



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 Gregory Holding
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 Robert Mozol
Alderman James T. Spangenberg, Alderman Ronald D. Hart,
Alderman Eric Marcus, Alderman Dennis Wisner

Monday, April 18, 2011

7:00 PM

Room 205, City Hall

OLD COUNCIL

A. Call To Order

PRESENT: 14 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol
EXCUSED: 1 - Wisner

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 Coe.

D. Public Comments

Jeff Warg
Bashar Qeda

E. Communications

Refer to Finance and Personnel Committee, by Ald. Spangenberg

[11-6270](#)

Subject: communication from the City Attorney submitting the claim of Mohinder Singh (d/b/a US Pantry) for consideration.

Referred to Finance and Personnel Committee

[11-6271](#)

Subject: communication from the City Attorney submitting the claim of

Noreen Burton for consideration.

Referred to Finance and Personnel Committee

11-6277

Subject: Communication from the Public Health Administrator requesting permission to enter into agreements to provide Level I Health Services to the Villages of Elmwood Park and Wind Point.

Referred to Finance and Personnel Committee

11-6281

Subject: Communication from the Interim Commissioner of Public Works/City Engineer requesting permission to apply for a Wisconsin DNR Grant for Water Quality Planning (Non-Point Source Pollutant Modeling) Grant Control No. 2011-014.

Referred to Finance and Personnel Committee

11-6282

Subject: Communication from the Interim Commissioner of Public Works/City Engineer requesting permission to apply for a Wisconsin DNR Grant for a Streambank Erosion Condition Report Update - Grant Control No. 2011-015.

Referred to Finance and Personnel Committee

11-6283

Subject: Communication from the Interim Commissioner of Public Works/City Engineer requesting permission to apply for a Wisconsin DNR Grant for Lincoln Park Streambank Stabilization- Grant Control No. 2011-013.

Referred to Finance and Personnel Committee

11-6285

Subject: Communication from the Transit and Parking System Manager requesting authorization to apply for a Focus on Energy Grant for LED lighting at the Belle Urban Maintenance Facility. (Grant Control No. 2011-016)

Referred to Finance and Personnel Committee

11-6300

Subject: Communication from the Public Health Administrator requesting permission to accept \$10,000 from Kenosha Country Club United for a Cure for the Racine Women's Health, Cancer Prevention and Treatment Fund.

Referred to Finance and Personnel Committee

11-6301

Subject: Communication from the Public Health Administrator requesting permission to accept additional funding of \$15,612 from the State of Wisconsin Department of Health Services for the Division of Public Health Contract Agreement Adendment for the Women, Infants and Children Program (WIC). (Grant Control #2010-046)

Referred to Finance and Personnel Committee

[11-6303](#) **Subject:** Communications from the Fire Chief requesting permission to waive formal bidding for the acquisition of chemical monitoring equipment.

Referred to Finance and Personnel Committee

[11-6304](#) **Subject:** Communications from the Fire Chief requesting permission to accept financial reimbursement for the Fire-Rescue International Drill.

Referred to Finance and Personnel Committee

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

[11-6263](#) **Subject:** Communication from the Pete Henkes, Lighthouse Run Meet Director, requesting to use city right-of-way and Monument Square on June 18, 2011 for the 33rd Annual Lighthouse Run.

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

Referred to Public Works and Services Committee

Referred to Board of Park, Recreation and Cultural Services

[11-6276](#) **Subject:** Communication from the Interim Commissioner of Public Works/City Engineer requesting a preliminary resolution for sanitary sewer on De Koven Avenue from Clark Street to Racine Street.

Referred to Public Works and Services Committee

[11-6278](#) **Subject:** Communication from Doris Jacobson, 1631 C.A. Becker Drive and the 14th District Alderman regarding the water drainage problems causing ice build up on C.A. Becker.

Referred to Public Works and Services Committee

[11-6294](#) **Subject:** Communication from the Interim Commissioner of Public Works/City Engineer submitting a Professional Services Agreement for Engineering services for the sanitary sewer relay on Lake Avenue, between 3rd St. and 4th St., related to the WE Energies Project at 233 Lake Avenue.

Referred to Public Works and Services Committee

[11-6295](#) **Subject:** Communication from the Interim Commissioner of Public Works/City Engineer submitting an agreement between the City of Racine and WE Energies for reimbursement of Engineering and construction costs for the relay of sanitary sewer on Lake Avenue, between 3rd St. and 4th St., for the WE Energies Project at 233 Lake Avenue.

Referred to Public Works and Services Committee

[11-6298](#)

Subject: Communication from David Popoff requesting permission to close the 300 block of Hamilton Street on June 26, 2011 for the 6th Annual Eagle's Club/George's Tavern Classic Car Show.

Referred to Public Works and Services Committee

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

[11-6274](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to present the bids received by the Commissioner of Public Works on April 21, 2011 for Contract 23-11 (K1-023) Masonry Restoration at Recreation Service Center.

Referred to Public Safety and Licensing Committee

[11-6296](#)

Subject: (New) Application of JFITZ 627, LLC, Jeffery S. Fitzgerald, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1924 Sixteenth Street. (3rd District)

Referred to Public Safety and Licensing Committee

[11-6297](#)

Subject: (New) Application of Jose E. Sanchez, Sarkis A. Asdigian, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1318 Douglas Avenue. (4th District)

Referred to Public Safety and Licensing Committee

[11-6302](#)

Subject: Communications from the Fire Chief requesting permission to donate surplus equipment to Gateway Technical College.

Referred to Public Safety and Licensing Committee

Refer to Transit and Parking Commission, by Ald. DeHahn

[11-6286](#)

Subject: Communication from the Transit and Parking System Manager requesting authorization for Paratransit gasoline tax payment refunds.

Referred to Transit and Parking Commission

[11-6287](#)

Subject: Communication from the Transit and Parking System Manager requesting authorization to enter into an Intergovernmental Cooperative Purchasing Agreement with Kenosha Area Transit.

Referred to Transit and Parking Commission

[11-6288](#)

Subject: Communication from the Transit and Parking System Manager requesting authorization for a pay-by-space parking kiosk

demonstration project.

Referred to Transit and Parking Commission

[11-6289](#)

Subject: Communication from the Transit and Parking System Manager requesting approval to remove a parking meter and move the bus stop at 7th and Main St.

Referred to Transit and Parking Commission

[11-6290](#)

Subject: Communication from the Transit and Parking System Manager requesting informational items be placed on the April 27, 2011 Transit and Parking Commission agenda.

Referred to Transit and Parking Commission

[11-6291](#)

Subject: Communication from the Transit and Parking System Manager requesting to move the bus stop at South St. and Douglas Ave.

Referred to Transit and Parking Commission

[11-6292](#)

Subject: Communication from the Transit and Parking System Manager requesting authorization to move a bus stop at Washington Ave. and Prairie Dr.

Referred to Transit and Parking Commission

[11-6293](#)

Subject: Communication from the Belle Urban Transit (BUS) System General Manager submitting the March 2011 operating report.

Referred to Transit and Parking Commission

Refer to Executive Committee, by Ald. Jeff Coe

[11-6280](#)

Subject: Communication from the 3rd, 7th and 14th District Alderman requesting to change the procedures for out of county contractors bid requirements, to use City of Racine workers.

Referred to Executive Committee

Refer to Committee of the Whole, by Ald. Jeff Coe

[11-6279](#)

Subject: Communication from the 14th District Alderman requesting the Parks and Recreation Department be placed under the Department of Public Works.

Referred to Committee of the Whole

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Spangenberg[11-6228](#)

Subject: Communication from the City Attorney submitting the claim of Gary McCaske for consideration.

Recommendation of the Finance & Personnel Committee on

4-11-11: The claim Gary McCaske, 1020 High St., Union Grove, 53182, requesting reimbursement in the amount of \$1,294.00 for a fence at 2819 Hamilton Ave. that was allegedly damaged by the weight of the snow pushed against his fence during the blizzard on or about February 2-3, 2011 be denied.

Fiscal Note: N/A

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

[11-6241](#)

Subject: Communication from the City Attorney submitting the claim of Julia LaPoint for consideration.

Recommendation of the Finance & Personnel Committee on

4-11-11: The claim of Julia LaPoint, 1121 Cleveland Ave., 53405, requesting reimbursement in the amount of \$50,000.00 for alleged injuries when she stepped into a depression in the street in front of her home on or about May 20, 2010 be denied.

