment authorized

Resolved, that the study of the awning system at Festival Hall, as submitted by Hartmann Design, Inc., be adopted for the installation of metal awnings to match the existing roof.

Further resolved, that the professional services provided by Hartmann Design, Inc. under Contract 41-08 (K8-047), Professional Services - Festival Hall Awnings, be accepted and final payment authorized for a total contract amount of \$2,500.00.

Fiscal Note: The recommended matching awnings are estimated to cost \$50,000.00, but will have a 20 year life expectancy. The contract was authorized under Resolution No. 08-0857, dated June 3, 2008.

Sponsors: Gregory Holding

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

Res.09-1681

Professional Services provided by Ayres Associates under Contract 15-09 (K9-015), Design West Sixth Street Bridge, be accepted and final payment authorized

Resolved, that the professional services provided by Ayres Associates under Contract 15-09 (K9-015), Professional Services - Design West Sixth Street Bridge, be accepted and final payment authorized for a total contract amount of \$3,867.50.

Fiscal Note: Contract was authorized under Resolution No. 09-1226, dated February 3, 2009.

Sponsors: Gregory Holding

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

Res.09-1682

Professional services provided by HNTB Corporation on Contract 59-09 (K9-060), TIGER Discretionary Grant, be accepted and final payment authorized

Resolved, that the professional services provided by HNTB Corporation under 59-09 (K9-060), Professional Services - TIGER Discretionary Grant, be accepted and final payment authorized for a total contract amount of \$25,750.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1486, dated July 7, 2009.

Sponsors: Gregory Holding

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

Res.09-1683

Change Order No. 1 on Contract 33-09 (K9-034), Roof Replacement at Fire Station No. 7, Carlson Racine Roofing, be approved

Resolved, that Change Order No. 1 on Contract 33-09 (K9-034), Roof Replacement at Fire Station No. 7, Carlson Racine Roofing & Sheet Metal, Inc., contractor, be approved in the amount of \$2,290.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 989.300.5040, Station 7 Roof Replacement.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1684

Work done by Dirty Ducts Cleaning under Contract 39-09 (K9-040), Asbestos Abatement - N. Osborne Boulevard, be accepted and final payment authorized

Resolved, that the work done by Dirty Ducts Cleaning, Environmental & Insulation, Inc. under Contract 39-09 (K9-040), Asbestos Abatement - N. Osborne Boulevard, be accepted and final payment authorized for a total contract amount of \$53,560.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1435, dated June 2, 2009.

Sponsors: Gregory Holding

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

Res.09-1685

Mayor and City Clerk be authorized to enter into an agreement with Maron Structure Technologies for installation of a replacement voicemail system

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Maron Structure Technologies for the installation of a replacement voicemail system at a cost not-to-exceed \$22,352.60.

Further resolved, that funds to defray the cost for the purchase of this voicemail system be appropriated from Account 402.000.5810, Voice Mail Replacement.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1686

Change Order No. 1 to Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, AZAR, LLC., be approved

Resolved, that Change Order No. 1 to Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, AZAR, LLC, contractor, as submitted, be approved that will provide a time extension until November 3, 2009 to complete this contract.

Fiscal Note: There will be no change in contract price as a result of this change order.

Sponsors: Gregory Holding

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

Council Action

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

Resolutions

Res.09-1672

Conditional Use Permit be granted for an automobile sales and repair

establishment at 1407 South Memorial Drive

Resolved, that the request by Felix Servantez representing Servantez Automotive, Inc., seeking consideration of a request for a Conditional Use Permit for an automobile sales and repair establishment at 1407 South Memorial Drive, be approved subject to the following conditions:

- a. That the plans presented to the Access Corridor Development Review Committee on October 22, 2009 and the Plan Commission on October 28, 2009, be approved subject to the conditions contained herein.
- b. That all codes and ordinances be complied with and required permits acquired.
- c. That up to 10 vehicles may be displayed for sale along the eastern most parking area with the remainder of parking being reserved for employees and customers.
- d. That the hours of operation be Monday through Friday 9:00 a.m. to 9:00 p.m., Saturday 9:00 a.m. to 6:00 p.m., and no hours on Sunday.
- e. That there be no pennants, banners, streamers, advertising flags, antenna sleeves, string lights, spot lights, electronic signs or other similar forms of advertising and attraction devices utilized.
- f. That only light auto repair and servicing shall be conducted at this location with all such activities being conducted indoors. For purposes of this conditional use permit, the following activities shall qualify as light auto repair: washing, waxing, and other detailing activities; fluid changes; lubrication; break, shock absorber and strut replacement; tire rotation or repair; other low intensity servicing activities.
- g. That there shall be no major repair activities conducted at this location such as auto body or painting work, engine or transmission work, or exhaust system work.
- h. That all activities associated with this property shall be contained on site, with repair and servicing activities being conducted in the garage building. The overhead garage door shall be closed at all times except to move vehicles in and out of the garage.
- i. That prior to the issuance of an occupancy permit, a property maintenance plan shall be submitted for the review and approval of the Director of City Development. Said plan shall indicate landscaping and general site maintenance activities and schedules, and the responsible parties.
- j. That prior to the installation of signs, a sign plan shall be submitted for the review and approval of the Access Corridor Development Review Committee. No signs shall be mounted on the building.

- k. That the cyclone fence shall be painted, and the parking lot shall be resealed and striped by June 1, 2010. The color of the fence paint and parking lot sealcoat shall be submitted for the review and approval of the Director of City Development.
- l. That all trash and recyclables shall be stored in containers and screened from view. A dumpster/trash enclosure shall be installed by the owner or applicant prior to the issuance of an occupancy permit and in accordance with plans, which have been submitted by the applicant or owner, for the review and approval of the Director of City Development prior to the issuance of an occupancy permit.
- m. If the applicant or owner fails to paint the fence, reseal and restripe the parking lot, and install a dumpster/trash enclosure prior to occupancy, the applicant shall provide the City with a letter of credit. If the required improvements are not completed by the dates stated above in conditions "k." and "l.", the City is authorized by this conditional use permit to enter the site, implement the plan and draw on a letter of credit for the cost of implementation. The letter of credit shall be equal to 100% of the value of the painting, sealing, striping dumpster/trash enclosure, and be submitted for the review and approval of the Director of City Development. Any costs incurred in excess of the value of the letter of credit shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute. By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for this purpose.
- n. That no changes or exterior alterations be made that detract from or change the historic character or integrity of this Racine Landmark building.
- o. That there be no junked or inoperable vehicles stored outdoors on the property.
- p. That there be no outside storage of parts, equipment, materials and supplies.
- q. That no minor changes be made from the conditions of this permit without the approval of the Access Corridor Development Review Committee, and no major change be made from the conditions of this permit without the review of the Plan Commission and approval of the Common Council.
- r. That this permit is subject to review by the Access Corridor Development Review Committee and /or Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

A motion was made by Alderman Shakoor, II that this Resolution be Adopted.

The motion was **APPROVED** by the following vote:

AYES: 12 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Spangenberg, Hart, Mozol and Stein

NOES: 3 - Weidner, Holding and Wisneski

[Res.09-1673](#)

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

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

- a. That the plans presented to the Access Corridor Development Review Committee on October 22, 2009 and the Plan Commission on October 28, 2009 be approved subject to the conditions contained herein.
- b. That all codes and ordinances be complied with and required permits acquired.
- c. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- d. That the applicant work with staff from the Department of City Development to select an appropriate exterior paint scheme and window treatments.
- e. That all trash and recyclables be stored in closed containers and screened from view.
- f. That all signs be professionally made, comply with the zoning ordinance requirements, and be submitted to the Director of City Development for review and approval.
- g. That all codes and ordinances be complied with and required permits acquired.
- h. That no minor changes be made from the conditions of this permit without the approval of the Access Corridor Development Review Committee, and no major change be made from the conditions of this permit without the review of the Plan Commission and approval of the Common Council.
- i. That this permit is subject to review by the Access Corridor Development Review Committee and /or Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

A motion was made by Alderman Shakoor, II that this Resolution be Referred to the City Plan Commission. The motion was APPROVED by the following vote:

AYES: 12 - Coe, Anderson, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

NOES: 3 - Shields, Kaplan and Maack

I. Miscellaneous Business

Alderman Weidner asked the Director of City Development to give an update on the recent TID #2 meeting.

J. Adjourn

The meeting was adjourned at 8:25p.m by Alderman Shakoor. The next scheduled meeting of the Council is November 17, 2009.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK