



# 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*

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Tuesday, February 2, 2010

7:00 PM

Room 205, City Hall

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### 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

#### Ord.27-09

Ord.27-09

To create Sec. 58-80 of the Municipal Code of the City of Racine, Wisconsin relating to Historic Preservation - Enforcement.

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

#### Part 1:

Section 58-80 of the Municipal Code of the City of Racine is hereby created to read as follows:

#### **“Section 58-80. Preservation of Historical Artifacts**

(a) The purpose of this ordinance is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation and use of artifacts that reflect special aspects of the City of Racine’s historical, architectural, cultural or aesthetic heritage for the following reasons:

1) To encourage public knowledge, understanding, appreciation and use of the City of Racine's past;

2) To foster civic pride in the beauty and character of the City and the accomplishments of its past;

3) To preserve the visual character of the City by preserving artifacts that reflect its history.

(b) Definitions.

1) "Artifacts" for the purposes of this ordinance are objects located or have been displayed within the City of Racine.

2) "Historical Artifact" means an Artifact that is:

- a. At least fifty (50) years old; or
- b. Associated with a property that meets the criteria for listing on the National Register of Historic Places, State Register of Historic Places or as a City of Racine Landmark; or,
- c. Designated a Local Historical Artifact as described below.

3) "Inventory of Historical Artifacts" is the official list of Historical Artifacts subject to the terms of this ordinance. An artifact shall not be included in the Inventory of Historical Artifacts if the owner opposes its listing.

4) "Local Historical Artifact" shall be an object that:

- a. Exemplifies or reflects the cultural, archaeological, political, economic, social or religious history; or,
- b. Is identified with personages, events or periods of history; or,
- c. Embodies distinguishing characteristics of architecture, an architect or architectural materials, craftsmanship or works of nature; or,
- d. In its inherent historical nature provides the citizenry with educational or aesthetic enrichment; or,
- e. Contributes to the character or understanding of an historic district, property, or structure.

5) "Object" (as applied in the context of this chapter) means a construction, such as a statue, monument or milepost that may be by nature of design moveable, yet related to a specific setting or environment.

(c) Procedures for Designation. Official listing on the Inventory of Historical Artifacts, or removal from listing, shall be made by resolution of the Landmarks Preservation Commission and shall be communicated to the Chief Building Inspector, the Director of the Department of City Development, the Commissioner of Public Works, Preservation Racine, Inc. and the Racine Heritage Museum.

(d) Owner Consent. A Historical Artifact shall not be listed in the Inventory of Historical Artifacts without the approval of its owner at the time of first listing. All Historical Artifacts owned or controlled by the City of Racine or the Redevelopment Agency of the City of Racine ("Public Historical Artifacts") shall be deemed approved unless not later than sixty (60) days from first listing, the City of Racine Common Council by majority vote requires the Landmarks Preservation Commission to remove a particular Public Historical Artifact from the Inventory of Historical Artifacts.

(e) Preservation. No person or entity including but not limited to any department or agency of the City of Racine or the Redevelopment Authority of the City of Racine shall permit the transfer, relocation, demolishing, or the alteration of a Historical Artifact listed on the Inventory of Historical Artifacts without first obtaining the concurrence of the Landmarks Preservation Commission. Such consent shall be deemed given unless the Landmarks Preservation Commission objects to such action within forty-five (45) days of receiving written request for approval. At the time consent is first requested, if any activity associated with the Historical Artifact has the potential to adversely impact such Historical Artifact the applicant shall present the Landmarks Preservation Commission an artifact protection plan that shall include barriers to prevent accidental damage to artifacts, protection against dirt and debris, and if necessary, temporary removal and storage of the Historical Artifact. The project shall not commence or continue until and unless the artifact protection plan is approved by the Landmarks Preservation Commission, and the person responsible for the activity shall assure that the artifacts protection plan, as approved, is properly executed.

(f) Documentation. If the Landmarks Preservation Commission finds that the preservation of a Historical Artifact is not practicable, then the Historical Artifact shall be documented by photographs, mapping, written description or such other means or matter deemed most appropriate by the Landmarks Preservation Commission.

(g) Violation - Enforcement - Remedy.

1) Upon conviction, any person found to be in violation of section (e) shall forfeit an amount as provided in section 1-15.

2) A civil action may be commenced by the City of Racine to abate, enjoin, or otherwise compel the cessation of violation of any provision of this ordinance and may seek damages taking into account damages suffered, both economic and non-economic by the City of Racine and its citizens and the cost of restoring or replacing the Historical Artifact or its equivalent, if possible. In a civil action brought pursuant to this ordinance in which the plaintiff prevails, the court may award to the plaintiff all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action and reasonable attorneys' fees.

(h) Cooperation with Other Public Entities. The Landmarks Preservation

Commission shall work with other public entities including but not limited to the Racine Unified School District, Gateway Technical College, County of Racine and State of Wisconsin to extend the protection of this ordinance to Historical Objects that they own.”

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: Robert Anderson

*Eric Marcus - 1518 College Avenue spoke in support of Ordinance 27-09.*

**E. Public Comments**

- |                          |                        |
|--------------------------|------------------------|
| <i>Karen Tancill</i>     | <i>Roy Carter</i>      |
| <i>Norma Carter</i>      | <i>Ken Hadley</i>      |
| <i>Alfonso Gardner</i>   | <i>Richard Harding</i> |
| <i>Jody Harding</i>      | <i>Felix Servantez</i> |
| <i>Dr. Edward Diehl</i>  | <i>Julie Gorelik</i>   |
| <i>Yolanda George</i>    | <i>Ken Brown</i>       |
| <i>Antonio Servantez</i> | <i>Paul Zens</i>       |
| <i>David Siegert</i>     | <i>Dan Cramer</i>      |

**F. Communications**

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

**10-4660** **Subject:** communication from the City Attorney submitting the claim of Jason Koker for consideration.

**Referred to Finance and Personnel Committee**

**10-4661** **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from Fiskars Garden and Outdoor Living - Project Orange Thumb (City Grant Control # 2010-001) for a community gardening project.

**Referred to Finance and Personnel Committee**[10-4674](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting to apply for a Focus on Energy Implementation Grant, Grant Control No. 2010-004, Project/Grant #24392/9588, to upgrade lighting to LED fixtures at the McMynn Parking Ramp, Phase II.

**Referred to Finance and Personnel Committee**[10-4678](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to discuss the use of Parkland Funds to create parking for the Dog Park at Johnson Park.

**Referred to Finance and Personnel Committee**[10-4680](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from Root Pike WIN in the amount of \$3,600 (grant control no. 2010-002) for Root River Buffer Maintenance.