Fiscal Note: N/A

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

[11-6059](#)

Subject: (Direct Referral) A communication from the Executive Director of the Racine County Economic Development Corporation requesting an opportunity to discuss the City of Racine Entrepreneurship Initiative. (Res.11-2485)

Recommendation of the Economic Development Committee on

2-14-11: Defer action on the Entrepreneurship initiative memo until the next Economic Development Committee meeting.

Recommendation of the Economic Development Committee on

3-22-11: Approve the Small Business Development Initiative and refer to other city committees (Redevelopment Authority and Community Development Committee) for funding.

Recommendation of the Redevelopment Authority on 4-4-11: That \$69,400.00 from the Intergovernmental Revenue Sharing Fund be used for the Entrepreneurship Initiative contract for 2011.

Further recommends, that the Mayor and City Clerk be authorized and directed to enter into the agreement with RCEDC.

Further recommends, that the proposed agreement be referred to the Finance and Personnel Committee of the Common Council for its review and approval.

Fiscal Note: The funds are available in the city's 2011 capital budget, account no. 919.00.5610.

Recommendation of the Finance & Personnel Committee on 4-11-11: Recommend the use of \$69,400 from the Intergovernmental Revenue Sharing Fund for the Racine Entrepreneurship Initiative and that the City Clerk and Mayor be authorized and directed to enter into an agreement with RCEDC.

Fiscal Note: The funds are available in the city's 2011 capital budget, account no. 919.00.5610.

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

11-6136

Subject: Communication from the Racine Scouts Drum and Bugle Corps requesting the waiver of fees for rental of Pershing Park and permission for two scout troops to camp at Pershing Park over the Memorial Day weekend, May 27-30, 2011. (Res.11-2503)

Recommendation of the Finance & Personnel Committee on 3-21-11: Recommend that fees charged to the Racine Scouts Drum and Bugle Corps for the use of Pershing Park for their "Healing Field of Flags" event to be held over Memorial Day weekend, May 27-30, 2011, be reduced to 50% of the published rate. Further recommend that permission be granted for two Scout troops to camp overnight on the park grounds during the event.

Fiscal Note: The current fee is \$300 a day and will be reduced to \$150 with an additional \$350 deposit. The Racine Scouts Drum and Bugle Corps will take care of the security fees.

Recommendation of the Board of Parks, Recreation & Cultural Services 4-13-11: To approve with conditions the communication from the Racine Scouts Drum and Bugle Corps requesting permission for two scout troops to camp at Pershing Park over the Memorial Day weekend, May 27-30, 2011.

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

- A. A hold harmless agreement is executed;
- B. A liability insurance certificate is filed prior to the event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall pay a \$150.00 per day special event fee and a \$350 deposit fee.

Further recommends that the Commissioner of Public Works/City Engineer, Chief of Police, and Director of Parks, Recreation and Cultural Services provide limited assistance, in the interest of public safety, to implement this event.

Fiscal Note: The current fee is \$300 per day and will be reduced to \$150 per day with an additional \$350 deposit. There will be nominal costs to various City departments, on a regular shift basis to assist in implementing this event.

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

[11-6227](#)

Subject: Communication from the Interim Commissioner of Public Works/Operations requesting authorization to apply for and accept two Focus on Energy Grants from WE Energies for upgrading light fixtures in the Lake Avenue and Shoop Parking Ramps. Grant Control No.s 2011-010 and 2011-011. (Res.11-2487)

Recommendation of the Finance & Personnel Committee on 4-11-11: Permission granted for the Interim Commissioner of Public Works/Operations to apply for and accept two Focus on Energy Grants from WE Energies for upgrading light fixtures in the Lake Avenue and Shoop Parking Ramps. Grant Control Nos. 2011-010 and 2011-011.

Fiscal Note: The estimated Lake Avenue Ramp project cost is \$47,655.00, with the grant in the amount of \$1,310.00. The estimated Shoop Ramp project is \$73,915.00, with the grant being in the amount of \$2,006.00. Funds for both projects are available in Account No. 106.987.5120, Ramp Improvements.

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

[11-6232](#)

Subject: Communication from the Manager of Recreation & Cultural Services requesting permission to accept a \$1,000 donation for the Mayor's Back to School/Stay in School program.

Recommendation of the Finance & Personnel Committee on

4-11-11: Permission granted to accept a \$1,000 donation from Butter Bud's for the Mayor's Back to School/Stay in School program and that an appropriate letter of thanks be sent.

Fiscal Note: The donation will be used to purchase school supplies for City students.

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

11-6233

Subject: Communication from the Finance Director requesting to appear before the Finance & Personnel Committee to discuss the State Board of Assessors Notice of Determination in the appeal of Gorton Properties, LLC in regards to their 2010 assessment and resulting property tax bill. (Res.11-2489)

Recommendation of the Finance & Personnel Committee on

4-11-11: The 2010 Tax Levy for Gorton Properties, LLC., 1836 Oakdale Avenue, Tax Parcel No. 22898000, be reduced from \$19,980.27 to \$16,382.40 and that the resulting credit of \$3,597.87 plus interest be charged against Account 101.990.5930 Real Estate and Personal Property Taxes.

Fiscal Note: There are sufficient funds available for this credit. Other taxing jurisdiction's portions will be charged back when appropriate.

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

11-6238

Subject: Communication from the Public Health Administrator requesting permission to apply and accept funds in the amount of \$175,140 from WE Energies, Fund for Lake Michigan for the Baseline Assessment of Water Quality in Support of the Root River Restoration Plan. (Grant Control #2011-012) (Res.11-2488)

Recommendation of the Finance & Personnel Committee on

4-11-11: Permission granted for the Public Health Administrator to apply for and accept funds in the amount of \$175,140 from WE Energies, Fund for Lake Michigan for the Baseline Assessment of Water Quality in Support of the Root River Restoration Plan. (Grant Control #2011-012)

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

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

11-6237

Subject:Communication from the Chief of Police, requesting to discuss the waiver of bidding requirements and sole-source procurement for the purchase of Automated License Plate Reader (ALPR) equipment and software. (Res.11-2486)

Recommendation of the Finance & Personnel Committee on

4-11-11: Authorize and direct the Purchasing Agent to waive formal bidding requirements and negotiate sole-source procurement for the purchase of Automated License Plate Reader (ALPR) equipment and software with Federal Signal of Knoxville, Tennessee.

Fiscal Note: Funding for this purchase is budgeted in account 274.000.5950.

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

Council Action

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

AYES: 14 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

EXCUSED: 1 - Wisner

Public Works and Services Committee Report, by Ald. Holding11-6045

Subject: Communication from the Root River Council requesting permission to place permanent mosaics along the street-level walkways spanning the West 6th Street bridge between Marquette Street and Memorial Drive. (Res.11-2493)

Recommendation of the Public Works and Services Committee

on 4-12-11: The Root River Council be granted permission to install mosaics along the street-level walkways spanning the West 6th Street Bridge between Marquette Street and Memorial Drive, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets and in conjunction with the criteria requirements specified under Exhibit A.

Further recommend that the Root River Council be responsible for maintaining the mosaics.

Further recommends that the Root River Council be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

Fiscal Note: There will be no cost to the City of Racine.

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

[11-6081](#)

Subject: (Direct Referral) Communication from the Interim Commissioner of Public Works submitting a request for final payment on Contract 41-10 (K0-050), Festival Hall AC Replacement, Grunau Co., Inc., contractor. (Res.11-2498)

Recommendation of the Public Works and Services Committee on 4-12-11: That the work done by Grunau Co., Inc. under Contract 41-10 (K0-050), Festival Hall AC Replacement, be accepted and final payment authorized for a total contract amount of \$61,870.00.

Fiscal Note: Contract was authorized under Resolution No. 10-2120, dated August 2, 2010.

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

[11-6190](#)

Subject: (Direct Referral) Communication from the Interim Commissioner of Public Works submitting a request for final payment on Contract 50-10 (K0-064), Generator Replacement-Racine Radio Tower, Great Lakes Electric, contractor. (Res.11-2499)

Recommendation of the Public Works and Services Committee on 4-12-11: That the work done by Great Lakes Electric under Contract 50-10 (K0-064), Generator Replacement-Racine Radio Tower, be accepted and final payment authorized for a total contract amount of \$47,114.63.

Fiscal Note: Contract was authorized under Resolution No. 10-2245, dated November 3, 2010.

