



# City of Racine

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

## Meeting Agenda - Final Common Council

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

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Tuesday, December 16, 2008

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 Hearings**

[Ord.19-08](#) Ordinance No. 19-08

To amend Sec. 66-1001, repeal and recreate Sec. 66-1002 and create Sec. 66-1004 of the Municipal Code of the City of Racine, Wisconsin relating to Nuisance properties.

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

Part 1:

Sec. 66-1001 of the Municipal Code of the City of Racine is hereby amended by deleting the word "and" in the second line and inserting the word "or" in its place.

Part 2:

Sec. 66-1002 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

"Sec. 66-1002. Chronic Nuisance Premises.

(a) Purpose.

The Common Council finds that from time to time certain premises in the City of Racine require a disproportionate amount of Police Department resources to be devoted to addressing various problems and incidents that occur thereon. Often this disproportionate devotion of police resources is due to property owners' own actions or the failure of property owners to accept and exercise

sufficient responsibility for and over the actions of occupants, guests, agents or employees that reside upon or frequent the premises. Such premises, as further described in paragraph (b) below, are deemed chronic nuisance premises and are public nuisances. This section is enacted to encourage property owners to recognize their responsibility to ensure that activities occurring on their property conform to the law and do not unduly burden the City's police resources and to provide a mechanism for the City to take action against property owners who fail to ensure premises they own do not require a disproportionate devotion of police resources and to recover the costs associated with the disproportionate devotion of police resources to such premises. This subsection is not intended to discourage crime victims or any person in legitimate need of police services from requesting them.

(b) Determination of Chronic Nuisance Premises.

1. Any premises to which the Police Department is called to respond to complaints of any nuisance activity, three (3) or more separate times within any thirty (30) day period, is deemed to have received and require more than the general, acceptable level of police services, and places an undue burden upon the taxpayers of the City. For purposes of this subsection, a nuisance activity shall be offenses under Chapter 66 of this Code or their statutory counterparts, or any offense under state law for which a penalty of forfeiture, fine or imprisonment is provided. An offense shall not be considered a nuisance activity if it is committed by a person having no association with the premises by acquaintance with, relation to or expressed or implied invitation from the owner, occupant, operator or agent of the premises.

2. Whenever any such premises exists, the Chief of Police shall determine from the facts of each incident and considering the purpose of this subsection as set forth in paragraph (a) above, whether the premises is a chronic nuisance premises. A chronic nuisance is a public nuisance.

(c) Notice.

Whenever the Chief of Police finds a premises constitutes a chronic nuisance premises under paragraph (b), the Chief of Police shall provide written notice of his determination to the owner of the premises as identified by the records of the City Assessor. Such notice shall be delivered by registered mail, return receipt requested or by personal service. If the owner cannot be located, the notice shall be published as a Class 2 notice under Wis. Chap. 985. The notice shall contain the following additional information:

1. The street address, parcel number or legal description sufficient to identify the premises.
2. A brief statement, including a description of the relevant activities, supporting the determination that the premise is a chronic nuisance premises.
3. A statement that the owner shall, within 10 days of receipt of the notice, or last day of publication if published, respond to the Chief of Police requesting a hearing before the Public Safety and Licensing Committee or proposing in

writing a course of action that will be taken to abate the nuisance activities.

4. A statement that the owner shall immediately notify the Chief of Police of any change in address to ensure receipt of future notices.

(d) Owner Abatement.

If the owner responds to the notice in paragraph (c) with a nuisance abatement proposal, the Chief of Police may accept, reject or work with the owner to modify the proposal in his or her discretion. If the Chief of Police rejects the abatement proposal, determines that an agreement on an appropriate abatement proposal cannot be reached or determines that owner abatement is for any reason unsuccessful, the matter shall be referred to the Public Safety and Licensing Committee for hearing.

(e) Hearing.

If a hearing is requested or if the Chief of Police determines that a satisfactory abatement plan cannot be agreed upon or if the Chief of Police determines that abatement actions taken by the owner are unsuccessful, a hearing shall be held before the Public Safety and Licensing Committee. The owner shall receive ten (10) days written notice of the hearing sent by regular mail or, if the owner cannot be located, by publication of a Class 2 notice under Wis. Stats. Chap. 985. The Public Safety and Licensing Committee shall hear any and all evidence it deems relevant and shall affirm or reverse the determination of the Chief of Police.

(f) Penalties and Remedies.

1. If the Chief of Police's determination is affirmed by the Public Safety and Licensing Committee and approved by the Common Council, the Council may order the owner to pay the actual cost of any police call for any nuisance activities occurring after the three (3) police responses that lead to the determination that the premises was a chronic nuisance premises. Such costs shall be presented to the Common Council and may include cost incurred prior to the Common Council's determination. The Common Council may order costs of all such police calls to the chronic nuisance premises be paid until the public nuisance is abated under paragraph (g). Such costs shall be billed to the owner by invoice sent by regular mail and if not paid within thirty (30) days of the date on the invoice, shall be charged to the property as a special charge pursuant to Wis. Stats. §66.0627.

2. Forfeitures under Section 66-1003 may be imposed for each police call for any nuisance activities occurring after the three (3) police responses that lead to the determination that the premises was a chronic nuisance premises, however, no forfeiture shall be imposed for any nuisance activity that occurred prior to the Common Council affirming the decision of the Chief of Police.

3. The Common Council may authorize any other penalty or remedy authorized by law.

(g) When nuisance is deemed abated.

The public nuisance created by a chronic nuisance premises shall be deemed abated when no police calls to the premises to address nuisance activities occurs for a period of six (6) consecutive months.

(h) Other methods not excluded.

Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin including, but not limited to an action under Wis. Stats. Chap. 823.”

Part 3:

Section 66-1004 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Sec. 66-1004. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, contrivance, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.”

Part 4:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

\_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

Fiscal Note: N/A

Sponsors: Robert Mozol

**E Public Comments**

**F. Communications**

[08-2996](#)      **Subject:** Monthly Building Report for November, 2008.

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

[08-3007](#)      **Subject:** communication from the City Attorney requesting additional funding for the 2008 budget year for Judgment & Claims, 101.990.5910, and Attorney Professional Services, 101.160.5610.

[08-3013](#)      **Subject:** A communications from the Fire Chief requesting permission to transfer funds to cover the City's match for the 2008 Federal Emergency Management Agency Fire Act Grant EMW-2008-FO-09001.

(Also refer to Public Safety and Licensing Committee)

[08-3029](#)      **Subject:** Request from the Director of City Development to apply for federal Housing and Economic Recovery Act funding.

[08-3030](#)      **Subject:** communication from the City Attorney submitting the claim of J&J Properties Racine, LLC for consideration.

[08-3037](#)      **Subject:** Request for permission to apply for a Blight Elimination & Brownfield Redevelopment Grant.

[08-3038](#)      **Subject:** Communication from the Fire Chief requesting permission to accept a donation from RAMAC and the St. Luke's Hospital Trustees Advised Fund to acquire and install radio equipment for an Emergency Medial Services Communications System within the Racine Area Emergency Medical Services Group.

(Also refer to Public Safety and Licensing Committee)

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

[08-3018](#)      **Subject:** communication from Heritage Group, LLC requesting permission to install stationary, projecting awnings on the buildings at 3208-3210 Washington Avenue.

[08-3025](#)      **Subject:** Communication from a representative of Thoughts for Foods requesting permission to close the 300 block of Hamilton Street on Saturday, March 7, 2009, for their annual event.

[08-3027](#)      **Subject:** Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 42-08 (K8-050), Roof Replacement at Library, Solid Waste and Incinerator

Buildings (R1).