**Referred to Finance and Personnel Committee**[10-4687](#)

**Subject:** Communication from the Interim Public Health Administrator requesting permission to accept \$43,400 from the Kenosha County Division of Health, Wisconsin Department of Health Services for the Wisconsin Tobacco Prevention and Control Program. (Grant Control #2010-003)

**Referred to Finance and Personnel Committee****Refer to Public Works and Services Committee, by Ald. Holding**[10-4666](#)

**Subject:** Communication from the Racine Yacht Club requesting permission to use city parking lots in conjunction with the U.S. National F-18 Catamaran Sailing Championships on August 6-13, 2010.

**Referred to Public Works and Services Committee****Refer to Public Safety and Licensing Committee, by Ald. Wisneski**[10-4695](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter in an agreement with Butterfield, Rudie & Seitz Architects, Inc. to update plans and specifications for roof column repairs at the Zoological Gardens.

**Referred to Public Safety and Licensing Committee**[10-4696](#)

**Subject:** Communication from the Director of Parks, Recreation &

Cultural Services requesting final payment for Design of Root River Canoe access by Nielsen Madsen & Barber, S.C.

**Referred to Public Safety and Licensing Committee**

[10-4697](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter in an agreement with Southport Consulting, Inc. to prepare plans and specifications for Boiler Replacement at Dr. Bryant Community Center.

**Referred to Public Safety and Licensing Committee**

[10-4698](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter in an agreement with Southport Consulting, Inc. to prepare plans and specifications for HVAC updates at Wustum Museum.

**Referred to Public Safety and Licensing Committee**

[10-4703](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter in an agreement with Nielsen Madsen & Barber to prepare plans and specifications for Parks Department Pavement Projects.

**Referred to Public Safety and Licensing Committee**

[10-4707](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter in an agreement with U.S. Cellular Operating Company LLC for right of entry and testing at Lockwood Park for the purpose of assessing the feasibility of installing a cell tower at the park.

**Referred to Public Safety and Licensing Committee**

[10-4715](#)

**Subject:** (New Change of Agent ) Application of Piggly Wiggly, Gregory Duban, Agent, for a "Class A" Fermented Malt Beverage and Intoxicating Liquor License for 3900 Erie Street (15th District)

**Referred to the Public Safety and Licensing Committee**

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

[10-4713](#)

**Subject:** Communication from the Alderman of the 4th District requesting a 4-Way or All-Way stop at the intersection of N. Wisconsin Street and Barker Street.

**Referred to Traffic Commission**

#### **Refer to Transit and Parking Commission, by Ald. DeHahn**

[10-4709](#)

**Subject:** Communication from the Executive Director of PTMR

requesting permission to submit an FTA5309 Livable Cities Discretionary Grant for new bus shelters in the amount of \$500,000. (Res.10-1846)

*Alderman Dehahn requested to suspend the rules to consider the action due to the deadline date. There were no objections to suspension of the rules.*

*Alderman Dehahn made a motion that the Executive Director of PTMR be granted permission to apply for Grant Number 2010-007, FTA5309 Livable Cities Discretionary Grant. Motion passed by the following:*

*AYES: HART, HELDING, KAPLAN, MAACK, MCCARTHY, MOZOL, SHAKOOR, SHIELDS SPANGENBERG, STEIN, WEIDNER, WISNESKI, ANDERSON, COE AND DEHAHN*

*NOES: NONE*

**Received and Filed as Reported**

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

10-4710

**Subject:** Communication from the Executive Director of Racine Small Fry International, Inc. requesting to discuss a potential agreement with the City of Racine and Small Fry/Midwest Invitational tournament.

**Referred to Board of Park, Recreation and Cultural Services**

**G. Committee Reports**

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

07-0839

**Subject:** Communication from the City Attorney submitting the claim of Carolyn Bayer and Richard Bayer for consideration.

**Recommendation of the Finance & Personnel Committee on 01-25-10:** The claim of Carolyn & Richard Bayer, 2016 Hayes Avenue for reimbursement for damages arising from Carolyn's alleged slip and fall on the sidewalk adjacent to 2016 Cleveland Avenue on June 28, 2008, be denied.

**Fiscal Note:** N/A

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

09-3836

**Subject:** Communication from the Alderman of the 15th District requesting to conduct a city-employee survey focusing on reporting problems & complaints to supervisors or Human Resources Department.

**Recommendation of the Finance & Personnel Committee on 07-13-09:** To receive and file.

**Recommendation of the Finance & Personnel Committee on 01-25-10:** To receive and file.

**Fiscal Note:** N/A

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

[10-4630](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting permission to extend the waiver of certain fees until March 31, 2010 to promote pre-sales of the new crypts and niches at Mound Cemetery. (Res.10-1848)

**Recommendation of the Finance & Personnel Committee on 01-25-10:** Recommend the waiver of certain fees until March 31, 2010 to promote pre-sales of the new crypts and niches at Mound Cemetery.

**Fiscal Note:** Increased sales are anticipated to offset forgone fees.

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

[10-4639](#)

**Subject:** Communication from the Director of City Development submitting an agreement with Ehlers & Associates for professional services related to amendments to Tax Incremental Districts No. 2 and No. 14. (Res.10-1849)

**Recommendation of the Finance & Personnel Committee on 01-25-10:** Recommend that the Mayor and City Clerk be authorized and directed to sign and execute the proposed professional services agreement with Ehlers & Associates related to amendments to Tax Incremental Districts No. 2 and No. 14.

**Fiscal Note:** Funds are available from the TIDs for this purpose.

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

[10-4656](#)

**Subject:** Communication from the Interim Public Health Administrator requesting to accept funds from the State of Wisconsin represented by its Division of Public Health of the Department of Health Services Immunization Program. (Grant Control #2009-068) (Res.10-1850)

**Recommendation of the Finance & Personnel Committee on 01-25-10:** The Mayor and City Clerk be authorized and directed to



enter into a contract agreement and to accept grant funds of \$33,324 from the State of Wisconsin represented by its Division of Public Health of the Department of Health Services Immunization Program. (Grant Control #2009-068)

**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.**

10-4682

**Subject:** (Direct Referral) Communication from the Human Resources Manager and Deputy City Attorney submitting the Racine Police Association collective bargaining agreement for consideration. (Res.10-1852)

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

**01-25-10:** The negotiated Racine Police Association collective bargaining agreement for contract years 2009-2010 be approved with the following budgetary transfers: 1) Transfer up to \$128,400 of 2009 Wage Provision, 101.990.5010, in 2009 as follows: \$99,280 to Police-Salaries, 101.311.5010, \$20,800 to Police-Wisconsin Retirement, 101.311.5110, \$7,680 to Police-FICA, 101.311.5120 and \$640 to Police-Longevity, 101.311.5180. 2) Transfer up to \$129,360 of 2010 Contingency, 101.990.5970, in 2010 as follows: \$99,280 to Police-Salaries, 101.311.5010, \$21,760 to Police-Wisconsin Retirement, 101.311.5110, \$7,680 to Police-FICA, 101.311.5120 and \$640 to Police-Longevity, 101.311.5180.