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

[11-6196](#)

Subject: Communication from the Race Director of the Ragnar Relay Chicago 2011 race requesting permission to use city right-of-way on Sunday, June 11, 2011. (Res.11-2490)

Recommendation of the Public Works and Services Committee on 4-12-11: Permission be granted to the sponsor of the Ragnar Relay Chicago 2011 Race to use certain city streets for the period of 2:00 a.m. to 10:00 a.m. on Saturday, June 11, 2011, and to use city right-of-way (sidewalks and parking lanes) along the following streets:

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

South on Main St. to Goold St.
East on Goold St. to Michigan Blvd.
South on Michigan Blvd. to Dodge St.
West on Dodge St. to Main St.
South on Main St. to boardwalk
East on board walk to Lake Ave.
South on Lake Ave. to 6th St.
East on 6th St. to Pershing Park Dr.
South on Pershing Park Dr. to 11st St.
West on 11th St. to Main St.
South on Main St. to 16th St.
West on 16th St. to Wisconsin Ave.
South on Wisconsin Ave. to 21st St.
West on 21st St. to Roosevelt Park Dr.
South on Roosevelt Park Dr. to 24th St.
West on 24th St. to Sheridan Rd. (city limits)

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

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime cost and equipment and material loss incurred by any department in the assistance of this event shall be charged to the sponsor;
- D. Sponsor shall comply with the approved policy on parking restrictions for special events, and the sponsor shall distribute to all abutting property occupants on those streets where parking is being prohibited written notices of the ban approximately 48 hours in advance of this event.
- E. Sponsor shall be responsible for all traffic control and detour signage during the event.
- F. Sponsor shall pay a \$250.00 special event fee.

Further recommends that the Commissioner of Public Works/City Engineer and Chief of Police provide limited assistance in the interest of public safety to implement this event in accordance with these stipulations.

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

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

[11-6236](#)

Subject: Communication from Charlie Manning, Commodore, Racine Yacht Club, requesting permission to use the former Walker property

to spread, dewater and temporarily store materials dredged from their slip basin. (Res.11-2492)

Recommendation of the Public Works and Services Committee

on 4-12-11: The Mayor and City Clerk be authorized and directed to enter into a License to Use Real Estate Agreement with the Racine Yacht Club granting them permission to use the Walker property to spread, dewater and temporarily store materials dredged from their slip basin, with the following stipulations:

- A. A Hold Harmless Agreement be executed;
- B. A Liability Insurance Certificate be filed;
- C. Racine Yacht Club provides environmental documentation that the materials are non-hazardous;
- D. They provide documentation that the project has been approved by the Wisconsin Department of Natural Resources; and
- E. All materials be removed from the site by March 30, 2012, with the caveat that the City may order its removal earlier, for any reason, with a 60 day written notice.

Fiscal Note: Not applicable.

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

[11-6247](#)

Subject: (Direct Referral) Communication from the Interim Commissioner of Public Works submitting a request for final payment on Contract 33-07 (K7-037), Professional Services - Design Photovoltaic Electric Generating System, AECOM Technical Services, Inc., consultant. (Res.11-2496)

Recommendation of the Public Works and Services Committee

on 4-12-11: That the professional services provided by AECOM Technical Services, Inc., under Contract 33-07 (K7-037), Professional Services - Design Photovoltaic Electric Generating System, be accepted and final payment authorized for a total contract amount of \$29,161.12.

Fiscal Note: Contract was authorized under Resolution No. 07-0118, dated March 20, 2007.

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

[11-6253](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 4 to Contract 17-10 (K0-017), State Street Bridge Repairs, Zenith Tech, Inc., contractor. (Res.11-2501)

Recommendation of the Public Works and Services Committee on 4-12-11: That Change Order No. 4 on Contract 17-10 (K0-017), State Street Bridge Repairs, Zenith Tech, Inc., contractor, be approved in the amount of \$7,600.00

Further recommends that funding to defray the cost of this change order be appropriated from Account 930.077.5810, State Street Lift Bridge Repairs.

Further recommends that a time extension be approved until April 29, 2011 to complete this contract.

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.

[11-6255](#)

Subject: (Direct Referral) Communication from the Interim Commissioner of Public Works submitting Amendment No. 1 to Contract 19-11 (K1-019), Professional Services - Design Roof Specifications for Street Maintenance Garage, Industrial Roofing Services, Inc., consultant. (Res.11-2502)

Recommendation of the Public Works and Services Committee on 4-12-11: That Amendment No. 1 to Contract 19-11 (K1-019), Professional Services - Design Roof Specifications for Street Maintenance Garage, Industrial Roofing Services, Inc., consultant, as submitted, be approved in the amount of \$1,000.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 991.630.5010, Street Maintenance Garage-Roofs 1, 4.

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.

[11-6257](#)

Subject: (Direct Referral) Communication from the Interim Commissioner of Public Works submitting a request for final payment on Contract 68-09 (K9-069), Replace Voicemail System, Maron Structure Technologies, contractor. (Res.11-2497)

Recommendation of the Public Works and Services Committee on 4-12-11: That the professional services provided by Maron Structure Technologies, under Contract 68-09 (K9-069), Replace Voicemail System, be accepted and final payment authorized for a total contract amount of \$22,128.64.

Fiscal Note: Contract was authorized under Resolution No. 09-1685, dated November 3, 2009.

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

[11-6258](#)

Subject: (Direct Referral) Communication from the Interim Commissioner of Public Works submitting a website update proposal from Corporate Images, Inc. (Res.11-2500)

Recommendation of the Public Works and Services Committee on 4-12-11: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Corporate Images, Inc. for providing website updates relating to recycling, in the not-to-exceed amount of \$9,475.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 289.000.5610, 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.

[11-6264](#)

Subject: (Direct Referral) Communication from the Interim Commissioner of Public Works submitting bid results on Contract 17-11 (K1-017), N. Main & Goold Traffic & Street Light Renovations. (Res.11-2494)

Recommendation of the Public Works and Services Committee on 4-12-11: That Contract 17-11 (K1-017), N. Main & Goold Traffic & Signal Light Renovations, be awarded to Pieper Electric, Inc., Milwaukee, WI, at their bid price of \$91,433.03, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 82,058.63 - Account 991.600.5010, Traffic Signals
\$ 9,374.40 - Account 991.590.5010, Street Lighting
\$ 91,433.03 - 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.

[11-6265](#)

Subject: (Direct Referral) Communication from the Interim Commissioner of Public Works submitting bid results on Contract

27-11 (K1-027), South Side Street Paving (R1). (Res.11-2495)

Recommendation of the Public Works and Services Committee on 4-12-11: That Contract 27-11 (K1-027), South Side Street Paving (R1), be awarded to Milwaukee General Construction Company, Inc., Milwaukee, WI, at their bid price of \$702,392.45, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 19,130.07 - Account 287.991.5310, Sanitary Sewers, Var. Loc.
\$ 61,194.24 - Account 104.991.5420, Storm Sewers, Misc. Loc.
\$ 303,135.02 - Account 906.000.5010, Concrete Street Paving
\$ 318,933.12 - Account 991.908.5020, Conc. Pvmnt. Repl., Misc. Loc.
\$ 702,392.45 - 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.

Council Action

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

AYES: 14 - Shakoore, II, Coe, Marcus, Shields, Hart, Kaplan, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

EXCUSED: 1 - Wisner

Public Safety and Licensing Committee Report, by Ald. Wisneski

10-5472

Subject: (Direct Referral) Request for Pythaphone Khampane, agent for Sticky Rice/Gingers, 337 S. Main Street to appear on August 9th, 2010 regarding an extension of previous agreement between the City of Racine and Sticky Rice/Gingers.

Recommendation of the Public Safety and Licensing Committee 8-9-10: That the matter of the Sticky Rice/Gingers, 337/345 Main Street be referred to a due process hearing based on the number of police calls, the underage minors on premise, capacity issues and large crowds to determine whether the license should be revoked or suspended.

Recommendation of the Public Safety and Licensing Committee on 3-30-11: (Due Process Hearing)

That the "Class B" intoxicating liquor and fermented malt beverage license for, Sticky Rice, LLC and Ginger's Lounge at 337 and 345 Main Street, Racine, Wisconsin, be revoked.

Fiscal Note: The approximate cost is \$8,000.

Alderman Wisneski requested that item 10-5472 be considered separately.