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

[08-3009](#)      **Subject:** (New)Application of Asiana Restaurant Kyo Soon Yoon, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 423 Sixth Street. (1st District)

**Refer to Traffic Commission, by Ald. Holding**

[08-2983](#)      **Subject:** Communication from the Alderman of the 11th District, on behalf of Robert Lewis - 2045 Deane Blvd., requesting a 4-way stop at Deane Blvd. and 20th Street.

## **G      Committee Reports**

**Finance and Personnel Committee Report, by Ald. Friedel**

[08-2861](#)      **Subject:** Communication from the Public Health Administrator requesting permission for the Mayor and City Clerk to enter into a 2-year contract with Countryside Humane Society for animal control services. (Res.08-1152)

**Recommendation of the Finance & Personnel Committee on 11-10-08:** The item be deferred.

**Recommendation of the Finance & Personnel Committee on 11-24-08:** The item be deferred.

**Recommendation of the Finance & Personnel Committee on 12-08-08:** The Mayor and City Clerk be authorized and directed to enter into a 2-year contract with the Countryside Humane Society for animal control services.

**Fiscal Note:** Total cost for 2009 will be \$175,282 and 2010 cost will be \$180,540.46.

[08-2946](#)      **Subject:** Communication from the Public Health Administrator requesting permission to apply for \$240,663 from the Department of Health Services for the Consolidated Contract. (Res.08-1148)

**Recommendation of the Finance & Personnel Committee on 12-08-08:** Permission be granted for the Public Health Administrator to apply for the \$240,663 grant with the Department of Health Services for the Consolidated Contract (Grant Control No. 2008-049).

**Fiscal Note:** The contract covers \$39,131 for Immunization; \$35,118 for Childhood Lead; 74,915 for Maternal Child Healthcare; \$14,030 for Prevention and \$77,469 for Wisconsin Well Woman Programs. There is a soft match of \$60,505 required on the part of the city for Maternal Child Healthcare.

08-2947

**Subject:** Communication from the Public Health Administrator requesting permission to apply for \$98,371 from the Department of Health Services for the Tobacco Prevention and Control Program. (Res.08-1149)

**Recommendation of the Finance & Personnel Committee on**

**12-08-08:** Permission be granted for the Public Health Administrator to apply for the \$98,371 grant with the Department of Health Services for the Tobacco Prevention and Control Program (Grant Control No. 2008-052).

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

08-2948

**Subject:** Communication from the Public Health Administrator requesting permission to apply for \$61,160 from the Department of Health Services for Center of Disease Control (CDC) Preparedness. (Res.08-1150)

**Recommendation of the Finance & Personnel Committee on**

**12-08-08:** Permission be granted for the Public Health Administrator to apply for the \$61,160 grant with the Department of Health Services for Center of Disease Control (CDC) Preparedness (Grant Control No. 2008-050).

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

08-2949

**Subject:** Communication from the Public Health Administrator requesting permission to apply for \$35,590 from the Department of Health Services for the Cities Readiness Initiative (CRI) Preparedness. (Res.08-1151)

**Recommendation of the Finance & Personnel Committee on**

**12-08-08:** Permission be granted for the Public Health Administrator to apply for the \$35,590 grant with the Department of Health Services for the Cities Readiness Initiative (CRI) Preparedness (Grant Control No. 2008-051).

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

[08-2959](#)

**Subject:** Communication from the City Attorney submitting the claim of Arnaldo Badillo for consideration.

**Recommendation of the Finance & Personnel Committee on**

**12-8-08:** The claim of Arnaldo Badillo, 1411 Carlisle Ave, requesting reimbursement of \$356.84 for repair expenses after a screw allegedly punctured his tire as he drove over the railroad tracks in the 1500 block of Yout Street be denied.

**Fiscal Note:** N/A

[08-2961](#)

**Subject:** Communication from the Grant Facilitator requesting permission to apply for the National Association of County and City Health Officials (NACCHO) Healthy Communities Demonstration Grant Announcement in the amount of \$15,000 to support local health departments' plans. (Res.08-1147)

**Recommendation of the Finance & Personnel Committee on**

**12-08-08:** Permission be granted for the Grant Facilitator to apply for the \$15,000 grant with the National Association of County and City Health Officials (NACCHO) Healthy Communities Demonstration Grant Announcement (Grant Control No. 2008-056).

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

[08-2965](#)

**Subject:** Communication from the City Attorney submitting the claim of Jean Faust for consideration.

**Recommendation of the Finance & Personnel Committee on**

**12-8-08:** The claim of Jean Faust, 3510 Durand Ave., requesting reimbursement of \$1,410.39 for expenses to replace items that were allegedly removed from her yard by Public Works crews pursuant to a U.N.I.T. order be denied.

**Fiscal Note:** N/A

[08-2976](#)

**Subject:** Communication from the City Attorney submitting the claim of Juan Baez and Maria Baez for consideration.

**Recommendation of the Finance & Personnel Committee on**

**12-8-08:** The claim of Juan & Maria Baez, 2017 DeKoven Ave., requesting reimbursement of \$2,000 for expenses allegedly arising out of a repair to the water service pipes connected to their home be denied.

**Fiscal Note:** N/A



08-2980

**Subject:** Tim Sullivan, Director of Venue Works and Rick Edgar, Director for the Racine Civic Centre, requesting to appear before the Finance & Personnel Committee wishing to discuss additional subsidy needed to cover the 2008 Civic Centre obligations. (Res.08-1153)

**Recommendation of the Finance & Personnel Committee on**

**12-08-08:** Permission be granted for the Finance Director identify and transfer remaining 2008 general fund dollars to fully fund any 2008 operating deficit, not to exceed \$165,000, incurred by the Racine Civic Centre.

**Fiscal Note:** The deficit is currently estimated at \$155,000. Funds will be transferred from the General Fund 101 to the Civic Centre Fund 108.

08-3012

**Subject:** (Direct Referral) Communications from the Fire Chief requesting the Mayor and City Clerk be authorized to sign the Fire Protection and Emergency Medical Services contracts with communities who contract with the City for those services.

(Also refer to Public Safety and Licensing Committee)

**Recommendation of the Finance & Personnel Committee on**

**12-08-08:** The Mayor and City Clerk be authorized and directed to renew an agreement with the Fire Protection and Emergency Medical Services contracts with the Villages of Wind Point, Elmwood Park, and North Bay.

**Fiscal Note:** The 3-year contract increases at 2% for each of the three years.

**Public Works and Services Committee Report, by Ald. Holding**08-2770

**Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting final payment on Contract 41-06 (K6-043), PS - Const. Mgmt. Southside Industrial Park Infrastructure, Earth Tech/AECOM, consultant. (Res.08-1161)

**Recommendation of the Public Works and Services Committee on**

**10-14-08:** That the professional services provided by Earth Tech/AECOM under Contract 41-06 (K6-043), PS - Const. Mgmt. Southside Industrial Park Infrastructure, be accepted and final payment authorized for a total contract amount of \$194,218.56.

**Fiscal Note:** Contract was authorized under Resolution 7182 of August 15, 2006.

**Recommendation of the Public Works and Services Committee on  
10-28-08, 11-11-08 and 11-25-08: Defer**

**Recommendation of the Public Works and Services Committee on  
12-9-08:** The professional services provided by Earth Tech/AECOM under Contract 41-06 (K6-043), Professional Services - Construction Management Southside Industrial Park Infrastructure, be accepted and final payment authorized for a total contract amount of \$201,828.59.

**Fiscal Note:** Contract was authorized under Resolution No. 7182, dated August 15, 2006.

**08-2828**

**Subject:** Resolution 08-1051, relating to a request for final payment on Contract 41-06 (K6-043), Southside Industrial Park Infrastructure, Earth Tech/AECOM, consultant.