**Fiscal Note:** There are sufficient funds available in their respective budgets for the transfers; 2% increase for 2009; 0% for 2010.

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

10-4683

**Subject:** (Direct Referral) Communication from the Human Resources Manager and Deputy City Attorney submitting the Staff Officers Association of the Racine Police Department agreement for consideration (Res.10-1853)

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

**01-25-10:** Recommendation of the Finance and Personnel Committee on 01-25-10: The negotiated Racine Police Department Staff Officers Association agreement for years 2009-2010 be approved with the following budgetary transfers: 1) Transfer up to \$32,100 of 2009 Wage Provision, 101.990.5010, in 2009 as follows: \$24,820 to Police-Salaries, 101.311.5010, \$5,200 to Police-Wisconsin

Retirement, 101.311.5110, \$1,920 to Police-FICA, 101.311.5120 and \$160 to Police-Longevity, 101.311.5180. 2) Transfer up to \$32,340 of 2010 Contingency, 101.990.5970, in 2010 as follows: \$24,820 to Police-Salaries, 101.311.5010, \$5,440 to Police-Wisconsin Retirement, 101.311.5110, \$1,920 to Police-FICA, 101.311.5120 and \$160 to Police-Longevity, 101.311.5180.

**Fiscal Note:** There are sufficient funds available in their respective budgets for the transfers; 2% increase for 2009; 0% for 2010.

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

[10-4684](#)

**Subject:** (Direct Referral) Communication from the City Administrator submitting the report of the Mayor's travel expenditures for 2009 for review.

**Recommendation of Finance & Personnel Committee on 1-25-10:** To receive and file and that this report be reviewed every six months.

**Fiscal Note:** N/A

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

[10-4685](#)

**Subject:** (Direct Referral) Communication from the City Administrator submitting contract for a Public Information Officer for consideration. (Res.10-1854)

**Recommendation of the Finance & Personnel Committee on 1-25-10:** Recommend approval of the contract.

**Fiscal Note:** There are sufficient funds in the 2010 budget.

*Alderman Spangenberg requested that item 10-4685 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:** 14 - Coe, Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoore, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

**NOES:** 1 - Shields

[10-4658](#)

**Subject:** Communication from the Chief of Police, requesting to transfer Police Evidence Funds from Fund 712 to Fund 216.

**Recommendation of the Finance & Personnel Committee on 01-25-10:** To approve the transfer of Police Evidence Funds from Fund 712 to Fund 216 for the purpose of payment to Racine Community Outpost 6th St. Inc. for their community policing efforts.

**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.**

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, Shakoore, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

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

[09-4521](#)

**Subject:** Communication from the Alderman of the 15th District wishing to discuss permits for special events held on sidewalks.

**Recommendation of the Public Works and Services Committee on 1-12-10:** Defer

**Recommendation of the Public Works and Services Committee on 1-26-10:** That the communication be received and filed.

**Fiscal Note:** Not applicable.

**This Communication was Referred to the Public Works and Services Committee**

**AYES:** 14 - Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoore, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

**NOES:** 1 - Coe

[09-4550](#)

**Subject:** Communication from Racine Urban Garden Network Steering Committee requesting to update City ordinances regarding residential gardening so that they reflect changes in understanding of our natural environment and to support efforts among citizens to help make our City "green".

**Recommendation of the Public Works and Services Committee on 1-12-10:** Defer

**Recommendation of the Public Works and Services Committee on 1-26-10:** That the communication be received and filed.

**Fiscal Note:** City Ordinance, Sec. 78-101. Purpose. states that it is the City's intent to promote recycling, composting, and resource recovery as provided in Wis. Stats. 159.11 and Ch. NR 544 of the Wisconsin Administrative Code.

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

**09-4605**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a professional services agreement with Ayres Associates for 2010 Bridge Inspection Services. (Res.10-1838)

**Recommendation of the Public Works and Services Committee on 1-26-10:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Ayres Associates for 2010 Bridge Inspection Services, at a price not-to-exceed \$14,560.63.

Further recommends that funds to defray the cost of these professional services be appropriated from the following accounts:

\$ 7,423.05 - Account 990.520.5010, Fixed Bridge Inspections  
\$ 7,137.58 - Account 101.520.5550, Lift Bridge Underwater Insp  
\$14,560.63 - Total

**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.**

**10-4664**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal for professional services for Festival Hall and Mound Cemetery AC. (Res.10-1837)

**Recommendation of the Public Works and Services Committee on 1-26-10:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Graef-USA, Inc. for the design of air conditioning replacement at Festival Hall and for a new air conditioning unit at Mound Cemetery, at a price not-to-exceed \$11,550.00.

Further recommends that funds to defray the cost of these professional services be appropriated from the following accounts:

\$ 4,300.00 - Acct. 403.989.5040, Disaster Recovery Server Rm AC  
\$ 7,250.00 - Acct. 108.989.5010, Fest. Hall Rooftop AC Condenser  
\$11,550.00 - Total

**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.**

10-4634

**Subject:** Communication from the General Manager of the Water Utility requesting permission to close State Highway 20 for a future construction project. (Res.10-1834)

**Recommendation of the Public Works and Services Committee on 1-26-10:** That permission be granted to the Racine Water Utility to close Washington Avenue from 9th Street to Center Street for the reconstruction of a water transmission main during the 2010 construction season with the stipulation that the Water Utility provide and maintain all barricades and signage necessary to detour the State highway route.

Further recommends that the Commissioner of Public Works/City Engineer be authorized and directed to submit to the Wisconsin Department of Transportation a notice of permit for the closure of this roadway.

**Fiscal Note:** There will be no cost to the City of Racine. All costs will be paid for by the Racine Water Utility.

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

10-4636

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 3 on Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, AZAR, LLC., Contractor. (Res.10-1841)

**Recommendation of the Public Works and Services Committee on 1-26-10:** That Change Order No. 3 on Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, AZAR, LLC, contractor, as submitted, be approved in the deduct amount of \$109,079.92.

**Fiscal Note:** Change Order No. 3 will result in a decrease in contract price.

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

10-4640

**Subject:** (Direct Referral) Communication from Ben Lehner, UW-Parkside, and Mark Mundl, Racine County Workforce Development, submitting a design for the sculpture to be placed along the Root River Pathway.

**Recommendation of the Public Works and Services Committee on 1-26-10:** That the plan for the sculpture to be placed adjacent to the Rotary Overlook along the Root River Pathway be approved as submitted.

**Fiscal Note:** Previous approval was granted on October 20, 2009 by the Common Council with the stipulation that they present final plans when completed.