Alderman Wisneski made a motion seconded by Alderman Maack notwithstanding the committee's recommendation the item be deferred. The motion passed by the following votes:

AYES: Shakoor, Shields, Spangenberg, Weidner, Wisneski, Coe, DeHahn, Hart, Holding, Kaplan, Maack, Marcus, McCarthy and Mozol

NOES: None

EXCUSED: Wisner

A motion was made that this Communication be Referred to the Common Council, . The motion was APPROVED by the following vote:

AYES: 14 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

EXCUSED: 1 - Wisner

11-6203

Subject: Communication from Zayed Kadadha - City Food Mart LLC, 2300 17th Street, submitting a petition to exceed the "Class A" quota limit.

Recommendation of the Public Safety and Licensing Committee on 4-11-11: That the request from Zayed Kadadha - City Food Mart LLC, 2300 17th Street, submitting a petition to exceed the "Class A" quota limit be denied because it does not meet the established criteria for exceeding the quota.

Fiscal Note: N/A

Alderman Wisneski requested that item 11-6203 be considered separately.

Alderman Wisneski made a motion seconded by Alderman Maack notwithstanding the committee's recommendation the item be received and filed. The motion passed by the following votes:

AYES: Shakoor, Shields, Spangenberg, Weidner, Wisneski, Coe, DeHahn, Hart, Holding, Kaplan, Maack, Marcus, McCarthy and Mozol

NOES: None

EXCUSED: Wisner

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

AYES: 14 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

EXCUSED: 1 - Wisner

[11-6225](#)

Subject: (Direct Referral) Sale of Abandoned Vehicles

Recommendation of the Public Safety and Licensing Committee on 4-11-11: That the Abandoned Vehicles sales of March 23rd be approved.

Fiscal Note: This will generate \$20,501.01 in revenue.

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

[11-6246](#)

Subject: (New) Application of Bar 525, LLC, Jim DiPasquale, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 525 Wisconsin Avenue. (1st District)

Recommendation of the Public Safety and Licensing Committee on 4-11-11: That the application of Bar 525, LLC, Jim DiPasquale, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 525 Wisconsin Avenue be approved with the stipulation that the digital camera be installed and inspected before the license is issued.

Fiscal Note: N/A

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

[11-6250](#)

Subject: (New) Application of Vero's, LLC, Nicole Cannon, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 211 Sixth Street. (1st District)

Recommendation of the Public Safety and Licensing Committee on 4-11-11: That the application of Vero's, LLC, Nicole Cannon, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 211 Sixth Street be approved with the following conditions: that the license would be issued only after the inspection was successfully completed and continual operation of the restaurant.

Fiscal Note: N/A

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

[11-6254](#)

Subject: (Direct Referral) (New) Application for a Gasoline Station

Owner's and Manager's License for Washington Petro Mart, Meher Nasir, Manager at 4301 Washington Avenue.

Recommendation of the Public Safety and Licensing Committee on 4-11-11: That the application for a Gasoline Station Owner's and Manager's License for Washington Petro Mart, Meher Nasir, Manager at 4301 Washington Avenue 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 Aron Wisneski, seconded by David L. Maack, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

EXCUSED: 1 - Wisner

City Plan Commission Report, by Ald. Holding

11-6040

Subject: Communication from Karen Sorenson requesting termination of the West Racine Business Improvement District (BID No. 2). (Res.11-2506)

PLAN COMMISSION RECOMMENDATION OF APRIL 13, 2011:
That the Plan Commission has determined that per Wisconsin State Statute 66.1109(4m) the threshold to terminate the West Racine Business Improvement District (BID No. 2) has been met, and recommends the Common Council introduce a resolution to terminate the West Racine Business Improvement District (BID No. 2).

Further, that the business improvement district shall be considered terminated on the date the obligation with the latest completion date entered into to implement the operating plan expires.

FISCAL NOTE: Unexpended BID No. 2 funds will be returned to affected property owners within BID No. 2

Alderman Wisneski requested that item 11-6040 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 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Weidner, Wisneski, McCarthy, DeHahn, Holding and Mozol

EXCUSED: 1 - Wisner

ABSTENTIONS: 2 - Maack and Spangenberg

11-6218

Subject: (Direct Referral) Request by Anthony Coey for a Conditional Use permit for 3317 Durand Avenue to operate a used automobile sales lot. (Res.11-2507)

PLAN COMMISSION RECOMMENDATION OF APRIL 13, 2011:

THAT THE REQUEST BY ANTHONY COEY SEEKING A CONDITIONAL USE PERMIT FOR USED AUTOMOBILE SALES AT 3317 DURAND AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the applicant continue to work with City Development Staff on completion and submittal of a correct floor plan and revised site plan, which addresses citizen and Staff concerns and requirements, prior to any permits being issued or occupancy granted for the site. If the applicant and Staff are unable to come to consensus on site plan, the request shall be re-scheduled and presented to the Plan Commission for further review and recommendation.
- b. That the hours of operation be from 8:00 a.m. - 6:00 p.m., Monday through Friday, and from 9:00 a.m. - 2:00 p.m. on Saturdays. There shall be no Sunday hours.
- c. That only private passenger vehicles be sold at the location.
- d. That there be no pennants, banners, streamers, advertising flags, antenna sleeves, string lights, spot lights or other forms of attraction devices utilized.
- e. That wheel stops or curbing be installed for parking spaces as required per Section 114-1171 of the Zoning Ordinance.
- f. That the ingress/egress located closest to the intersection of Wheelock Drive and Durand Avenue be closed off, and that this closure be subject to review and approval of the Commissioner of Public Works.
- g. That no inoperable vehicles shall be stored or sold from this location.
- h. That no vehicles for sale be allowed to be parked on either street adjacent to the property. Vehicles for sale or which have been

repaired and are awaiting pick-up shall be stored in parking spaces designated for this purpose.

- i. That any waste generated from the vehicle repair, such as oil or other fluids, shall be stored in appropriate containers inside the building while awaiting pickup and proper disposal.
- j. That auto detailing and repair of cars to be sold on-site be allowed within the existing garage. No detailing or repair activities shall take place outside of the building.
- k. That no storage be allowed in the area behind the building, with the exception of the existing storage shed.
- l. That all signage be reviewed and approved by the Director of City Development and all required permits be acquired prior to installation.
- m. That all parking lot lighting shall be shielded downward, and that the illuminated pole sign shall be turned off no later than 10:00 p.m. daily.
- n. That no tow trucks, or similar vehicles used to transport vehicles to and from this site be allowed to park at this location other than to load or unload, and all loading and unloading of vehicles shall take place on-site.
- o. That all vehicles offered for sale are to be confined to the property at 3317 Durand Avenue.
- p. That all codes and ordinances be complied with and required permits acquired.
- q. 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.
- r. That this permit is subject to Plan Commission review for compliance with the listed conditions.
- s. That those improvements as required by above conditions shall be fully implemented by August 1, 2011. If the applicant or owner fails to implement the required improvements by August 1, 2011 the applicant or owner shall provide the City with a letter of credit, bond, or other acceptable financial security, equal in value to the required improvements.

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

The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by August 1, 2012. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.

By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for purpose hereby described.

FISCAL NOTE: N/A

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

[11-6267](#)

Subject: (Direct Referral) A request by Janet and Daniel Frey to rezone their home at 845 Villa Street from R-3 Limited General Residence to R-3 with a H-Historic Properties District Overlay. (ZOrd.5-11)

Recommendation of the Plan Commission on 4-13-11: That an ordinance be prepared and public hearing scheduled.

FISCAL NOTE: N/A.