**Recommendation of the Public Works and Services Committee on  
10-28-08, 11-11-08 and 11-25-08: Defer**

**Recommendation of the Public Works and Services Committee on  
12-9-08:** The communication be received and filed.

**Fiscal Note:** N/A

**08-2910**

**Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 2 on Contract 44-08 (K8-052), 2008 Sanitary Sewer Relays, A.W. Oakes & Son, contractor. (Res.08-1170)

**Recommendation of the Public Works and Services Committee on  
11-25-08: Defer**

**Recommendation of the Public Works and Services Committee on  
12-9-08:** That Change Order No.2 on Contract 44-08 (K8-052), 2008 Sanitary Sewer Relays, A. W. Oakes & Son, contractor, be approved, in the credit amount of \$5,400.00.

Further recommend that the completion date be extended to December 3, 2008.

**Fiscal Note:** The contract amount was decreased due to the withholding of liquidated damages for completing the project after the original completion date of November 5, 2008.

**08-2930**

**Subject:** Communication from the Alderman of the 2nd District wishing to discuss sewer and water access at 211 Fifteenth Street.

**Recommendation of the Public Works and Services Committee on 11-25-08:** That the communication be referred to the Community Development Block Grant Committee for provision of funding for the cost of the sanitary sewer which is estimated at \$24,000.00.

**Fiscal Note:** Not applicable.

Referred back to Public Works and Services Committee at 12-2-08 Common Council meeting.

**Recommendation of the Public Works and Services Committee on 12-9-08:** That the special assessment for the construction of the mainline sanitary sewer at 211 Fifteenth Street be amended in accordance with State Statute 66.0903(3) and in accordance with previous City assessments including the 1981 assessment on Homestead Avenue. This action will reduce the property owner's share of the sanitary mainline assessment from \$26,235.00 to \$4,372.50. The City's share of the cost will be \$21,862.50, for which sufficient funds are available in Account 906.000.5310, Sanitary Sewer.

Further recommend that the communication be received and filed.

**Fiscal Note:** The assessment for paving and for the sanitary sewer laterals will remain as originally approved. The only change is the reduction for the property owner of the assessment for the sanitary sewer mainline as indicated above.

[08-2957](#)

**Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting the 2009 lease agreements for office space. (Res.08-1134)

**Recommendation of the Public Works and Services Committee on 11-25-08:** The Mayor and City Clerk be authorized and directed to enter into lease agreements for 2009 for rental of office space in the City Hall, City Hall Annex and Safety Building at the rental rates as submitted.

**Fiscal Note:** Rental rates will increase in 2009 due to the 2008 Consumer Price Index increasing by 4.4%. These leases will generate a total annual revenue of approximately \$85,548.15.

[08-2967](#)

**Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 30-08 (K8-034), Central Heating Plant Structural Repairs (R1), Bane-Nelson, Inc., contractor. (Res.08-1160)

**Recommendation of the Public Works and Services Committee on**

**12-9-08:** The work done by Bane-Nelson, Inc. under Contract 30-08 (K8-034), Central Heating Plant Structural Repairs, be accepted and final payment authorized for a total contract amount of \$180,261.50.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0842, dated June 3, 2008.

[08-2970](#)

**Subject:** Communication from the Alderman of the 11th District and County Supervisor Russell Clark regarding snow removal and weed control at foreclosed properties.

**Recommendation of the Public Works and Services Committee on**

**12-9-08:** The communication be received and filed.

**Fiscal Note:** N/A

[08-2981](#)

**Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 30-06 (K6-031), PS - Sixth Street Sanitary Sewer Lining, Earth Tech/AECOM, Inc., consultant. (Res.08-1158)

**Recommendation of the Public Works and Services Committee on**

**12-9-08:** The professional services provided by Earth Tech/AECOM under Contract 30-06 (K6-031), Professional Services - Sixth Street Sanitary Sewer Lining, be accepted and final payment authorized for a total contract amount of \$167,487.53.

**Fiscal Note:** Contract was authorized under Resolution No. 6961, dated April 5, 2006.

[08-2984](#)

**Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting the 2009 assessment rates for the 2010 construction of Portland cement concrete paving and curb and gutter replacement. (Res.08-1167)

**Recommendation of the Public Works and Services Committee on**

**12-9-08:** The proposed special assessment rates for public hearings in 2009 (2010 construction) for portland cement concrete paving and curb and gutter be as follows:

Portland Cement Concrete Paving

Residential Paving (7 inch) - 26' Flange to Flange	\$52.00/Front Foot
Residential Paving (7 inch) - 32' Flange to Flange	\$57.00/Front Foot
Commercial Paving (8 inch) - 32' Flange to Flange	\$65.00/Front
Foot	
Industrial Paving (9 inch) - 32' Flange to Flange	\$77.00/Front

Foot	
Industrial Paving (9 inch) - 44' Flange to Flange	\$97.00/Front
Foot	
Industrial Paving (9 inch doweled) - 44' Flange to Flange	\$105.00/Front
Foot	
Industrial Paving (10 inch doweled) - 44' Flange to Flange	\$115.00/Front Foot

Portland Cement Concrete Curb and Gutter (30 inch)

7" Pavement	\$18.00/Front Foot
8" Pavement	\$19.00/Front Foot
9" Pavement	\$20.00/Front Foot
10" Pavement	\$21.00/Front Foot

Sewer and Water Services

Sewer (6") and Water (2")	\$10,500.00/Each
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Alley Paving

15' ROW 7" Pavement	\$31.00/Front Foot
25' ROW 7" Pavement	\$52.00/Front Foot

Further recommend that these special assessment rates become effective upon passage of the Common Council for all preliminary resolutions.

These rates apply to all streets, regardless of width, unless the actual construction cost is less, then the front foot cost shall be reduced accordingly.

**Fiscal Note:** These rates are established so that the abutting property owner pays 100% of the cost of such street improvements.

08-2985

**Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting a Signal and Street Lights Maintenance Agreement between the City and the Village of Mt. Pleasant for the intersection of Oakes Road and 16th Street. (Res.08-1168)

**Recommendation of the Public Works and Services Committee on 12-9-08:** That the Mayor and City Clerk be authorized and directed to enter into a Traffic Signal and Street Light Maintenance Agreement with the Village of Mt. Pleasant for maintenance of the traffic signals and street lights at Oakes Road and Sixteenth Street. The Village of Mt. Pleasant will take general responsibility for all maintenance and will pay

75% of the cost of all maintenance and operational expenses. The City of Racine will pay 25% of all operational and maintenance expenses based upon the percentage of the intersection which is within each jurisdiction.

Further recommend that funding to defray the cost necessary to implement this agreement are available in Account 101.600.5550, Repairs and Maintenance.

**Fiscal Note:** The Village of Mt. Pleasant will share costs for this intersection based upon the fact that 1/4 of the intersection is within the City of Racine and 3/4 of the intersection is within the Village of Mt. Pleasant.

08-2986

**Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting the 2008 Pavement Management System Summary Report.

**Recommendation of the Public Works and Services Committee on 12-9-08:** That the 2008 Pavement Management System Summary Report be accepted.

Further recommend that the communication be received and filed.

**Fiscal Note:** N/A

08-2987

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 1 to Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., consultant. (Res.08-1166)

**Recommendation of the Public Works and Services Committee on 12-9-08:** That Amendment No. 1 on Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., consultant, as submitted, be approved in the not-to-exceed amount of \$3,500.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 988.220.5030, Central Heating Plant - Structural Repairs.