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

[10-4669](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting Amendment No. 1 to Contract 35-09 (K9-033) PS - Sanitary Sewer Lateral Fee On-Call Services, AECOM, consultant. (Res.10-1840)

**Recommendation of the Public Works and Services Committee on 1-26-10:** That Amendment No. 1 to Contract 35-09 (K9-033), Professional Services - Sanitary Sewer Lateral Fee On-Call Services, AECOM Technical Services, Inc., consultant, as submitted, be approved in the time-and-material amount not-to-exceed \$25,000.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 104.000.5330, Monitoring Detection Enforcement.

**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.**

[10-4670](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/ City Engineer submitting Amendment No. 3 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, Earth Tech AECOM, consultant. (Res.10-1836)

**Recommendation of the Public Works and Services Committee on 1-26-10:** That Amendment No. 3 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, AECOM Technical Services, Inc. (formerly Earth Tech, Inc.), consultant, as submitted, be approved in the time-and-material amount not-to-exceed \$25,000.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 104.000.5610, Professional Services.

**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.**

[10-4671](#)

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

from AECOM for the 2010 Pavement Inspections. (Res.10-1839)

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

**on 1-26-10:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services, Inc. for the 2010 Pavement Inspections, at a price not-to-exceed \$78,000.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 101.130.5610, Professional Services.

**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.**

10-4681

**Subject:** Communication from the Purchasing Agent submitting bid results on Official Notice #1, Two (2) 35,000 GVW 5 cubic yard diesel Dump Trucks with snowplow and tailgate material spreader. (Res.10-1835)

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

**on 1-26-10:** That the contract for Two (2) 35,000 GVW 5 Cubic Yard Diesel Dump Trucks with Snowplows and Tailgate Material Spreaders be awarded to Lakeside International Trucks, Janesville, WI, at their bid price of \$200,346.00, they being the only responsible bidder.

Further recommends that funding to defray the cost of these services be appropriated from Account 101.630.5780, Licensed Vehicles.

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

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

Council Action

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

**AYES:** 14 - Coe, Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

**NON VOTING:** 1 - Shields

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

09-4594

**Subject: (Direct Referral)** Communication from Robert Morrison, 1100 Florence Avenue requesting to meet with the committee on the

periodic fireworks legislation update.

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

**1-11-10:** That the item be deferred for two weeks at the request of Mr. Morrison.

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

**1-25-10:** That the item be received and filed.

Fiscal Note: N/A

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

**10-4635**

**Subject:** Ordinance No. 28-09

To amend Sec. 22-1131, Sec. 22-1146, and Sec. 22-1163(a), (b) and (c) of the Municipal Code of the City of Racine, Wisconsin relating to Stationary engineer; Definitions and Board of Examiners; Composition; appointment of members, term - Qualifications; fees; temporary license.

**Recommendation of the Public Safety & Licensing**

**Committee on 1-11-10:** That Ordinance 28-09 be adopted.

**Recommendation of the Public Safety & Licensing**

**Committee on 1-25-10:** That Ordinance 28-09 be adopted.

Fiscal Note: N/A

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

**10-4638**

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to waive formal bidding and the Purchasing Agent be authorized to negotiate with H. Barber & Sons, Inc. for a replacement beach cleaner. (Res.10-1830)

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

**on 1-25-10:** That the formal bidding process be waived and the Purchasing Agent be authorized to negotiate with H. Barber & Sons, Inc.

Fiscal Note: Funds are available in account 101-700-5770, Machinery & Equipment, Beach Cleaner.

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



10-4642

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter in an agreement with Industrial Roofing Services, Inc. to prepare plans and specifications and project administration for Window and Door Replacement at Humble Park Community Center. (Res.10-1829)

**Recommendation of the Public Safety and Licensing Committee on 1-25-10:** That permission be granted to the Director of Parks, Recreation & Cultural Services to enter in an agreement with Industrial Roofing Services, Inc. to prepare plans and specifications and project administration for Window and Door Replacement at Humble Park Community Center.

Fiscal Note: Funds are available in account 990-650-5010, Humble Exterior Door and Windows.

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

10-4643

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter in an agreement with Industrial Roofing Services, Inc. to prepare plans and specifications and project administration for Exterior Masonry Restoration at Tyler-Domer Community Center. (Res.10-1831)

**Recommendation of the Public Safety and Licensing Committee on 1-25-10:** That the Director of Parks, Recreation & Cultural Services requesting to enter in an agreement with Industrial Roofing Services, Inc. to prepare plans and specifications and project administration for Exterior Masonry Restoration at Tyler-Domer Community Center.

Fiscal Note: Funds are available in account 990-670-5010, Tyler-Domer Tuckpointing.

**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

10-4699

**Subject:** Ordinance No. 2-10

To create Section 94-22 of the Municipal Code of the City of Racine, Wisconsin relating to Traffic and vehicles - Disorderly conduct with a motor vehicle.

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

**Recommendation of the Public Safety & Licensing Committee on 1-25-10:** That Ordinance 2-10 be adopted as amended.

Fiscal Note: N/A

*Alderman Wisneski stated he had spoke with several people and felt the item should be referred back to committee for more work, the committee report notwithstanding.*

**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:** 10 - Anderson, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

**NOES:** 5 - Coe, Shields, Kaplan, Maack and Shakoor, II

### Traffic Commission Report, by Ald. Holding

#### 09-3768

**Subject:** Communication from Toni Hansen, requesting changes in the stop sign location on Bate Street and Ashland Avenue.

**Recommendation (10-19-09):** Defer

**Recommendation (11-16-09):** Defer

**Recommendation (01-18-10):** Receive and file.

**Fiscal Note:** N/A

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

#### 09-4408

**Subject:** Communication from the Alderman of the 5th District, on behalf of PJ Habetler III (2612 Green Street) requesting a four-way stop at the corner of Green and Augusta due to several accidents he has observed, and the difficulty seeing around parked cars while turning.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

**A motion was made that this Communication be Received and Filed as**

Reported. The motion was **APPROVED**.

[09-4471](#)

**Subject:** Communication from Pam Rice, 1600 Winslow Street, requesting parking restrictions for private walkways.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

*Alderman Shakoor requested that item 09-4471 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:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

**NOES:** 1 - Shakoor, II

[09-4472](#)

**Subject:** Communication from the Alderman of the 11th District, on behalf of Tim Dominguez (2052 Grange Ave), asking for a review of parking restrictions on the 2000 block of Grange Ave.

**Recommendation:** The parking restrictions be removed on Grange Avenue, west side, from Taylor Avenue north 115 feet.

**Fiscal Note:** There is a nominal cost to remove these signs.

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

[09-4486](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/Engineering wishing to remove the "No Parking 6:00 A.M. to 8:00 A.M." parking restrictions on the west side of Park Avenue between 6th Street and Water Street.

**Recommendation:** The parking restrictions be removed on Park Avenue, west side, between Water Street and Sixth Street.