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

[11-6268](#)

Subject: (Direct Referral) Request by Abimael Gutierrez of Wisconsin Iron & Steel, LLC seeking a Conditional Use permit for a contractor's storage and materials fabrication facility at 724 Racine Street. (Res.11-2508)

Recommendation of the Plan Commission on 4-13-11:
THAT THE REQUEST BY ABIMAEEL GUTIERREZ OF WISCONSIN IRON & STEEL, LLC SEEKING A CONDITIONAL USE PERMIT FOR A CONTRACTOR'S STORAGE AND MATERIALS FABRICATION FACILITY AT 724 RACINE STREET BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the plans as presented to the Plan Commission on April 13, 2011 be approved subject to the conditions contained herein.
- b. That all codes and ordinances be complied with and required permits acquired.
- c. That the maximum hours of the operation of the facility be from 7:00 a.m. to 5:00 p.m. Monday through Friday, with no hours on Saturday or Sunday.
- d. That this operation shall generate no noise or emit no fumes or smoke so as to be considered a violation of applicable codes and ordinances.
- e. That all trash and recyclables be stored in closed containers and screened from view.
- f. That all signs be professionally made, comply with all applicable ordinances and standards, and be presented to the Downtown Area Design Review Commission for review and approval.
- g. That the following actions shall be taken by May 31, 2011:
 1. Cease the outside storage of vehicles, equipment and materials, and cease the outside storage of materials on or in trailers.
 2. Remove all obsolete signage.
 3. Removed the flatbed trailer from the property or store indoors.
 4. Removed the office trailer from the property or store indoors.
 5. Remove inoperable and/or collector vehicles from the property or store in doors.
- h. That the following improvements shall be made to the property by August 1, 2011:
 1. Repaint the building exterior. The proposed color(s) shall be presented to the Director of City development for review and approval prior the building being painted.
 2. Repaired paved areas, seal paved areas, and stripe parking areas.
 3. Pave unpaved travel lanes and parking areas. The proposed paving plan shall be presented to the Director of City development for review and approval prior to implementation.
 4. Screen dumpster area(s). The proposed dumpster areas and screening method shall be presented to the Director of City development for review and approval prior installation.
 5. Repair or replace worn out receiving/shipping bay bumpers and seals.
 6. Repair or replace damaged railing located north of receiving docks.

i. That those improvements as required by above condition "h" shall be fully implemented by August 1, 2011. If the applicant or owner fails to implement the required improvements by August 1, 2011 the applicant or owner shall provide the City with a letter of credit, bond, or other acceptable financial security, equal in value to the required improvements.

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

The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by August 1, 2012. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.

By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for purpose hereby described.

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

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

FISCAL NOTE: N/A.

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

Council Action

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

AYES: 14 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

EXCUSED: 1 - Wisner

**Redevelopment Authority of the City of Racine Report, by Ald.
Spangenberg**

[11-6229](#)

Subject: (Direct Referral) Accepting a proposal and granting an option for the purchase and renovation of 1511 Washington Avenue.

Recommendation of the Redevelopment Authority on 4-4-11: That the Common Council approve the report and action of the Redevelopment Authority granting Adam Caleb Buth an option to purchase and redevelop the Authority's property at 1511 Washington Avenue. The option shall be based on Adam Caleb Buth's proposal and the Authority's Request for Proposals.

Fiscal Note: The sale price for the property will be one dollar conditioned on the rehabilitation of the property by Mr. Buth. Rehabilitation as proposed by Mr. Buth is estimated to cost \$322,000.

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

AYES: 14 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

EXCUSED: 1 - Wisner

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

[11-6076](#)

Subject: [Direct Referral] Park Pride Committee Discussion

Recommendation of the Board of Parks, Recreation and Cultural Services on 3-9-11: Defer

Fiscal note: N/A

Recommendation of the Board of Parks, Recreation and Cultural Services on 4-13-11: Receive and File.

Fiscal note: N/A

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

[11-6184](#)

Subject: Communication from the Boy Scouts requesting use of North Beach or Pershing Park the weekend of August 19-21, 2011. (Res.11-2504)

Recommendation of the Board of Parks, Recreation & Cultural

Services 4-13-11: To approve the request of the Boy Scouts to use Pershing Park the weekend of August 19-21, 2011 for the purpose of their Camporee weekend under the assumption that the area used at Pershing Park is exclusive only the evening of August 20; further, to work with PRCS staff to address safety concerns.

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

- A. A hold harmless agreement is executed;
- B. A liability insurance certificate is filed prior to the event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall pay a \$300.00 per day special event fee and a \$350 deposit fee.

Further recommends that the Commissioner of Public Works/City Engineer, Chief of Police, and Director of Parks, Recreation and Cultural Services provide limited assistance, in the interest of public safety, to implement this event.

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

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

11-6194

Subject: Communication from the Race Director of the Ragnar Relay Chicago to Benefit Back on my Feet Charity requesting the use of the North Beach parking lot and a small area for exchange on from 12:15 AM to 9:30 AM on June 11, 2011. (Res.11-2505)

Recommendation of the Board of Parks, Recreation & Cultural

Services 4-13-11: To approve the request of Ragnar Relay Chicago to use the North Beach Parking Lot and a small area for exchange from 12:15 AM to 9:30 AM on June 11, 2011.

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

- A. A hold harmless agreement is executed;
- B. A liability insurance certificate is filed prior to the event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall pay a \$150.00 per day special event fee.

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

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

[11-6197](#)

Subject: Communication from the President of 4th Fest of Greater Racine requesting permission to use city right-of-way for the 4th of July parade and permission to use North Beach for the fireworks. (Res.11-2491)

Recommendation of the Public Works and Services Committee on 4-12-11: That permission be granted to Fourth Fest of Greater Racine, Inc. to close certain city streets on Monday, July 4, 2011, from 7:00 a.m. to 12:30 p.m., to hold the 2011 Independence Day Parade.

Further recommends that the Commissioner of Public Works/City Engineer be authorized and directed to communicate with the U. S. Coast Guard requesting permission to close the Main Street Bridge to boat traffic on Monday, July 4, 2011, from 7:45 a.m. to 1:00 p.m., and both the Main Street and State Street Bridges on Monday, July 4, 2011, from 9:05 p.m. to 10:40 p.m., for the Fourth Fest activities.

Further recommends that in the interest of public safety, the Commissioner of Public Works/City Engineer and Chief of Police be authorized and directed to close Goold Street, Yout Street, English Street, High Street, St. Patrick Street, Kewaunee Street, and Barker Street, from Main Street to Michigan Boulevard; Michigan Boulevard, from Goold Street to Hamilton Street; Chatham Street, from north of Yout Street to Hamilton Street; and Hoffert Drive, on Monday, July 4, 2011, between the hours of 7:00 p.m. and 10:00 p.m., with a rain date of Tuesday, July 5, 2011, to provide for a Municipal Band Concert, to be held at North Beach Gazebo, and the fireworks display, as part of the Independence Day festivities.

Further recommends that the Commissioner of Public Works/City Engineer, Chief of Police, and Director of Parks, Recreation and Cultural Services provide limited assistance, in the interest of public safety, to implement this event.

Fiscal Note: Since the City is a co-sponsor of the event, there are no stipulations.

Recommendation of the Board of Parks, Recreation & Cultural Services 4-13-11: To approve the request of the 4th Fest of Greater Racine to use North Beach for their fireworks display.

Further recommends that the Commissioner of Public Works/City Engineer, Chief of Police, and Director of Parks, Recreation and Cultural Services provide limited assistance, in the interest of public safety, to implement this event.

Fiscal Note: N/A

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

11-6245

Subject: Communication from the Public Health Administrator requesting permission to adopt West Park for beautification and designation as a cancer survivor park.

Recommendation of the Board of Parks, Recreation and Cultural Services on 4-13-11: To approve the Public Health Administrator's request to adopt West Park for beautification and designation as a cancer survivor park; further, to work with PRCS staff to establish the best areas and type of beautification.

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 Terry McCarthy, seconded by Aron Wisneski, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

EXCUSED: 1 - Wiser

Mayor's Report, by Ald. Coe

11-6305

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

Reappoint Mohammed Rafiullah, MD, 3002 Michigan Blvd, Racine, 53402, to the Board of Health for a 2 year term to expire on the 3rd Tuesday in April, 2013.

Reappoint Alderman Robert Mozol, 730 Washington Ave, Racine, 53403, to the Board of Health for a 2 year term to expire on the 3rd Tuesday in April, 2013.

Reappoint Mary Sollman, 1901 Neptune Ave, Racine 53404, to the Board of Health for a 2 year term to expire on the 3rd Tuesday in April, 2013.

Reappoint Laura Martinez, 1105 ½ Hayes Ave, Racine 53405, to the Board of Health for a 1 year term to expire on the 3rd Tuesday in April, 2012.

Reappoint Margaret E. Lampark, BSN, RN, COHN-S, 1841 Polaris Ave, Racine, 53404, to the Board of Health for a 1 year term to expire on the 3rd Tuesday in April, 2012.

Appoint Kay-Eileen Willard, MD., 3330 Michigan Boulevard, Racine, 53402. to the Board of Health to fill the current vacancy to a 2 year term set to expire on the 3rd Tuesday in April, 2012.