**Fiscal Note:** Funds are available as herein delineated.

08-2988

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting permission to apply for a Focus on Energy Grant for the installation of LED light

fixtures at the Equipment Maintenance Garage, Phase I. (Res.08-1162)

**Recommendation of the Public Works and Services Committee on 12-9-08:** That the Commissioner of Public Works/City Engineer be authorized and directed to enter into a grant agreement, on behalf of the City of Racine, with Focus on Energy which will provide an estimated \$1,365.00 in funding for Phase I of the Equipment Maintenance Garage LED Light Fixture project. The total estimated cost of this project is \$11,260.00.

Further recommends that funds for this project are available in Account 401.000.5670, Building Repairs and Maintenance.

**Fiscal Note:** The grant and resulting reduction in annual energy costs will result in less than a 6 year payback.

08-2989

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting permission to apply for a Focus on Energy Grant for the installation of LED light fixtures at the Safety Building Garage. (Res.08-1164)

**Recommendation of the Public Works and Services Committee on 12-9-08:** That the Commissioner of Public Works/City Engineer be authorized and directed to enter into a grant agreement, on behalf of the City of Racine, with Focus on Energy which will provide an estimated \$2,616.00 in funding for the Safety Building Garage LED Light Fixture project. The total estimated cost of this project is \$16,750.00.

Further recommends that funds for this project are available in the 2009 Capital Improvement budget.

**Fiscal Note:** The grant and resulting reduction in annual energy costs will result in less than a 4 year payback.

08-2990

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting permission to apply for a Focus on Energy Grant for the installation of LED light fixtures at the Solid Waste Garage, Phase II. (Res.08-1165)

**Recommendation of the Public Works and Services Committee on 12-9-08:** That the Commissioner of Public Works/City Engineer be authorized and directed to enter into a grant agreement, on behalf of the City of Racine, with Focus on Energy which will provide an estimated \$1,090.00 in funding for Phase II of the Solid Waste Garage LED Light Fixture project. The total estimated cost of this project is \$6,700.00.

Further recommends that funds for this project are available in Account 401.000.5670, Building Repairs and Maintenance.

**Fiscal Note:** The grant and resulting reduction in annual energy costs will result in less than a 4 year payback.

08-2993

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting permission to apply for a WE Energies Grant for the installation of LED light fixtures at the Solid Waste Garage, Phase II.

**Recommendation of the Public Works and Services Committee on 12-9-08:** The communication be received and filed.

**Fiscal Note:** N/A

08-2994

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting permission to apply for a WE Energies Grant for the installation of LED light fixtures at the Equipment Maintenance Garage, Phase I.

**Recommendation of the Public Works and Services Committee on 12-9-08:** The communication be received and filed.

**Fiscal Note:** N/A

08-2995

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting permission to apply for a WE Energies Grant for the installation of LED light fixtures at the Safety Building Garage.

**Recommendation of the Public Works and Services Committee on 12-9-08:** The communication be received and filed.

**Fiscal Note:** N/A

08-2998

**Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 19-07 (K7-022), 2007 CCTV Services & Manhole Inspections, National Power Rodding, Inc., contractor. (Res.08-1159)

**Recommendation of the Public Works and Services Committee on 12-9-08:** The work done by National Power Rodding, Inc., under Contract 19-07 (K7-022), 2007 CCTV Services and Manhole Inspections, be accepted and final payment authorized for a total contract amount of \$364,204.95, from funds heretofore appropriated.



**Fiscal Note:** This contract was approved by Resolution No. 07-0144, dated April 4, 2007.

08-2999

**Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting a proposal from AECOM for Professional Services 2009 Pavement Inspections. (Res.08-1169)

**Recommendation of the Public Works and Services Committee on 12-9-08:** The Mayor and City Clerk be authorized and directed to enter into an agreement with AECOM Technical Services for the 2009 Pavement Inspection and Planning, at a price not-to-exceed \$78,000.00.

Further recommends that funds to defray the cost of these professional services are available in Account 101.130.5610, 2009 Professional Services.

**Fiscal Note:** Funds are available as herein delineated.

08-3000

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting permission to apply for a Focus on Energy Grant for the installation of LED light fixtures at the Equipment Maintenance Garage, Phase II. (Res.08-1163)

**Recommendation of the Public Works and Services Committee on 12-9-08:** That the Commissioner of Public Works/City Engineer be authorized and directed to enter into a grant agreement, on behalf of the City of Racine, with Focus on Energy which will provide an estimated \$5,123.00 in funding for Phase II of the Equipment Maintenance Garage LED Light Fixture project. The total estimated cost of this project is \$42,000.00.

Further recommends that funds for this project are available in the 2009 Capital Improvement budget.

**Fiscal Note:** The grant and resulting reduction in annual energy costs will result in less than a 6 year payback.

08-3001

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting permission to apply for a WE Energies Grant for the installation of LED light fixtures at the Equipment Maintenance Garage, Phase II.

**Recommendation of the Public Works and Services Committee on 12-9-08:** The communication be received and filed.

**Fiscal Note:** N/A

**Public Safety and Licensing Committee Report, by Ald. Shakoor**

[08-2824](#)

**Subject:** (NEW) Application of Rapids Drive Convenience, LLC, Stephen J. Grebe, Agent, for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3502 Rapids Drive. (6th District)

**Recommendation of Public Safety & Licensing Committee on**

**11-10-08:** That the application of Rapids Drive Convenience, LLC, Stephen J. Grebe, Agent, for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3502 Rapids Drive be approved pending the records check.

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

**11-24-08:** That the item be deferred for the next committee meeting. The committee requested the applicant and Alderman of the 6th District to appear at the next meeting for additional information.

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

**12-08-08:** That the item be recommended for approval with the following voluntary stipulations to be added in by Attorney Weber:

1. Division of hard liquor sales area.
2. Automatic checking system for underage purchases.
3. No single/individual container sales. (to include 40 ounce containers)

Motion passed by the following votes.

Ayes: McCarthy, Kaplan, Mozol

Noes: Wisneski

Non-voting: Shakoor

**Fiscal Note:** N/A

[08-2908](#)

**Subject:** Re-visit one year Keg Ordinance

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

**11-24-08:** That the clerks office contact the Focus on Community Group to appear at the next committee meeting.

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

**12-08-08:** That the ordinance be extended for six months and revisited at that time.

Ayes: Kaplan, Mozol, and Wisneski

Noes: McCarthy

Non-voting: Shakoor

**Fiscal Note:** N/A

08-2938

**Subject:** A communication from the Fire Chief requesting the Mayor be authorized to sign an agreement with the State of Wisconsin Department of Revenue for EMS and Vehicle Accident billings. (Res.08-1145)

**Recommendation of the Finance & Personnel Committee on**

**12-08-08:** The Mayor and City Clerk be authorized and directed to enter into an agreement with the State of Wisconsin Department of Revenue to implement the TRIP Program that will assist in collection of unpaid fees from tax refunds.

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

**12-08-08:** The Mayor and City Clerk be authorized and directed to enter into an agreement with the State of Wisconsin Department of Revenue to implement the TRIP Program that will assist in collection of unpaid fees from tax refunds.

**Fiscal Note:** Taxpayer will be charged \$5.00 for each amount that is intercepted from their refund at the time of interception.

08-2966

**Subject:** Communication from the Police Chief requesting to apply for the 2009 U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, Project Safe Neighborhoods Task Force grant. (Res.08-1144)

**Recommendation of the Finance & Personnel Committee on**

**12-08-08:** Permission be granted for the Chief of Police to apply for the 2009 U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, Project Safe Neighborhoods Task Force grant in the amount of \$20,000 (Grant Control No. 2008-057).

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

**12-08-08:** Permission be granted for the Chief of Police to apply for the 2009 U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, Project Safe Neighborhoods Task Force grant in the amount of \$20,000 (Grant Control No. 2008-057).