**Fiscal Note:** There is a nominal cost to remove these signs.

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

[10-4673](#)

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

**A. Recommends that Section 94-141 (1) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine**

relative to "No parking at anytime" be amended:

**By Deleting:**

1. Grange Avenue, west side, from Taylor Avenue north 115 feet.

**B. Recommends that Section 94-141 (21) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking from 6:00 A.M. to 8:00 A.M. on Monday through Friday each week" be amended:**

**By Deleting:**

1. Park Avenue, west side, between Water Street and Sixth Street.

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**

**09-4335**

**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.

**Recommendation (12/09/09):** Defer

**Recommendation (01-27-10):** Receive and file.

**Fiscal Note:** N/A

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

**09-4629**

**Subject:** Communication from Rita Lewis, Racine Montessori School, wishing to rent Lakefront Lot No. 5 from 5:30 A.M. to 5:00 P.M. for the Lakefront Artist Fair on Saturday, May 1, 2010. (Res.10-1843)

**Recommendation:** The Lakefront Artist Fair be granted permission to lease Lakefront Parking Lot No. 5 on May 1, 2010, subject to

payment of lease costs of \$1.50 per space for the parking lot in accordance with existing City policies, and subject to the execution of a hold harmless agreement with the City.

**Fiscal Note:** Rental will provide \$180 for the Parking System.

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

**10-4631**

**Subject:** Communication from the City Administrator requesting to discuss parking for events at the Festival Hall parking lot. (Res.10-1844)

**Recommendation:** Approve waiving fee for the auto show.

**Fiscal Note:** This will result in a loss of revenue to the parking system of \$378.

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

**10-4644**

**Subject:** Communication from the Executive Director of PTMR, requesting the purchase of the RouteMatch Automatic Vehicle Location and Mobile Data Communication modules for BUS paratransit operations. (Res.10-1845)

**Recommendation:** Approve the purchase of the RouteMatch Automatic Vehicle Location and Mobile Data Communication modules for BUS paratransit operations.

**Fiscal Note:** The purchase will cost \$30,000. Funds are available.

**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:** 14 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

**NON VOTING:** 1 - Weidner

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

**08-1906**

**Subject:** (Direct Referral) Request by Robert Watring of Virginia Towers, LLC seeking a rezoning from O-I Office Institutional District to B-5 Central Service District at 73 Eight Street. Also seeking a conditional use permit for a mixed use planned development at 73

Eight Street.

**Recommendation of City Development on March 26, 2008:** That the item be deferred.

**Recommendation of the City Plan Commission on 1-27-10:** That the item be received and filed.

**Fiscal Note:** N/A

**A motion was made that this Zoning Item be Received and Filed as Reported. The motion was APPROVED.**

**08-2425**

**Subject:** Communication from Olatoye Baiyewu, Executive Director for First Choice Pre-Apprenticeship Training, requesting permission to install a storage barn on the property located at 1437 Marquette Street, Racine, Wisconsin.

**Recommendation of the City Plan Commission on 1-27-10:** That the request be received and filed.

**Fiscal Note:** N/A

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

**08-3045**

**Subject:** Communication from American Tower Company requesting to erect a lightpole/monopole structure in Lockwood Park for their client Cricket Communications.

**Recommendation of the City Plan Commission on 1-27-10:** That the item be received and filed.

**Fiscal Note:** N/A

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

**09-3358**

**Subject:** (Direct Referral) Consideration of a request from Amad Otallah seeking a conditional use permit for an establishment engaged in the buying and selling of jewelry and electronics at 3333 Douglas Avenue.

**Recommendation of the City Plan Commission on 1-27-10:** That the item be received and filed.

**Fiscal Note:** N/A

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

09-3657

**Subject:** (Direct Referral) Consideration of the rezoning of a property at 625 College Avenue from B-4 Central Business District to B-4 with an H-Historic Properties District overlay to facilitate the re-designation of a Racine Landmark, Unitarian Universalist Church of Racine and Kenosha (Historical Name: Church of the Good Shepherd).

**Recommendation of the City Plan Commission 1-27-10:** That the item be received and filed.

**Fiscal Note:** N/A

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

09-3731

**Subject:** (Direct Referral) Consideration of the rezoning of a property at 625 College Avenue from B-4 Central Business District to B-4 with an H-Historic Properties District Overlay to facilitate the re-designation of a Racine Landmark, Unitarian Universalist Church of Racine and Kenosha (Historical Name: Church of the Good Shepherd).

**Recommendation of the City Plan Commission 1-27-10:** That the item be received and filed.

**Fiscal Note:** N/A

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

## 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

09-4567

**Subject:** (Direct Referral) Request from Felix Servantez, representing Norma Carter of New Life Christian Fellowship, Inc., for a conditional use permit to establish a church at 1701 Douglas Avenue.

**Recommendation of the City Plan Commission on 1-27-10:** That the request be denied.

**Fiscal Note:** N/A

*Alderman Holding requested that item 09-4567 be considered separately.*

*Alderman Holding moved that Item 09-4567 be adopted with conditions notwithstanding the committee report. The conditions are as follows:*

**CONDITIONS OF APPROVAL:**

**THAT THE REQUEST BY FELIX SERVANTEZ REPRESENTING NORMA CARTER**

OF NEW LIFE CHRISTIAN FELLOWSHIP, INC. SEEKING CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE PERMIT TO ESTABLISH A CHURCH AT 1701 DOUGLAS AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the plans submitted and presented to the Plan Commission on January 13, 2010 be approved subject to the listed conditions.
- b. That wheel stops be provided for the on-site parking spaces and adjacent to sidewalk areas where not traversed by a driveway.
- c. That prior to occupancy a \$200 fine be paid to the Building Inspection department for occupying the building prior to receiving an approved Conditional Use Permit or Certificate of Occupancy.
- d. That all signage be submitted for the review and approval of the Director of City Development.
- e. That all signage not associated with uses currently occupying 1701 Douglas Avenue be removed within 10 days of this approval.
- f. That all trash and recyclables be store in closed containers and screened from view.
- g. That any reconstruction or changes to the exterior of the property be subject to the review and approval of the Access Corridor Development Review Committee.
- h. That all codes and ordinances be complied with and required permits acquired.
- i. That no minor changes to the conditions of this permit without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.
- j. That this permit is subject to Plan Commission review for compliance with the listed conditions.

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

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Mozol and Stein

**NOES:** 1 - Hart

**10-4690**

**Subject:** (Direct Referral):Consideration of amendments to Sec. 114 of the Municipal Code regarding the location of religious institutions, and the location of daycare facilities in the business districts.  
(Res.10-1847)

**Recommendation of the City Plan Commission on 1-27-10:** That a resolution be drafted for introduction to the Common Council of the City of Racine seeking a 120-day moratorium upon the granting of any occupancy permit for daycare centers, religious institutions, educational facilities, lodges, social clubs, meeting halls or similar uses to provide time for the Plan Commission to develop and



recommend ordinances containing appropriate rules for the treatment of such uses in the business district.