Reappoint Mark Kowbel 918 Florence Ave Racine, 53402 to the Racine Board of Review to a 5 year term set to expire March 1, 2016

Appoint Alderman Melissa Kaprelian-Becker 2050 LaSalle St Racine, 53402 to the Racine Board of Parks, Recreation & Cultural Services to a 1 year term expiring April 1, 2012

Reappoint Kristen Kaprelian 421 Blaine Ave Racine, 53405 to the Racine Board of Parks, Recreation & Cultural Services to a 3 year term expiring on April 1, 2014

Reappoint Alderman Terry McCarthy 317 West Blvd. Racine, 53405 to the Racine Board of Parks, Recreation & Cultural Services to a 1 year term expiring on April 1, 2012

Reappoint Sharon Baldukas 729 Arthur Ave Racine, 53405 to the Racine Cemetery Board to a 4 year term expiring March 1, 2015

Reappoint Alderman Sandy Weidner 2310 Thor Ave, 53405 to the Racine Cemetery Board to a 1 year term expiring March 1, 2012

Reappoint John Heckenlively 410 7th St Racine, 53403 to the Racine Traffic Commission to a 3 year term expiring May 1, 2014

Reappoint Martin Defatte, 519 Island Ave Racine, 53405 to the Racine Traffic Commission to a 3 year term expiring May 1, 2014

Appoint Alderman Sandy Weidner 2310 Thor Ave, 53405 to the Racine Traffic Commission to a 1 year term expiring May 1, 2012

A motion was made by Jeff Coe, seconded by Q.A. Shakoor, II, that this be Received and Filed as Reported. The motion PASSED by the following vote:

AYES: 13 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Maack, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

NOES: 1 - Weidner

EXCUSED: 1 - Wisner

City Landmark's Preservation Commission Report, by Ald. Marcus

11-6243

Subject: (Direct Referral) Consideration of the designation of a Racine Landmark at 845 Villa Street.

Recommendation of the Landmarks Preservation Commission on 4-4-11: That the property be designated a Racine Landmark under criteria 58-61(a) (3), (4), and (5) of the Historic Preservation Ordinance.

FISCAL NOTE: N/A.

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

AYES: 14 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

EXCUSED: 1 - Wisner

G. Consent Agenda - Resolutions

Res.11-2485

Permission granted to use Intergovernmental Revenue Sharing Funds for the Racine Entrepreneurship Initiative Contract for 2011, and Mayor and City Clerk be authorized and directed to enter into the agreement with Racine County Economic Development Corporation

Resolved, that \$69,400.00 from the Intergovernmental Revenue Sharing Fund be used for the Entrepreneurship Initiative Contract for 2011 with Racine County Economic Development Corporation.

Further resolved, that the Mayor and City Clerk be authorized and directed to enter into the agreement with RCEDC.

Fiscal Note: Funds are available in the City's 2011 Capital Budget, Account No. 919.00.5610.

Sponsors: James T. Spangenberg

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

Res.11-2486

Permission granted to waive formal bidding procedures and Purchasing Agent be authorized and directed to negotiate with Federal Signal for the purchase of Automated License Plate Reader (ALPR) equipment and software for the Police Department

Resolved, that being in the best interest of the City, formal bidding procedures be waived and the Purchasing Agent be authorized and directed to negotiate sole-source procurement for the purchase of Automated License Plate Reader (ALPR) equipment and software with Federal Signal of Knoxville, Tennessee.

Fiscal Note: Funding for this purchase is budgeted in Account 274.000.5950.

Sponsors: James T. Spangenberg

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

Res.11-2487

Permission granted to the Interim Commissioner of Public Works/Operations to apply for and accept two Focus on Energy Grants from WE Energies for upgrading light fixtures in the Lake Avenue and Shoop Parking Ramps

Resolved, that permission be granted for the Interim Commissioner of Public Works/Operations to apply for and accept two Focus on Energy Grants from WE Energies for upgrading light fixtures in the Lake Avenue and Shoop Parking Ramps. Grant Control Nos. 2011-010 and 2011-011.

Fiscal Note: The estimated Lake Avenue Ramp project cost is \$47,655.00, with the grant in the amount of \$1,310.00. The estimated Shoop Ramp project is \$73,915.00, with the grant being in the amount of \$2,006.00. Funds for both projects are available in Account No. 106.987.5120, Ramp Improvements.

Sponsors: James T. Spangenberg

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

Res.11-2488

Permission granted to the Public Health Administrator to apply for and accept funds from WE Energies, Fund for Lake Michigan for the Baseline Assessment of Water Quality in Support of the Root River Restoration Grant

Resolved that permission be granted to the Public Health Administrator to apply for and accept funds in the amount of \$175,140 from WE Energies, Fund for Lake Michigan for the Baseline Assessment of Water Quality in Support of the Root River Restoration Plan.(Grant Control #2011-012). The

funds will be used to conduct chemical, microbial, and physical baseline assessments on the mainstream of the Root River (inclusive of sites within the City of Racine) and its tributary creeks in support of a watershed-based Root River restoration plan. The contract period is from May, 2011 through May, 2013.

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

Sponsors: James T. Spangenberg

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

Res.11-2489

2010 Tax Levy for Gorton Properties, LLC., 1836 Oakdale Avenue, be reduced as a result of the State Board of Assessors Notice of Determination in the appeal of Gorton Properties, LLC., regarding their 2010 assessment and resulting property tax bill

Resolved, that the 2010 Tax Levy for Gorton Properties, LLC., 1836 Oakdale Avenue, Tax Parcel No. 22898000, be reduced from \$19,980.27 to \$16,382.40, and that the resulting credit of \$3,597.87 plus interest be charged against Account 101.990.5930 Real Estate and Personal Property Taxes.

Fiscal Note: There are sufficient funds available for this credit. Other taxing jurisdiction's portions will be charged back when appropriate.

Sponsors: James T. Spangenberg

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

Res.11-2490

Permission granted, with stipulations, to the sponsors of the Ragnar Relay Chicago 2011 Race to use City right-of-way on Saturday, June 11, 2011

Resolved, that permission be granted to the sponsor of the Ragnar Relay Chicago 2011 Race to use certain City streets for the period of 2:00 a.m. to 10:00 a.m. on Saturday, June 11, 2011, and to use City right-of-way (sidewalks and parking lanes) along the following streets:

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

South on Main St. to Goold St.
East on Goold St. to Michigan Blvd.
South on Michigan Blvd. to Dodge St.
West on Dodge St. to Main St.
South on Main St. to boardwalk
East on board walk to Lake Ave.
South on Lake Ave. to 6th St.
East on 6th St. to Pershing Park Dr.
South on Pershing Park Dr. to 11th St.

West on 11th St. to Main St.
South on Main St. to 16th St.
West on 16th St. to Wisconsin Ave.
South on Wisconsin Ave. to 21st St.
West on 21st St. to Roosevelt Park Dr.
South on Roosevelt Park Dr. to 24th St.
West on 24th St. to Sheridan Rd. (City limits)

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

- A. A hold harmless agreement be execute. A \$50.00 processing fee be charged for the agreement;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime cost and equipment and material loss incurred by any department in the assistance of this event shall be charged to the sponsor;
- D. Sponsor shall comply with the approved policy on parking restrictions for special events, and the sponsor shall distribute to all abutting property occupants on those streets where parking is being prohibited written notices of the ban approximately 48 hours in advance of this event;
- E. Sponsor shall be responsible for all traffic control and detour signage during the event;
- F. Sponsor shall pay a \$250.00 special event fee.

Further resolved, that the Commissioner of Public Works/City Engineer and Chief of Police provide limited assistance in the interest of public safety to implement this event in accordance with these stipulations.

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

Sponsors: Gregory Holding

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

Res.11-2491

Permission granted for Fourth Fest of Greater Racine, Inc., to use City right-of-way for the 4th of July parade and to use North Beach for the fireworks display

Resolved, that permission be granted to Fourth Fest of Greater Racine, Inc., to close certain City streets on Monday, July 4, 2011, from 7:00 a.m. to 12:30 p.m., to hold the 2011 Independence Day Parade.

Further resolved, that the Commissioner of Public Works/City Engineer be authorized and directed to communicate with the U. S. Coast Guard requesting permission to close the Main Street Bridge to boat traffic on Monday, July 4, 2011, from 7:45 a.m. to 1:00 p.m., and both the Main Street and State Street Bridges on Monday, July 4, 2011, from 9:05 p.m. to 10:40 p.m., for the Fourth Fest activities.

Further resolved, that in the interest of public safety, the Commissioner of Public Works/City Engineer and Chief of Police be authorized and directed to close Goold Street, Yout Street, English Street, High Street, St. Patrick Street, Kewaunee Street, and Barker Street, from Main Street to Michigan Boulevard; Michigan Boulevard, from Goold Street to Hamilton Street; Chatham Street, from north of Yout Street to Hamilton Street; and Hoffert Drive, on Monday, July 4, 2011, between the hours of 7:00 p.m. and 10:00 p.m., with a rain date of Tuesday, July 5, 2011, to provide for a Municipal Band Concert, to be held at North Beach Gazebo, and the fireworks display at North Beach, as part of the Independence Day festivities.