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

08-2971

**Subject:** (Direct Referral) Application of CEC Entertainment, Inc., Paula Zastrow, Agent, for a Change of Agent for a Class "B" and "Class C"

Wine license for 5612 Durand Avenue. (14th District)

**Recommendation of Public Safety and Licensing Committee on December 8, 2008:** That the Application of CEC Entertainment, Inc., Paula Zastrow, Agent, for a Change of Agent for a Class "B" and "Class C" Wine license for 5612 Durand Avenue be approved pending records check.

**Fiscal Note:** N/A

[08-2977](#)

**Subject:** Communication from the Purchasing Agent submitting results of Official Notice #12, Emergency Medical Supplies for the Racine Fire Department. (Res.08-1146)

**Recommendation of Public Safety and Liscensing Committee on 12-08-08:** To accept the recommdations of the Purchasing Agent to award the bid to the 4 lowest bidders per line item as indicated by the shaded areas provided in the Purchasing Agents report.

**Fiscal Note:** Funds are available in account 101.300.5690, Emergency Medical Supplies.

[08-2969](#)

**Subject:** To amend Sec.66-1001, and to repeal and recreate Sec. 66-1002 and create Sec. 66-1004 of the Municipal Code of the City of Racine, Wisconsin relating to Nuisance properties.

**Recommendation of Public Safety and Licensing Committee on 11-24-08:** That ordinance 19-08 be adopted.

**Fiscal Note:** N/A

#### **City Plan Commission Report, by Ald. Holding**

[08-2742](#)

**Subject:** (Direct Referral) Compliance review for conditional use permit for National Auto at 2933 Rapids Drive.

**Recommendation of the City Plan Commission on 11-26-08:** That a non-compliance letter and revocation order be sent to the property owner.

[08-2943](#)

**Subject:** (Direct Referral) Request by Josette Cohen of Abundent Life Academy of Excellence seeking a Conditional Use Permit at 3440 Douglas Avenue for a daycare facility, and a before and after school program. (Res.08-1142)

**Recommendation of the City Plan Commission on 11-26-08:** That this item be approved subject to staff recommendations.

08-2944

**Subject:** (Direct Referral) Request by Derrick Martin of Hello Auto Sales, LLC seeking a Conditional Use Permit at 1149 Washington Avenue for auto sales. (Res.08-1143)

**Recommendation of the City Plan Commission on 11-26-08:** That this item be approved subject to the amended staff recommendations.

08-2973

**Subject:** Request by Neighborhood Housing Services that the City adopt the Towerview Neighborhood Plan. (ZOrd.015-08)

**Recommendation of the City Plan Commission on 12-10-08:** That an ordinance to adopt the Live Towerview plan be prepared and a public hearing be scheduled.

**Fiscal Note:** N/A

08-3004

**Subject:** (Direct Referral) Application by Michael Bannon, representing Sidel Company, seeking consideration of a request to rezone a property at 6200 Regency West Drive from B-3 General Commercial District to I-1 Restricted Industrial District. (ZOrd.014-08)

**Recommendation of the City Plan Commission on 12-10-08:** That an ordinance be prepared and a public hearing scheduled.

**Fiscal Note:** N/A

08-3005

**Subject:** (Direct Referral) Application from Karen Sorenson of ERA Newport Realty, representing Bruce H. Joffe seeking consideration of a request for a conditional use permit at 1456 Junction Avenue to accommodate a meeting hall. (Res.08-1157)

**Recommendation of the City Plan Commission on 12-10-08:** That this be approved subject to Staff Recommendations with the following change that the hours be Monday-Sunday 10:00 a.m. - 10:00 p.m.

**Fiscal Note:** N/A

**Community Development Committee Report, by Ald. Spangenberg**08-2772

**Subject:** (Direct Referral) Allocation of 2008 and 2009 Emergency Shelter Grant (ESG) funds. (Res.08-1154)

**Recommendation of the Community Development Committee on 12-10-08:** That 2008-09 Emergency Shelter Grant (ESG) funds be allocated as shown in the attached table.

**Fiscal Note:** Grant funds have been awarded in a sum sufficient for this allocation.

[08-3002](#)

**Subject:** (Direct Referral) Request of Racine Interfaith Coalition for Local Option funding. (Res.08-1155)

**Recommendation of the Community Development Committee on 12-10-08:** That \$12,600 be awarded from the Local Option Fund to Racine Interfaith Coalition for the Violence No More program.

**Fiscal Note:** There is sufficient funding in the Local Option Fund for this request.

[08-3003](#)

**Subject:** (Direct Referral) Request of Housing Resources, Inc. for Local Option funding. (Res.08-1156)

**Recommendation of the Community Development Committee on 12-10-08:** That \$50,000 be awarded from the Local Option Fund to Housing Resources, Inc. for homebuyer and foreclosure prevention counseling.

**Fiscal Note:** There is sufficient funding in the Local Option Fund for this request.

**Economic Development Committee Report, by Ald. Maack**

[08-2924](#)

**Subject:** Communication from Racine County Economic Development Corporation submitting a contract for 2009 economic development services. (Res.08-1139)

**Recommendation of the Economic Development Committee on 11-24-08:** That the agreement with RCEDC for economic development services be approved.

**Fiscal Note:** Contract amount: \$67,000. Funding has been provided in the 2009 budget, account no. 101.150.5630.

[08-2925](#)

**Subject:** Communication from Racine County Economic Development Corporation submitting a contract for 2009 brownfields redevelopment services. (Res.08-1138)

**Recommendation of the Economic Development Committee on 11-24-08:** That the agreement with RCEDC for brownfields redevelopment services be approved.

**Fiscal Note:** Contract Amount: \$55,000. Funding has been provided in the 2009 capital projects budget, account no. 919.000.5610

08-2926

**Subject:** Communication from Racine County Economic Development Corporation requesting certification of its annual report on the Industrial/Commercial Revolving Loan Fund Grant. (Res.08-1141)

**Recommendation of the Economic Development Committee on 11-24-08:** That the I/CB RLF Plan Certification be approved.

**Fiscal Note:** N/A

08-2927

**Subject:** Communication from Racine County Economic Development Corporation requesting adoption of the Economic Development Plan version 4.0. (Res.08-1140)

**Recommendation of the Economic Development Committee on 11-24-08:** That the Economic Development Plan Version 4.0 be adopted.

**Fiscal Note:** N/A

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

08-3031

**Subject:** Communication from Mayor Becker nominating appointments/reappointments to the following committees, commissions and boards for the City of Racine:

Business Improvement District #2 - West Racine:

Appoint Ald. Terrence McCarthy for a one year term ending December 1, 2009.

Business Improvement District #3 - Uptown:

Reappoint Lou Larsen, 1426 Washington Ave., for a three year term ending December 1, 2011.

Reappoint Peter Walquist, 1413 13th St., for a three year term ending December 1, 2011.

Reappoint Ald. Michael Shields for a one year term ending December 1, 2009.

Sister City Planning Council:

Reappoint Martine Albritton, 1413 Hillcrest Circle, for a three year term ending December 1, 2011.

Reappoint Richard H. Ehlert, 5749 Little Timber Drive, for a three year term ending December 1, 2011.

Reappoint Dwayne Olsen, 5118 Kinzie Ave., for a three year term ending

December 1, 2011.  
Reappoint Tom Kennedy, 3114 Michigan Blvd., for a three year term ending December 1, 2011.

**08-3033**

**Subject:** Communication from Mayor Becker nominating appointments/reappoints to the following committees, commissions and boards for the City of Racine:

Business Improvement District No. 4 - Douglas Avenue:

Appoint Russ Kortendick, 3806 Douglas Ave., to a one year term ending December 31, 2009.

Appoint DeWayne Perry, 1300 Douglas Ave, to a one year term ending December 31, 2009.