**Fiscal Note:** N/A

*Alderman Holding requested that item 10-4690 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, Kaplan, Maack, Weidner, McCarthy, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

**NOES:** 3 - Shields, DeHahn and Shakoor, II

### **Community Development Committee Report, by Ald. Q.A. Shakoor, II**

[09-4386](#)

**Subject:** Request of Michael Cornelius for additional HOME Housing Investment Partnerships funds. (Res.10-1842)

**Recommendation of the Community Development Committee on 1-07-2010:** That a mortgage loan in an amount up to \$40,000 at zero percent interest with payment deferred for fifteen years from the time of closing and no prepayment penalties, be made for rehabilitation of 1515 Taylor Avenue, Racine subject to the following conditions: no outstanding liens or judgments on the property; no delinquent property taxes; good credit; property insurance in force at least equal to the amount of all mortgages on the property; rents to remain affordable under the federal HOME Housing Investment Partnerships program regulations; and all funds to be invested in improvements to the property.

**Fiscal Note:** There are sufficient funds for this request.

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

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

**NOES:** 3 - Coe, Weidner and Wisneski

### **Economic Development Committee Report, by Ald. Spangenberg**

[09-4580](#)

**Subject:** Communication from Racine County Economic Development Corporation submitting its proposed 2010 agreement for general economic development services. (Res.10-1832)

**Recommendation of the Economic Development Committee on 1-12-10:** That the agreement with RCEDC for economic development services be approved.

**Fiscal Note:** Contract amount is \$67,000. Funding has been provided in the 2010 budget.

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

[10-4632](#)

**Subject:** Communication from the Executive Director of the Racine County Economic Development Corporation requesting that the City consider and approve the 2009 Industrial/Commercial Building Revolving Loan Fund Plan Certification. (Res.10-1833)

**Recommendation of the Economic Development Committee on 1-12-10:** That the Plan Certification be approved.

**Fiscal Note:** N/A

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

Council Action

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

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Stein

**NON VOTING:** 1 - Mozol

**Committee of the Whole Report, by Ald. Q. A. Shakoor, II**

[06-2832](#)

**Subject:** Communication from Jay Christie, President and CEO of Racine Zoological Society, requesting permission to meet with the Board of Parks, Recreation and Cultural Services to discuss the possibility of utilizing existing parkland at Lakeview Park to create a parking lot for the zoo.

**Recommendation of the Board of Parks, Recreation & Cultural Services 12-13-06:** that the request be approved in principle and staff work to meet the proposals of the Board to maximize green space with camouflage of site.

**Recommendation of the Committee of the Whole 02-02-2010:** 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.**

[10-4688](#)

**Subject:** (Direct Referral) communication from Dave Blank requesting

an opportunity to present an outline of the new branding of "Real Racine" and an update on the work of the organization formerly known as Racine County Convention and Visitors Bureau.

**Recommendation of the Committee of the Whole on 02-02-2010:**

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.**

[07-1232](#)

**Subject:** Communication from the Alderman of the 8th District requesting the Chief of Police address the Council on crime for Greater Racine.

**Recommendation of the Committee of the Whole on 02-02-2010:**

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.**

[09-3926](#)

**Subject:** Request from Racine County Economic Development Corporation (RCEDC) to discuss their 2008 Annual Report.

**Recommendation of the Committee of the Whole on 02-02-2010:**

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.**

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

[10-4659](#)

**Subject:** Communication from the Alderman of the Sixth District, on behalf of Dale Slaastad 1723 Shoop Street, would consider placing an advisory referendum on the April 6th, 2010 ballot regarding the purchase and implementation of recycling bins.

**Recommendation of the Committee of the Whole on 02-02-2010:**

Item to be received and filed.

**Fiscal Note:** N/A

**Sponsors:** Sandy Weidner

*Alderman Weidner requested that item 10-4659 be considered separately.*

*After a brief discussion, Alderman Maack made a motion to defer the item. Alderman Maack then withdrew his motion.*

**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, Maack, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

**NOES:** 3 - Shields, Kaplan and Weidner

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

**10-4657**

**Subject:** (Ord.27-09) An ordinance to identify, protect, enhance, perpetuate and use artifacts that reflect special aspects of the City of Racine's historical, architectural, cultural or aesthetic heritage.

**Recommendation of the Landmarks Preservation Commission: on 1-04-10:** That the ordinance be adopted.

**Fiscal Note:** N/A

*Alderman Spangenberg requested that item 10-4657 be referred to a Standing Committee as it had not appeared before either of them. He requested the item be referred to Finance & Personnel.*

**A motion was made that this Communication be Referred to the Finance and Personnel Committee, . The motion was APPROVED.**

## **H. Consent Agenda - Resolutions**

**Res.10-1829**

Mayor and City Clerk be authorized to enter into a Professional Services Agreement with Industrial Roofing Services for Window and Door Replacement at Humble Park Community Center

Resolved, that the Mayor and City Clerk be authorized and directed to enter in a professional services agreement with Industrial Roofing Services, Inc., to prepare plans and specifications and project administration for Window and Door Replacement at Humble Park Community Center at a not to exceed cost of \$8,050.00 plus reimbursable costs.

**Fiscal Note:** Funds are available in Account 990-650-5010, Humble Exterior Door and Windows.

**Sponsors:** Aron Wisneski

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

**Res.10-1830**

Permission to waive formal bidding procedures and authorize Purchasing Agent to negotiate with H. Barber & Sons, Inc., for a replacement beach cleaner for the Parks Department

Resolved, that being in the best interest of the City, formal bidding process be waived and the Purchasing Agent be authorized to negotiate with H. Barber & Sons, Inc., for the purchase of a replacement beach cleaner.

Fiscal Note: Funds are available in Account 101-700-5770, Machinery & Equipment, Beach Cleaner.

Sponsors: Aron Wisneski

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

**Res.10-1831**

Mayor and City Clerk be authorized to enter into a Professional Services Agreement with Industrial Roofing Services, Inc., for Exterior Masonry Restoration at Tyler-Domer Community Center

Resolved, that the Mayor and City Clerk be authorized and directed to enter in a Professional Services Agreement with Industrial Roofing Services, Inc., to prepare plans and specifications and project administration for Exterior Masonry Restoration at Tyler-Domer Community Center at a not to exceed cost of \$4,900.00 plus reimbursable costs.

Fiscal Note: Funds are available in Account 990-670-5010, Tyler-Domer Tuckpointing.

Sponsors: Aron Wisneski

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

**Res.10-1832**

Mayor and City Clerk be authorized to enter into the 2010 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, 2010 to January 31, 2011.

Fiscal Note: Contract amount is \$67,000. Funding has been provided in the 2010 Budget, Account No. 101.150.5630.