Further resolved, that the Commissioner of Public Works/City Engineer, Chief of Police, and Director of Parks, Recreation and Cultural Services provide limited assistance, in the interest of public safety, to implement this event.

Fiscal Note: Since the City is a co-sponsor of the event, there are no stipulations.

Sponsors: Gregory Holding and Terry McCarthy

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

Res.11-2492

Mayor and City Clerk be authorized and directed to enter into a License to Use Real Estate Agreement with Racine Yacht Club granting them permission to use the Walker property, with certain stipulations

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a License to Use Real Estate Agreement with the Racine Yacht Club granting them permission to use the Walker property to spread, dewater and temporarily store materials dredged from their slip basin, with the following stipulations:

- A. A Hold Harmless Agreement be executed. \$50.00 processing fee for the Hold Harmless Agreement;
- B. Proof of Liability Insurance be filed;
- C. Racine Yacht Club provides environmental documentation that the materials are non-hazardous;
- D. They provide documentation that the project has been approved by the Wisconsin Department of Natural Resources; and
- E. All materials be removed from the site by March 30, 2012, with the caveat that the City may order its removal earlier, for any reason, with a 60 day written notice.

Fiscal Note: Not applicable.

Sponsors: Gregory Holding

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

APPROVED.**Res.11-2493**

Root River Council granted permission to install mosaics along the street-level walkways spanning the West 6th Street Bridge between Marquette Street and Memorial Drive contingent upon entering into a Hold Harmless Agreement

Resolved, that the Root River Council be granted permission to install mosaics along the street-level walkways spanning the West 6th Street Bridge between Marquette Street and Memorial Drive, as requested, with the stipulation that a Hold Harmless Agreement be executed, in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets, and in conjunction with the criteria requirements specified under Exhibit A. A \$50.00 processing fee will be charged for the Hold Harmless Agreement.

Further resolved, that the Root River Council be responsible for maintaining the mosaics.

Further resolved, that the Root River Council be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds Office.

Fiscal Note: There will be no cost to the City of Racine.

Sponsors: Gregory Holding

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

Res.11-2494

Contract 17-11 (K1-017), N. Main & Goold Traffic & Light Renovations, be awarded to Pieper Electric, Inc., Milwaukee, WI., at its bid price

Resolved, that Contract 17-11 (K1-017), N. Main & Goold Traffic & Signal Light Renovations, be awarded to Pieper Electric, Inc., Milwaukee, WI, at its bid price of \$91,433.03, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 82,058.63 - Account 991.600.5010, Traffic Signals
\$ 9,374.40 - Account 991.590.5010, Street Lighting
\$ 91,433.03 - 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.11-2495

Contract 27-11 (K1-027), South Side Street Paving (R1), be awarded to Milwaukee General Construction Company, Inc., Milwaukee, WI., at its bid price

Resolved, that Contract 27-11 (K1-027), South Side Street Paving (R1), be awarded to Milwaukee General Construction Company, Inc., Milwaukee, WI, at its bid price of \$702,392.45, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 19,130.07 - Account 287.991.5310, Sanitary Sewers, Var. Loc.
\$ 61,194.24 - Account 104.991.5420, Storm Sewers, Misc. Loc.
\$ 303,135.02 - Account 906.000.5010, Concrete Street Paving
\$ 318,933.12 - Account 991.908.5020, Conc. Pvmt. Repl., Misc. Loc.
\$ 702,392.45 - 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.11-2496

Professional Services provided by AECOM Technical Services, Inc., consultant, under Contract 33-07 (K7-037), Design Photovoltaic Electric Generating System, be accepted and final payment authorized

Resolved, that the professional services provided by AECOM Technical Services, Inc., under Contract 33-07 (K7-037), Professional Services - Design Photovoltaic Electric Generating System, be accepted and final payment authorized for a total contract amount of \$29,161.12.

Fiscal Note: Contract was authorized under Resolution No. 07-0118, dated March 20, 2007.

Sponsors: Gregory Holding

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

Res.11-2497

Professional Services provided by Maron Structure Technologies, under Contract 68-09 (K9-069), Replace Voicemail System, be accepted and final payment authorized

Resolved, that the professional services provided by Maron Structure Technologies, under Contract 68-09 (K9-069), Replace Voicemail System, be accepted and final payment authorized for a total contract amount of \$22,128.64.

Fiscal Note: Contract was authorized under Resolution No. 09-1685, dated November 3, 2009.

Sponsors: Gregory Holding

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

Res.11-2498

Work done by Grunau Co., Inc., under Contract 41-10 (K0-050), Festival Hall AC Replacement, be accepted and final payment authorized

Resolved, that the work done by by Grunau Co., Inc. under Contract 41-10 (K0-050), Festival Hall AC Replacement, be accepted and final payment authorized for a total contract amount of \$61,870.00.

Fiscal Note: Contract was authorized under Resolution No. 10-2120, dated August 2, 2010.

Sponsors: Gregory Holding

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

Res.11-2499

Work done by Great Lakes Electric under Contract 50-10 (K0-064), Generator Replacement-Racine Radio Tower, be accepted and final payment authorized

Resolved, that the work by Great Lakes Electric under Contract 50-10 (K0-064), Generator Replacement-Racine Radio Tower, be accepted and final payment authorized for a total contract amount of \$47,114.63.

Fiscal Note: Contract was authorized under Resolution No. 10-2245, dated November 3, 2010.

Sponsors: Gregory Holding

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

Res.11-2500

Mayor and City Clerk be authorized and directed to enter into a Professional Services Agreement with Corporate Images, Inc., for providing website updates relating to recycling

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Professional Services Agreement with Corporate Images, Inc., for providing website updates relating to recycling, in the not-to-exceed amount of \$9,475.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 289.000.5610, 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.11-2501

Change Order No. 4 on Contract 17-10 (K0-017), State Street Bridge Repairs, Zenith Tech, Inc., contractor, be approved

Resolved, that Change Order No. 4 on Contract 17-10 (K0-017), State Street Bridge Repairs, Zenith Tech, Inc., contractor, be approved in the amount of \$7,600.00

Further resolved, that funding to defray the cost of this change order be appropriated from Account 930.077.5810, State Street Lift Bridge Repairs.

Further resolved, that a time extension be approved until April 29, 2011 to complete this contract.

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.11-2502

Amendment No. 1 to Contract 19-11 (K1-019), Professional Services - Design Roof Specifications for Street Maintenance Garage, Industrial Roofing Services, Inc., consultant, be approved as submitted

Resolved, that Amendment No. 1 to Contract 19-11 (K1-019), Professional Services - Design Roof Specifications for Street Maintenance Garage, Industrial Roofing Services, Inc., consultant, as submitted, be approved in the amount of \$1,000.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 991.630.5010, Street Maintenance Garage-Roofs 1, 4.

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.11-2503

Permission granted, with stipulations, to Racine Scouts Drum and Bugle Corps for two scout troops to camp at Pershing Park over Memorial Day weekend, May 27-30, 2011, for their "Healing Field of Flags" Event, at a 50% reduction of the special event fee

Resolved, that permission be granted to the Racine Scouts Drum and Bugle Corps for two scout troops to camp at Pershing Park over Memorial Day Weekend, May 27-30, 2011, for their "Healing Field of Flags" event, and that the event fees charged to the Racine Scouts Drum and Bugle Corps for the use of Pershing Park for their "Healing Field of Flags" event,

be reduced to 50% of the published rate.

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

- A. A hold harmless agreement be executed. \$50.00 processing fee charged for this Hold Harmless Agreement;
- B. Proof of liability insurance be filed prior to the event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall pay a \$150.00 per day special event fee and a \$350 deposit fee.

Further resolved, that the Commissioner of Public Works/City Engineer, Chief of Police, and Director of Parks, Recreation and Cultural Services provide limited assistance, in the interest of public safety, to implement this event.

Fiscal Note: The current fee is \$300 per day and will be reduced to \$150 per day with an additional \$350 deposit. There will be nominal costs to various City departments, on a regular shift basis to assist in implementing this event. The Racine Scouts Drum and Bugle Corps will take care of the security fees.