Appoint Alderman David Maack, to a one year term ending December 31, 2009.

Appoint Geoff Bergauer, 3737 Douglas Ave., to a two year term ending December 31, 2010.

Appoint Tony Ricchio, 1623 Douglas Ave., to a two year term ending December 31, 2010.

Appoint Eric Olesen, 1841 Douglas Ave., to a three year term ending December 31, 2011.

Appoint David Namowicz, 1921 Charles St., to a three year term ending December 31, 2011.

Business Improvement District No. 1 - Downtown:

Reappoint Ald. Jeff Coe, to a one year term, ending December 1, 2009.

**City Landmark's Preservation Commission Report, by Ald. Anderson****08-2978**

**Subject:** (Direct Referral) Consideration of ordinance amendments and administrative guidelines for the implementation of Racine H-Historic Properties District Design Guidelines.

**Recommendation of the Landmarks Preservation Commission on 12-1-08:** That amendments to the proposed ordinance and resolution language be inserted to address new construction on vacant and cleared lots and parcels, and as directed, certain language regarding fencing and lighting fixtures be removed from the proposed resolution at sections (b)(3)c. and (b)(8)b.

Further, that the proposed ordinance amendments and administrative guidelines be referred to the City Plan Commission.

Further, that an ordinance be prepared, a public hearing scheduled and a resolution drafted.



**Fiscal Note:** N/A

## H. Consent Agenda-Resolutions

**Res.08-1138** Agreement for 2009 Brownfield Redevelopment Services with Racine County Economic Development Corporation

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with RCEDC for brownfield redevelopment services for the time period January 1, 2009 to December 31, 2009.

Fiscal Note: Contract Amount: \$55,000. Funding has been provided in the 2009 capital projects budget, Account No. 919.000.5610.

Sponsors: Thomas Friedel

**Res.08-1139** 2009 Economic Development Services Agreement with Racine County Economic Development Corporation

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with RCEDC for economic development services for the time period of February 1, 2009 to January 31, 2010.

Fiscal Note: Contract amount: \$67,000. Funding has been provided in the 2009 budget, Account No. 101.150.5630.

Sponsors: Thomas Friedel

**Res.08-1140** Adoption of Economic Development Plan Version 4.0

Resolved, that the Economic Development Plan version 4.0 be adopted.

Fiscal Note: N/A

Sponsors: Thomas Friedel

**Res.08-1141** 2008 City of Racine Industrial/Commercial Building Revolving Loan Fund (I/CB-RLF) Plan Certification

Resolved, by the Common Council of the City of Racine, that the 2008 City of Racine Industrial/Commercial Building Revolving Loan Fund (I/CB-RLF) Plan Certification be approved.

Further resolved, that the Racine County Economic Development Corporation, as administrator of the I/CB-RLF, be authorized and directed to transit the certifications to the Economic Development Administration of the U.S. Department of Commerce.

Fiscal Note: N/A

Sponsors: Thomas Friedel

Res.08-1142

## Conditional Use Permit for 3440 Douglas Avenue

Resolved, that a Conditional Use Permit to operate a daycare center, and before and after school center at 3440 Douglas Avenue be approved, subject to the following conditions:

- a. That the plans presented to the Access Corridor Development Review Committee (ACDRC) on November 20, 2008, and the Plan Commission on November 26, 2008 be approved subject to the conditions contained herein.
- b. Prior to issuance of building permits for the daycare center, the building owner shall:
  1. Submit for the review and approval by the ACDRC a unified sign plan for entire property.
  2. Submit for the review and approval of the Director of City Development a bond or letter of credit in an amount equal to the value of all approved but uncompleted exterior building improvement, curb closings, landscaping, and signage and project clean-up.
  3. Complete all approved exterior building façade improvements.
  4. Resolve all outstanding fines and fees with the Chief Building Inspector.
  5. Submit to the Director of City Development the signed contract from the firm in charge of grounds keeping and building maintenance.
  6. Submit for the review and approval of the Director of City Development a time table for resolving the above five points.
- c. That building and occupancy permits and all other applicable permits for the daycare center be requested from the Building Department.
- d. That the maximum hours that the day care facility be open to the general public be from to 6:00 a.m. to 12:00 midnight Monday through Friday, 6:00 a.m. to 6:00 p.m. on Saturdays, and no hours on Sunday.
- e. That all children shall be unloaded from vehicles, and loaded into vehicles, in the parking lot.
- f. That if an outside play area is to be utilized, then a site plan is to be submitted to the Director of City Development for review and approval.
- g. That all trash and recyclables be stored in stored closed containers and screened from view.
- h. That all buildings and grounds be maintain in a professional manner and on a daily basis.
- i. That all codes and ordinances be complied with and required permits acquired, including a State of Wisconsin daycare license.
- 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 Conditional Use Permit is subject to review by the Plan Commission for compliance with the listed condition.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.08-1143** Conditional Use Permit for 1149 Washington Avenue

Resolved, that Hello Auto Sales, Inc., seeking a Conditional Use Permit for automobile sales at 1149 Washington Avenue be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on November 26, 2008 be approved subject to the conditions contained herein. The plans were also presented to the Access Corridor Development Review Committee (ACDRC) on November 20, 2008.
- b. That up to seven (7) vehicles may be displayed for sale at this location, unless otherwise approved by the Chief Building Inspector to allow nine (9) vehicle spaces including utilization of two spaces that are not of legal size. Only passenger vehicles may be sold on the site. Commercial vehicles, off-road vehicles, or busses may not be sold from or stored at this location.
- c. That a revised site plan, drawn to scale, be submitted indicating all parking areas (striped), ingress and egress areas, location of bumper stops, plan to reduce the driveway width as noted in item f. and other site conditions be submitted to the Department of City Development for review and approval prior to building occupancy.
- d. That the hours of operation be limited to between 8:00 a.m. and 6:00 p.m., Monday through Saturday, with no hours on Sunday.
- e. That there be no pennants, banners, streamers, advertising flags, antenna sleeves, string lights, spot lights or other forms of attraction devices utilized.
- f. That wheel stops or curbing be installed along the sidewalk on Washington Avenue in areas not crossed by a driveway, and that there be a 50' reduction in the driveway width along Washington Avenue. This reduction is to be approved by the Commissioner of Public Works.
- g. That no inoperable vehicles be allowed on the lot.
- h. That no vehicles for sale be allowed to be parked on either street adjacent to the property.
- i. That only auto detailing of cars to be sold on-site be allowed within the existing garage.

- j. That no obstructions taller than 30 inches be allowed within the visibility triangle of Washington Avenue and 12th Street.
- k. Any proposed signage requires review and approval of the City Development Department as well as the ACDRC prior to installation.
- l. That all codes and ordinances be complied with and required permits acquired.
- m. 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.
- n. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.08-1144** Permission for Police chief to apply for 2009 U.S. Department of Justice Project Safe Neighborhoods Task Force Grant

Resolved, that permission be granted for the Chief of Police to apply for the 2009 U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, Project Safe Neighborhoods Task Force grant in the amount of \$20,000 (Grant Control No. 2008-057).

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

Sponsors: Q.A. Shakoor, II

**Res.08-1145** Enter into agreement with State of Wisconsin Department of Revenue for TRIP Program

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with the State of Wisconsin Department of Revenue to implement the TRIP Program that will assist in collection of unpaid fees from tax refunds.

Fiscal Note: Taxpayer will be charged \$5.00 for each amount that is intercepted from their refund at the time of interception.

Sponsors: Q.A. Shakoor, II

**Res.08-1146** Official Notice #12, Emergency Medical Supplies for Racine Fire Department be awarded

Resolved, that the recommendation for award, Official Notice #12, Emergency Medical Supplies for the Racine Fire Department be awarded as shaded by the Purchasing Agent on the bid tabulation submitted November 25, 2008.