Sponsors: James T. Spangenberg

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

**Res.10-1833**

2009 City of Racine Industrial/Commercial Building Revolving Loan Fund (I/CB-RLF) Plan Certification be approved

Resolved, by the Common Council of the City of Racine, that the 2009

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: James T. Spangenberg

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

**Res.10-1834**

Permission granted to Racine Water Utility to close Washington Avenue during 2010 construction season for reconstruction of water transmission main and Commissioner of Public Works submit notice of permit to Wisconsin DOT for street closure

Resolved, that permission be granted to the Racine Water Utility to close Washington Avenue from 9th Street to Center Street for the reconstruction of a water transmission main during the 2010 construction season with the stipulation that the Water Utility provide and maintain all barricades and signage necessary to detour the State highway route.

Further resolved, that the Commissioner of Public Works/City Engineer be authorized and directed to submit to the Wisconsin Department of Transportation a notice of permit for the closure of this roadway.

Fiscal Note: There will be no cost to the City of Racine. All costs will be paid for by the Racine Water Utility.

Sponsors: Gregory Holding

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

**Res.10-1835**

Official Notice #1, Two 35,000 GVW 5 Cubic Yard Diesel Dump Trucks with Snowplow and Tailgate Material Spreader, be awarded to Lakeside International Trucks

Resolved, that the contract for Two (2) 35,000 GVW 5 Cubic Yard Diesel Dump Trucks with Snowplows and Tailgate Material Spreaders be awarded to Lakeside International Trucks, Janesville, WI, at its bid price of \$200,346.00, it being the only responsible bidder.

Further resolved, that funding to defray the cost of these services be appropriated from Account 101.630.5780, Licensed Vehicles.

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.10-1836**

Amendment No. 3 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, Earth Tech AECOM, consultant, be approved

Resolved, that Amendment No. 3 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, AECOM Technical Services, Inc. (formerly Earth Tech, Inc.), consultant, as submitted, be approved in the time-and-material amount not-to-exceed \$25,000.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 104.000.5610, Professional Services.

**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.10-1837**

Mayor and City Clerk be authorized to enter into a Professional Services Agreement with Graef-USA, Inc., for Festival Hall and Mound Cemetery Air Conditioning

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Professional Services Agreement with Graef-USA, Inc., for the design of air conditioning replacement at Festival Hall and for a new air conditioning unit at Mound Cemetery, at a price not-to-exceed \$11,550.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from the following accounts:

\$ 4,300.00 - Acct. 403.989.5040, Disaster Recovery Server Rm AC  
\$ 7,250.00 - Acct. 108.989.5010, Fest. Hall Rooftop AC Condenser  
\$11,550.00 - Total

**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.10-1838**

Mayor and City Clerk be authorized to enter into a Professional Services Agreement with Ayres Associates for 2010 Bridge Inspection Services

Resolved, that the Mayor and City Clerk be authorized and directed to

enter into a Professional Services Agreement with Ayres Associates for 2010 Bridge Inspection Services, at a price not-to-exceed \$14,560.63.

Further resolved, that funds to defray the cost of these professional services be appropriated from the following accounts:

\$ 7,423.05 - Account 990.520.5010, Fixed Bridge Inspections  
\$ 7,137.58 - Account 101.520.5550, Lift Bridge Underwater Insp  
\$14,560.63 - Total

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.10-1839**

Mayor and City Clerk be authorized to enter into a Professional Services Agreement with AECOM Technical Services, Inc., for the 2010 Pavement Inspections

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Professional Services Agreement with AECOM Technical Services, Inc., for the 2010 Pavement Inspections, at a price not-to-exceed \$78,000.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 101.130.5610, Professional Services.

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.10-1840**

Amendment No. 1 to Contract 35-09 (K9-033), Professional Services - Sanitary Sewer Lateral Fee On-Call Services, AECOM, consultant, be approved

Resolved, that Amendment No. 1 to Contract 35-09 (K9-033), Professional Services - Sanitary Sewer Lateral Fee On-Call Services, AECOM Technical Services, Inc., consultant, as submitted, be approved in the time-and-material amount not-to-exceed \$25,000.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 104.000.5330, Monitoring Detection Enforcement.

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.10-1841**

Change Order No. 3 on Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, AZAR, LLC., contractor, be approved

Resolved, that Change Order No. 3 on Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, AZAR, LLC, contractor, as submitted, be approved in the deduct amount of \$109,079.92.

**Fiscal Note:** Change Order No. 3 will result in a decrease in contract price.

**Sponsors:** Gregory Holding

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

**Res.10-1843**

Lakefront Artist Fair be granted permission to lease Lakefront Lot No. 5 on May 1, 2010, contingent upon signing Hold Harmless Agreement

Resolved, that Lakefront Artist Fair be granted permission to lease Lakefront Parking Lot No. 5 from 5:30 a.m. to 5:30 p.m. on May 1, 2010, subject to payment of lease costs of \$1.50 per space for the parking lot in accordance with existing City policies, and subject to the execution of a hold harmless agreement with the City.

**Fiscal Note:** Rental will provide \$180 for the Parking System.

**Sponsors:** Raymond DeHahn

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

**Res.10-1844**

Permission to waive fee for parking at Festival Hall Parking Lot for the Auto Show on January 9 and 10, 2010, at Festival Hall

Resolved, that permission be granted to waive the fee for parking at Festival Hall Parking Lot for the Auto Show to be held on January 9 and 10, 2010, at Festival Hall.

**Fiscal Note:** This will result in a loss of revenue to the parking system of \$378.00.

**Sponsors:** Raymond DeHahn

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

**Res.10-1845**

Permission granted to Purchasing Agent to negotiate the purchase of RouteMatch Automatic Vehicle Location and Mobile Data Communication

modules for BUS paratransit operations

Resolved, that the Purchasing Agent be authorized to negotiate the purchase of the RouteMatch Automatic Vehicle Location and Mobile Data Communication modules for BUS paratransit operations.

Fiscal Note: The purchase will cost \$30,000. The cost of the software is included in the New Freedom Grant used to procure the new vehicles and will require no additional funding.

Sponsors: Raymond DeHahn

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

**Res.10-1846**

Permission granted for the Executive Director of PTMR to apply for FTA5309 Livable Cities Discretionary Grant for new bus shelters

Resolved, the permission be granted for the Executive Director of PTMR to apply for for Grant Number 2010-007, FTA5309 Livable Cities Discretionary Grant for the purchase of new bus shelters.

Fiscal Note: The grant is in the amount of \$500,000 and there is a 20% match by the City from General Obligation Bonds in future years.

Sponsors: Raymond DeHahn

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

**Res.10-1848**

Permission granted to extend the waiver of certain fees until March 31, 2010 at Mound Cemetery

Resolved, that permission be granted for a waiver of certain fees until March 31, 2010 to promote pre-sales of the new crypts and niches at Mound Cemetery.