Sponsors: Terry McCarthy and James T. Spangenberg

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

Res.11-2504

Permission granted, with stipulations, for the Boy Scouts to use North Beach or Pershing Park the weekend of August 19-21, 2011 for their Camporee weekend

Resolved, that permission be granted to the the Boy Scouts to use Pershing Park the weekend of August 19-21, 2011 for their Camporee weekend, under the assumption that the area used at Pershing Park is exclusive only the evening of August 20 and to work with PRCS staff to address safety concerns.

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

- A. A Hold Harmless Agreement be executed. \$50.00 processing fee charged for the Hold Harmless Agreement;
- B. Proof of liability insurance be filed prior to the event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall pay a \$300.00 per day special event fee and a \$350 deposit fee.

Further resolved, that the Commissioner of Public Works/City Engineer, Chief of Police, and Director of Parks, Recreation and Cultural Services provide limited assistance, in the interest of public safety, to implement this event.

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

Sponsors: Terry McCarthy

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

Res.11-2505

Permission granted, with stipulations, to Ragnar Relay Chicago to use the North Beach Parking Lot and a small area for exchange on June 11, 2011 to benefit Back on My Feet Charity

Resolved, that permission be granted to Ragnar Relay Chicago to use the North Beach Parking Lot and a small area for exchange from 12:15 AM to 9:30 AM on June 11, 2011, to benefit Back on My Feet Charity.

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

- A. A Hold Harmless Agreement be executed. \$50.00 processing fee charged for the Hold Harmless Agreement;
- B. Proof of liability insurance be filed prior to the event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall pay a \$150.00 per day special event fee.

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

Sponsors: Terry McCarthy

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

Res.11-2507

Conditional Use Permit for 3317 Durand Avenue to operate a used automobile sales lot be approved with conditions

Resolved, that the request by Anthony Coey seeking a Conditional Use Permit for used automobile sales at 3317 Durand Avenue, be approved subject to the following conditions:

- a. That the applicant continue to work with City Development Staff on completion and submittal of a correct floor plan and revised site plan, which addresses citizen and staff concerns and requirements, prior to any permits being issued or occupancy granted for the site. If the applicant and staff are unable to come to consensus on site plan, the request shall be re-scheduled and presented to the Plan Commission for further review and

recommendation.

b. That the hours of operation be from 8:00 a.m. - 6:00 p.m., Monday through Friday, and from 9:00 a.m. - 2:00 p.m. on Saturdays. There shall be no Sunday hours.

c. That only private passenger vehicles be sold at the location.

d. That there be no pennants, banners, streamers, advertising flags, antenna sleeves, string lights, spot lights or other forms of attraction devices utilized.

e. That wheel stops or curbing be installed for parking spaces as required per Section 114-1171 of the Zoning Ordinance.

f. That the ingress/egress located closest to the intersection of Wheelock Drive and Durand Avenue be closed off, and that this closure be subject to review and approval of the Commissioner of Public Works.

g. That no inoperable vehicles shall be stored or sold from this location.

h. That no vehicles for sale be allowed to be parked on either street adjacent to the property. Vehicles for sale or which have been repaired and are awaiting pick-up shall be stored in parking spaces designated for this purpose.

i. That any waste generated from the vehicle repair, such as oil or other fluids, shall be stored in appropriate containers inside the building while awaiting pickup and proper disposal.

j. That auto detailing and repair of cars to be sold on-site be allowed within the existing garage. No detailing or repair activities shall take place outside of the building.

k. That no storage be allowed in the area behind the building, with the exception of the existing storage shed.

l. That all signage be reviewed and approved by the Director of City Development and all required permits be acquired prior to installation.

m. That all parking lot lighting shall be shielded downward, and that the illuminated pole sign shall be turned off no later than 10:00 p.m. daily.

n. That no tow trucks, or similar vehicles used to transport vehicles to and from this site be allowed to park at this location other than to load or unload, and all loading and unloading of vehicles shall take place on-site.

o. That all vehicles offered for sale are to be confined to the property at 3317 Durand Avenue.

p. That all codes and ordinances be complied with and required permits

acquired.

q. 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.

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

s. That those improvements as required by above conditions shall be fully implemented by August 1, 2011. If the applicant or owner fails to implement the required improvements by August 1, 2011, the applicant or owner shall provide the City with a letter of credit, bond, or other acceptable financial security, equal in value to the required improvements.

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

The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by August 1, 2012. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.

By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for purpose hereby described.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Res.11-2508

Conditional Use Permit for 724 Racine Street for a contractor's storage and materials fabrication facility be approved with conditions

Resolved, that the request by Abimael Gutierrez of Wisconsin Iron & Steel, LLC., seeking a Conditional Use Permit for a contractor's storage and materials fabrication facility at 724 Racine Street, be approved subject to the following conditions:

a. That the plans as presented to the Plan Commission on April 13, 2011, be approved subject to the conditions contained herein.

- b. That all codes and ordinances be complied with and required permits acquired.
- c. That the maximum hours of the operation of the facility be from 7:00 a.m. to 5:00 p.m. Monday through Friday, with no hours on Saturday or Sunday.
- d. That this operation shall generate no noise or emit no fumes or smoke so as to be considered a violation of applicable codes and ordinances.
- e. That all trash and recyclables be stored in closed containers and screened from view.
- f. That all signs be professionally made, comply with all applicable ordinances and standards, and be presented to the Downtown Area Design Review Commission for review and approval.
- g. That the following actions shall be taken by May 31, 2011:
 - 1. Cease the outside storage of vehicles, equipment and materials, and cease the outside storage of materials on or in trailers.
 - 2. Remove all obsolete signage.
 - 3. Removed the flatbed trailer from the property or store indoors.
 - 4. Removed the office trailer from the property or store indoors.
 - 5. Remove inoperable and/or collector vehicles from the property or store in doors.
- h. That the following improvements shall be made to the property by August 1, 2011:
 - 1. Repaint the building exterior. The proposed color(s) shall be presented to the Director of City development for review and approval prior the building being painted.
 - 2. Repaired paved areas, seal paved areas, and stripe parking areas.
 - 3. Pave unpaved travel lanes and parking areas. The proposed paving plan shall be presented to the Director of City development for review and approval prior to implementation.
 - 4. Screen dumpster area(s). The proposed dumpster areas and screening method shall be presented to the Director of City development for review and approval prior installation.
 - 5. Repair or replace worn out receiving/shipping bay bumpers and seals.
 - 6. Repair or replace damaged railing located north of receiving docks.
- i. That those improvements as required by above condition "h" shall be fully implemented by August 1, 2011. If the applicant or owner fails to implement the required improvements by August 1, 2011 the applicant or owner shall provide the City with a letter of credit, bond, or other acceptable financial security, equal in value to the required improvements.

The financial security documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be

extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial security.

The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by August 1, 2012. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.

By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for purpose hereby described.

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

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

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Council Action

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

AYES: 14 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

EXCUSED: 1 - Wisner

RESOLUTION

[Res.11-2506](#)

Per Wisconsin State Stat. sec. 66.1109 (4m), the threshold to terminate the West Racine Business Improvement District (BID No. 2) has been met thereby West Racine Business Improvement District (BID No. 2) be terminated

Resolved, that the Racine City Plan Commission has determined that per Wisconsin State Stat. sec. 66.1109(4m), the threshold to terminate the West Racine Business Improvement District (BID No. 2) has been met.

Further resolved, that the Business Improvement District (BID No. 2) shall be considered terminated on the date the obligation with the latest completion date entered into to implement the operating plan expires.

Fiscal Note: Expended BID No. 2 funds will be returned to affected property owners within BID No. 2.

Sponsors: Gregory Holding

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

AYES: 12 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Weidner, Wisneski, McCarthy, DeHahn, Holding and Mozol

EXCUSED: 1 - Wisner

ABSTENTIONS: 2 - Maack and Spangenberg

H. Ordinances

ZOrd.5-11

AN ORDINANCE REZONING 845 VILLA STREET

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 845 Villa Street and more particularly described as follows:

"Those lands located in Township 3 North, Range 23 East, in the Northeast 1/4 of Section 16, School Section, Block 16, Lot 11. Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from R-3 Limited General Residence District to R-3 with a H-Historic Properties District Overlay.

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

Referred to City Plan Commission

PRESENTATION TO OUTGOING ALDERMEN

Mayor Dickert presented plaques to the three outgoing Aldermen of the 1st, 5th and 13th Districts and "thanked" each of them for their service.

I. Adjourn

The meeting was adjourned at 8:20p.m. by Alderman Shakoor. The next scheduled meeting of the Council is Tuesday, April 19, 2011.

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