Fiscal Note: Funds are available in Account 101.300.5690, Emergency Medical Supplies. Funding is in the amount of \$96,200.

Sponsors: Q.A. Shakoor, II

**Res.08-1147** Permission for Grant Facilitator to apply for NACCHO Healthy Communities Demonstration Grant

Resolved, that permission be granted for the Grant Facilitator to apply for the \$15,000 grant with the National Association of County and City Health Officials (NACCHO) Healthy Communities Demonstration Grant Announcement (Grant Control No. 2008-056) to support local health department plans.

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

Sponsors: Thomas Friedel

**Res.08-1148** Permission for Public Health Administrator to apply for Department of Health Services for Consolidated Grant

Resolved, that permission be granted for the Public Health Administrator to apply for the \$240,663 grant with the Department of Health Services for the Consolidated Contract (Grant Control No. 2008-049) for Maternal Child Healthcare. The contract period is from January 1, 2009 through December 31, 2009.

Fiscal Note: The contract covers \$39,131 for Immunization; \$35,118 for Childhood Lead; 74,915 for Maternal Child Healthcare; \$14,030 for Prevention and \$77,469 for Wisconsin Well Woman Programs. There is a soft match of \$60,505 required on the part of the city for Maternal Child Healthcare.

Sponsors: Thomas Friedel

**Res.08-1149** Permission for Public Health Administrator to apply for Department of Health Services Tobacco Prevention and Control Program Grant

Resolved, that permission be granted for the Public Health Administrator to apply for the \$98,371 grant with the Department of Health Services for the Tobacco Prevention and Control Program (Grant Control No. 2008-052). The contract period is from January 1, 2009 through December 31, 2009.

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

Sponsors: Thomas Friedel

**Res.08-1150** Permission for Public Health Administrator to apply for Department of Health Services Center of Disease Control (CDC) Preparedness Grant

Resolved, that permission be granted for the Public Health Administrator to apply for the \$61,160 grant with the Department of Health Services for Center of Disease Control (CDC) Preparedness (Grant Control No.

2008-050). The contract period is from January 1, 2009 through December 31, 2009.

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

Sponsors: Thomas Friedel

**Res.08-1151** Permission for Public Health Administrator to apply for Department of Health Services Cities Readiness Initiative (CRI) Preparedness Grant

Resolved, that permission be granted for the Public Health Administrator to apply for the \$35,590 grant with the Department of Health Services for the Cities Readiness Initiative (CRI) Preparedness (Grant Control No. 2008-051). The contract period is from September 1, 2008 through July 31, 2009.

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

Sponsors: Thomas Friedel

**Res.08-1152** Permission to enter into a 2 year contract with Countryside Humane Society for animal control services

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 2-year contract with the Countryside Humane Society for animal control services.

Further resolved, that the cost to the City of Racine for January 1, 2009 through December 31, 2009 is \$175,282, and January 1, 2010 through December 31, 2010 is \$180,540.46.

Fiscal Note: Total cost for 2009 will be \$175,282 and 2010 cost will be \$180,540.46.

Sponsors: Thomas Friedel

**Res.08-1157** Conditional Use Permit for 1456 Junction Avenue

Resolved, that a Conditional Use Permit for a meeting hall at 1456 Junction Avenue be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on December 10, 2008 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 plans, including signage, are subject to review and approval by the Access Corridor Design Review Committee, and all recommendations of the DARDC are to be complied with prior to issuance of an occupancy permit.
- d. That the weeds and vines growing on and near the building be cleared up, and the brick façade be cleaned and repaired prior to building occupancy.

- e. That no alcohol or liquor be served on the premises at any time.
- f. That the days and hours of the meeting hall shall be limited to Monday through Sunday 10:00 a.m. - 10:00 p.m.
- g. That all activities permitted by this conditional use permit amendment be confined to the indoor spaces as indicated on the floor plans submitted with the application.
- h. That all codes and ordinances be complied with and required permits acquired.
- i. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- j. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.08-1158** Professional services provided by Earth Tech/AECOM under Contract 30-06 (K6-031, Sixth Street Sanitary Sewer Lining be accepted and final payment authorized

Resolved, that the professional services provided by Earth Tech/AECOM under Contract 30-06 (K6-031), Professional Services - Sixth Street Sanitary Sewer Lining, be accepted and final payment authorized for a total contract amount of \$167,487.53.

Fiscal Note: Contract was authorized under Resolution No. 6961, dated April 5, 2006.

Sponsors: Gregory Holding

**Res.08-1159** Work accepted and final payment authorized for Contract 19-07 (K7-022), 2007 CCTV Services and Manhole Inspections

Resolved, that the work done by National Power Rodding, Inc., under Contract 19-07 (K7-022), 2007 CCTV Services and Manhole Inspections, be accepted and final payment authorized for a total contract amount of \$364,204.95, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution No. 07-0144, dated April 4, 2007.

Sponsors: Gregory Holding

**Res.08-1160** Work accepted and final payment authorized for Contract 30-08 (K8-034), Central Heating Plant Structural Repairs

Resolved, that the work done by Bane-Nelson, Inc. under Contract 30-08 (K8-034), Central Heating Plant Structural Repairs, be accepted and final payment authorized for a total contract amount of \$180,261.50.

Fiscal Note: Contract was authorized under Resolution No. 08-0842, dated June 3, 2008.

Sponsors: Gregory Holding

**Res.08-1161** Professional services provided by Earth Tech/AECOM under Contract 41-06 (K6-043), PS - Const. Mgmt. Southside Industrial Park Infrastructure be accepted

Resolved, that the professional services provided by Earth Tech/AECOM under Contract 41-06 (K6-043), PS - Const. Mgmt. Southside Industrial Park Infrastructure, be accepted and final payment authorized for a total contract amount of \$194,218.56.

Fiscal Note: Contract was authorized under Resolution 7182 of August 15, 2006.

Sponsors: Gregory Holding

**Res.08-1162** Permission for Commissioner of Public Works to enter into a Focus on Energy Grant Agreement for installation of LED light fixtures at Equipment Maintenance Garage, Phase I

Resolved, Commissioner of Public Works/City Engineer be authorized and directed to enter into a grant agreement, on behalf of the City of Racine, with Focus on Energy which will provide an estimated \$1,365.00 in funding for Phase I of the Equipment Maintenance Garage LED Light Fixture project. The total estimated cost of this project is \$11,260.00.

Further resolved, that funds for this project are available in Account 401.000.5670, Building Repairs and Maintenance.

Fiscal Note: The grant and resulting reduction in annual energy costs will result in less than a 6 year payback.

Sponsors: Gregory Holding

**Res.08-1163** Permission for Commissioner of Public Works to enter into a grant agreement with Focus on Energy for LED lighting Phase II of the Equipment Maintenance Garage

Resolved, that the Commissioner of Public Works/City Engineer be authorized and directed to enter into a grant agreement, on behalf of the City of Racine, with Focus on Energy which will provide an estimated \$5,123.00 in funding for Phase II of the Equipment Maintenance Garage LED Light Fixture project. The total estimated cost of this project is \$42,000.00.



Further resolved, that funds for this project are available in the 2009 Capital Improvement budget.

Fiscal Note: The grant and resulting reduction in annual energy costs will result in less than a 6 year payback.

Sponsors: Gregory Holding

**Res.08-1164** Permission for Commissioner of Public Works to enter into a grant agreement with Focus on Energy for Safety Building Garage LED Light Fixture project

Resolved, that the Commissioner of Public Works/City Engineer be authorized and directed to enter into a grant agreement, on behalf of the City of Racine, with Focus on Energy which will provide an estimated \$2,616.00 in funding for the Safety Building Garage LED Light Fixture project. The total estimated cost of this project is \$16,750.00.

Further resolved, that funds for this project are available in the 2009 Capital Improvement budget.

Fiscal Note: The grant and resulting reduction in annual energy costs will result in less than a 4 year payback.

Sponsors: Gregory Holding

**Res.08-1165** Permission for Commissioner of Public Works to enter into a grant agreement with Focus on Energy for Phase II of the Solid Waste Garage LED Light Fixture Project

Resolved, that the Commissioner of Public Works/City Engineer be authorized and directed to enter into a grant agreement, on behalf of the City of Racine, with Focus on Energy which will provide an estimated \$1,090.00 in funding for Phase II of the Solid Waste Garage LED Light Fixture project. The total estimated cost of this project is \$6,700.00.

Further resolved, that funds for this project are available in Account 401.000.5670, Building Repairs and Maintenance.

Fiscal Note: The grant and resulting reduction in annual energy costs will result in less than a 4 year payback.

Sponsors: Gregory Holding

**Res.08-1166** Amendment No. 1 on Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration be approved

Resolved, that Amendment No. 1 on Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., consultant, as submitted, be approved in the not-to-exceed amount of \$3,500.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 988.220.5030, Central Heating Plant - Structural Repairs.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.08-1167

2009 Assessment Rates for the 2010 construction of Portland cement concrete paving and curb and gutter replacement

Resolved, that the proposed special assessment rates for public hearings in 2009 (2010 construction) for portland cement concrete paving and curb and gutter be as follows:

Portland Cement Concrete Paving

Residential Paving (7 inch) - 26' Flange to Flange Foot	\$52.00/Front
Residential Paving (7 inch) - 32' Flange to Flange Foot	\$57.00/Front Foot
Commercial Paving (8 inch) - 32' Flange to Flange Foot	\$65.00/Front
Industrial Paving (9 inch) - 32' Flange to Flange Foot	\$77.00/Front
Industrial Paving (9 inch) - 44' Flange to Flange Foot	\$97.00/Front
Industrial Paving (9 inch doweled) - 44' Flange to Flange Foot	\$105.00/Front Foot
Industrial Paving (10 inch doweled) - 44' Flange to Flange Foot	\$115.00/Front

Portland Cement Concrete Curb and Gutter (30 inch)

7" Pavement	\$18.00/Front Foot
8" Pavement	\$19.00/Front Foot
9" Pavement	\$20.00/Front Foot
10" Pavement	\$21.00/Front Foot

Sewer and Water Services

Sewer (6") and Water (2") \$10,500.00/Each

Alley Paving

15' ROW 7" Pavement	\$31.00/Front Foot
25' ROW 7" Pavement	\$52.00/Front Foot

Further resolved, that these special assessment rates become effective upon passage of the Common Council for all preliminary resolutions.

These rates apply to all streets, regardless of width, unless the actual

construction cost is less, then the front foot cost shall be reduced accordingly.

**Fiscal Note:** These rates are established so that the abutting property owner pays 100% of the cost of such street improvements.

**Sponsors:** Gregory Holding

**Res.08-1168** Signal and Street Lights Maintenance Agreement between City and Village of Mt. Pleasant for Oakes Road and 16th Street intersection

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Traffic Signal and Street Light Maintenance Agreement with the Village of Mt. Pleasant for maintenance of the traffic signals and street lights at Oakes Road and Sixteenth Street. The Village of Mt. Pleasant will take general responsibility for all maintenance and will pay 75% of the cost of all maintenance and operational expenses. The City of Racine will pay 25% of all operational and maintenance expenses based upon the percentage of the intersection which is within each jurisdiction.

Further resolved, that funding to defray the cost necessary to implement this agreement are available in Account 101.600.5550, Repairs and Maintenance.

**Fiscal Note:** The Village of Mt. Pleasant will share costs for this intersection based upon the fact that 1/4 of the intersection is within the City of Racine and 3/4 of the intersection is within the Village of Mt. Pleasant.

**Sponsors:** Gregory Holding

**Res.08-1169** Agreement with AECOM Technical Services for 2009 Pavement Inspection and Planning

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with AECOM Technical Services for the 2009 Pavement Inspection and Planning, at a price not-to-exceed \$78,000.00.

Further resolved, that funds to defray the cost of these professional services are available in Account 101.130.5610, 2009 Professional Services.

**Fiscal Note:** Funds are available as herein delineated.

**Sponsors:** Gregory Holding

**Res.08-1170** Change Order No. 2 on Contract 44-08 (K8-052), 2008 Sanitary Sewer Relays

Resolved, that Change Order No.2 on Contract 44-08 (K8-052), 2008 Sanitary Sewer Relays, A. W. Oakes & Son, contractor, be approved, in the credit amount of \$5,400.00.

Further resolved, that the completion date be extended to December 3, 2008.

Fiscal Note: The contract amount was decreased due to the withholding of liquidated damages for completing the project after the original completion date of November 5, 2008.

Sponsors: Gregory Holding

## I Resolutions

Res.08-1153 Permission for Finance Director transfer funds for 2008 Civic Centre obligations

Resolved, that permission be granted for the Finance Director identify and transfer remaining 2008 general fund dollars to fully fund any 2008 operating deficit, not to exceed \$165,000, incurred by the Racine Civic Centre.

Fiscal Note: The deficient is currently estimated at \$155,000. Funds will be transferred from the General Fund 101 to the Civic Centre Fund 108.

Sponsors: Thomas Friedel

Res.08-1154 Allocation of 2008 and 2009 Emergency Shelter Grant (ESG) Funds

Resolved, that the 2008-2009 Emergency Shelter Grant (ESG) funds be allocated as shown in the table attached to Legistar Item 08-2772.

Fiscal Note: Grant funds have been awarded in a sum sufficient for this allocation.

Sponsors: David L. Maack

Res.08-1155 Local Option Funding for Racine Interfaith Coalition Violence No More Program

Resolved, that \$12,600 be awarded from the Local Option Fund to Racine Interfaith Coalition for the Violence No More Program.

Fiscal Note: There is sufficient funding in the Local Option Fund for this request.

Sponsors: David L. Maack

Res.08-1156 Local Option Funding for Housing Resources, Inc.

Resolved, that \$50,000 be awarded from the Local Option Fund to Housing Resources, Inc., for homebuyer and foreclosure prevention counseling.

Fiscal Note: There is sufficient funding in the Local Option Fund for this request.

Sponsors: David L. Maack

**J Ordinances**

ZOrd.014-08 An Ordinance rezoning 6200 Regency West Drive

To amend the map of the Zoning Ordinance of the City of Racine.

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

Part 1:

That the property located at 6200 Regency West Drive and more particularly described as follows:

“Southeast ¼ Section 23-3-22 as recorded in the Racine County Register of Deeds Office, Volume 2047 pages 506-507. Said land being in the City of Racine, Racine County, Wisconsin.”

Be rezoned from “B-3” General Commercial District, to “I-1” Restricted Industrial District with an "I-P" Industrial Park District overlay, and designated as Supplement No. \_\_\_\_\_, which Supplement is hereby made a part of this ordinance.

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

\_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

ZOrd.015-08 An Ordinance

To amend the City's comprehensive plan and adopt the Live Towerview Plan.

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

Part 1:

The report *Live Towerview Plan* (August, 2008), as recommended for

adoption by the City Plan Commission on December 10, 2008, is hereby adopted as part of the comprehensive plan of the City of Racine and is added to the list of comprehensive plan reports maintained by the Director of City Development.

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

\_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

**K Miscellaneous Business**

**L 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.