Fiscal Note: Increased sales are anticipated to offset foregone fees.

Sponsors: James T. Spangenberg

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

**Res.10-1849**

Mayor and City Clerk be authorized to enter into a Professional Services Agreement with Ehlers & Associates for amendments to Tax Incremental Districts No. 2 and No. 14

Resolved, that the Mayor and City Clerk be authorized and directed to sign and execute the proposed professional services agreement with Ehlers & Associates related to amendments to Tax Incremental Districts No. 2 and No. 14.

Fiscal Note: Funds are available from the TIDs for this purpose.

Sponsors: James T. Spangenberg

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

**Res.10-1850**

Interim Public Health Administrator accept funds from the State of Wisconsin Division of Public Health for the Immunization Program and the Mayor and City Clerk be authorized to sign the agreement

Resolved, that the Public Health Administrator accept funding in the amount of \$33,324 from the State of Wisconsin represented by its Division of Public Health of the Department of Health Services Immunization Program, and the Mayor and City Clerk be authorized and directed to enter into the agreement with the State of Wisconsin represented by its Division of Public Health of the Department of Health Services Immunization Program (Grant Control #2009-068). The period of the grant is from January 1, 2010 through December 31, 2011.

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.10-1851**

Permission to transfer funds for payment to Racine Community Outpost 6th Street, Inc.

Resolved, that the Chief of Police be granted permission to transfer Police Evidence Funds from Fund 712 to Fund 216 for the purpose of payment to Racine Community Outpost 6th St. Inc., for their community policing efforts.

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

Sponsors: James T. Spangenberg

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

**Res.10-1852**

Racine Police Association Collective Bargaining Agreement be approved for contract years 2009-2010

Resolved, that the negotiated Racine Police Association Collective Bargaining Agreement for contract years 2009-2010 be approved with the following budgetary transfers: 1) Transfer up to \$128,400 of 2009 Wage Provision, 101.990.5010, in 2009 as follows: \$99,280 to Police-Salaries, 101.311.5010, \$20,800 to Police-Wisconsin Retirement, 101.311.5110, \$7,680 to Police-FICA, 101.311.5120 and \$640 to Police-Longevity, 101.311.5180. 2) Transfer up to \$129,360 of 2010 Contingency, 101.990.5970, in 2010 as follows: \$99,280 to Police-Salaries, 101.311.5010, \$21,760 to Police-Wisconsin Retirement, 101.311.5110, \$7,680 to

Police-FICA, 101.311.5120 and \$640 to Police-Longevity, 101.311.5180.

Fiscal Note: There are sufficient funds available in their respective budgets for the transfers; 2% increase for 2009; 0% for 2010.

Sponsors: James T. Spangenberg

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

**Res.10-1853**

Racine Police Department Staff Officers Association Agreement for years 2009-2010 be approved

Resolved, that the negotiated Racine Police Department Staff Officers Association Agreement for years 2009-2010 be approved with the following budgetary transfers: 1) Transfer up to \$32,100 of 2009 Wage Provision, 101.990.5010, in 2009 as follows: \$24,820 to Police-Salaries, 101.311.5010, \$5,200 to Police-Wisconsin Retirement, 101.311.5110, \$1,920 to Police-FICA, 101.311.5120 and \$160 to Police-Longevity, 101.311.5180. 2) Transfer up to \$32,340 of 2010 Contingency, 101.990.5970, in 2010 as follows: \$24,820 to Police-Salaries, 101.311.5010, \$5,440 to Police-Wisconsin Retirement, 101.311.5110, \$1,920 to Police-FICA, 101.311.5120 and \$160 to Police-Longevity, 101.311.5180.

Fiscal Note: There are sufficient funds available in their respective budgets for the transfers; 2% increase for 2009; 0% for 2010.

Sponsors: James T. Spangenberg

**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, Helling, Wisneski, Spangenberg, Hart, Mozol and Stein

## I. Resolutions

**Res.10-1854**

Public Information Consulting Agreement between City of Racine and Racine Area Manufacturers and Commerce be approved

Resolved, that the Public Information Consulting Agreement between the City of Racine and Racine Area Manufacturers and Commerce (RAMAC) be approved. RAMAC will provide consulting services, beginning on February 1, 2010 and conclude December 31, 2010 in an amount of \$25,000.

Fiscal Note: There are sufficient funds in the 2010 Budget.

**Sponsors:** James T. Spangenberg

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

**Res.10-1842**

Additional HOME funds be approved for rehabilitation of 1515 Taylor Avenue for Michael Cornelius

Resolved, that a mortgage loan in an amount up to \$40,000 at zero percent interest with payment deferred for fifteen years from the time of closing and no prepayment penalties, be made for rehabilitation of 1515 Taylor Avenue, Racine subject to the following conditions: no outstanding liens or judgments on the property; no delinquent property taxes; good credit; property insurance in force at least equal to the amount of all mortgages on the property; rents to remain affordable under the federal HOME Housing Investment Partnerships Program regulations; and all funds to be invested in improvements to the property.

**Fiscal Note:** There are sufficient funds for this request.

**Sponsors:** Q.A. Shakoor, II

**A motion was made by Alderman Shakoor, II that this Resolution be Adopted.  
The motion was APPROVED by the following vote:**

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

**NOES:** 3 - Coe, Weidner and Wisneski

**Res.10-1847**

Non-Commercial Uses Moratorium

Whereas, the City of Racine has expended time and resources in developing redevelopment plans and strategies for commercial corridor areas; and

Whereas, the focus of these redevelopment plans is to foster an environment where there is a synergy among similar uses that creates a vibrant commercial environment; and

Whereas, to achieve a vibrant commercial environment, these redevelopment plans outline strategies for business development, attraction and retention; and

Whereas, the establishment of non-commercial uses in commercial districts can have the effect of impeding the orderly redevelopment of a commercial area; and

Whereas, it is a municipality's obligation to provide an opportunity to

entertain all land uses where appropriate, while promoting land use patterns that best maximize and protect a communities assets; and

Now, therefore, be it resolved that the Common Council of the City of Racine hereby imposes a 120 day moratorium upon the granting of any occupancy permit for daycare centers, religious institutions, education facilities, lodges, social clubs, meeting halls or similar uses to provide time for the Plan Commission of the City of Racine to develop and recommend ordinances containing appropriate rules for the treatment of such uses in the business districts.

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:** 11 - Coe, Anderson, Maack, Weidner, McCarthy, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

**NOES:** 4 - Shields, Kaplan, DeHahn and Shakoor, II

## **J. Miscellaneous Business**

## **K. Adjourn**

*The meeting was adjourned at 9:43p.m. by Alderman Shakoor. The next scheduled meeting of the Council is February 16, 2010*

ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK