



# City of Racine

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

## Meeting Minutes - Final Common Council

*Mayor John T. Dickert, Alderman Q.A. Shakoor, II, Alderman Eric Marcus,  
Alderman Michael Shields, Alderman Ronald D. Hart,  
Alderman Jim Kaplan,  
Alderman Dennis Wisner, Alderman Aron Wisneski, Alderman Sandy Weidner, Alderman Terry McCarthy, Alderman Raymond DeHahn, Alderman Gregory Holding, Alderman Robert Mozol, Alderman O. Keith Fair, Alderman Melissa Kaprelian-Becker, Alderman James Morgenroth*

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Monday, August 1, 2011

7:00 PM

Room 205, City Hall

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### DUE TO NATIONAL NIGHT OUT

#### A. Call To Order

*At a regular meeting of the Common Council held this August 1, 2011, His Honor, Mayor Dickert presided and the following Aldermen were present at Roll Call with Alderman Marcus arriving at 7:08 P.M.*

**PRESENT:** 13 - Fair, Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol  
**EXCUSED:** 2 - Shields and Kaplan

#### 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 Holding.*

#### D. Public Comments

*Sue DeKeuster  
Jeff Schultz  
Norb DeKeuster  
George Meyers  
Den Lehner*

#### E. Communications

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

[11-6698](#)

**Subject:** Communication from the City Attorney submitting the claim

of Vernon Steffen and Christine Steffen for consideration.

**Referred to Finance and Personnel Committee**

[11-6710](#)

**Subject:** communication from the City Attorney submitting the claim of Richard Matavka and Marcia Matavka for consideration.

**Referred to Finance and Personnel Committee**

[11-6672](#)

**Subject:** Communication from Deborah Embry, Grant Facilitator, to apply for and accept a grant award from the Wisconsin Office of Justice Assistance for \$81,000. (Grant control # 2011-023)

**Referred to Finance and Personnel Committee**

[11-6711](#)

**Subject:** Communication from the Public Health Administrator requesting permission to amend the Women, Infants and Children (WIC) Contract for the fiscal period January 1, 2011 through December 31, 2011 due to de-obligation of WIC program funds. (Grant Control #2010-046)

**Referred to Finance and Personnel Committee**

[11-6712](#)

**Subject:** Communication from the Public Health Administrator requesting permission to accept an additional amount of \$16,300 from the Division of Public Health, Department of Health Services for Women, Infants and Children (WIC) Infrastructure. (Grant Control #2010-046)

**Referred to Finance and Personnel Committee**

[11-6719](#)

**Subject:** Communication from the Director of City Development requesting certification of compliance for the City of Racine Industrial/Commercial Building Revolving Loan Fund.

**Referred to Finance and Personnel Committee**

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

[11-6700](#)

**Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to waive bidding relative to the purchase and installation of playground equipment, and instruct the Purchasing Agent to obtain from Miller & Associates.

**Referred to Public Safety and Licensing Committee**

[11-6718](#)

**Subject:** Communication from the President of the Common Council wishing to discuss City of Racine policy with respect to firearms in light of 2011 Wisconsin Act 35.

**Referred to Public Safety and Licensing Committee**

[11-6722](#)

**Subject:** (New) Application of Roberts Roost LLC, Edward Scharding, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 600 Sixth Street. (1st District)

Referred to Public Safety and Licensing Committee

## F. Committee Reports

### Finance and Personnel Committee Report, by Ald. Shakoor

[11-6655](#)

**Subject:** Communication from the City Attorney submitting the claim of Jermaine Sheppard for consideration. (Res. 11-2672)

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

**7-25-11:** The claim of Jermaine Sheppard, 2040 Thurston Ave., requesting the reimbursement of \$250,000 for damages arising out of an alleged auto accident involving a DPW vehicle and a third vehicle in the 300 block of Main St. on or about January 9, 2009 be denied.

**Fiscal Note:** N//A

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

[11-6663](#)

**Subject:** Communication from the Director of City Development requesting for permission to accept two (2) U.S. Environmental Protection Agency grants to perform environmental site assessments at brownfields properties throughout the City (City Grant Control No. 2010-031). (Res. 11-2671)

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

**7-25-11:** Permission be granted for the Director of City Development accept two (2) U.S. Environmental Protection Agency grants to be utilized to perform environmental site assessments at brownfields properties throughout the City (City Grant Control No. 2010-031).

**Fiscal Note:** \$400,000 Site Assessment Grant (SAG) from the U.S. Environmental Protection Agency (EPA). \$200,000 for hazardous substances and \$200,000 for petroleum. 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.

[11-6717](#)

**Subject:** (Direct Referral) Communication from the City Assessor reporting the finding of the Board of Review of 7-22-11 for the property of 2911 LaSalle St., Angeline M. France, Parcel #05407000.

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

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**7-25-11:** Recommends that the 2010 assessment for 2911 LaSalle St., Angeline M. France, Parcel #05407000, be reduced and that the resulting real estate tax overpayment be charged against account 101.990.5930, Real Estate and Personal Property Taxes and a refund issued.

**Fiscal Note:** There are sufficient funds available for this credit. A credit of \$452.96 will be charged against account 101.990-5930, Real Estate and Personal Property Taxes. Amounts applicable to other taxing jurisdictions will be charged back to those jurisdictions.

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

**AYES:** 13 - Fair, Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Wisneski, Morgenroth, Hart and Mozol

**EXCUSED:** 2 - Shields and Kaplan

#### 11-6659

**Subject:** (Direct Referral) Communication from the City Attorney submitting the claim of Angie France for consideration. This item was referred back to the Finance & Personnel Committee per the July 19, 2011 Common Council proceedings (Res. 11-2658) (Res. 11-2673)

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

**7-11-11:** That the claim of Angie France, 2911 LaSalle St., Racine 53402, claiming reimbursement in the amount in excess of \$100.00 for alleged excessive real estate taxes paid between 1987 through 2009 be denied and that excessive real estate taxes paid for the year 2010 be approved.

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

**7-25-11:** The claim of Angie France, 2911 LaSalle St., Racine, requesting reimbursement of over \$100.00 for alleged excessive real estate taxes paid between 1987 through 2009 be denied.

**Fiscal Note:** N/A

*Alderman Shakoor requested that item 11-6659 be considered separately.*

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

**AYES:** 11 - Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Wisneski, Morgenroth and Hart

**NOES:** 2 - Fair and Mozol

**EXCUSED:** 2 - Shields and Kaplan

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

[11-6675](#)

**Subject:** [Direct Referral] Myers Beach Water Quality

**Recommendation of the Board of Parks, Recreation and Cultural Services on 7-13-11:** That Parks, Recreation and Cultural Services pursue discontinuing the designation of the Samuel Myers and Carre-Hogle beaches as official bathing beaches.

**Recommendation of the Public Works and Services Committee on 7-26-11:** That the communication be received and filed.

**Fiscal Note:** N/A

**A motion was made that this Communication be Referred to the Board of Park, Recreation and Cultural Services, . The motion was APPROVED.**

[11-6683](#)

**Subject:** Communication from Ernestina Martinez, 1021 Gideon Ct., requesting permission to close Gideon Court and abutting alleys for a special event on August 13, 2011, from 3 p.m. to 10 p.m. (Res. 11-2674)

**Recommendation of the Public Works and Services Committee on 7-26-11:** That Ernestina Martinez, 1021 Gideon Court, be granted permission to close Gideon Court and abutting alleys, on Saturday, August 13, 2011, from 3:00 p.m. to 10:00 p.m., for a private party.

Further recommends that permission be 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 costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The 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.

**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.**

**11-6684**

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 17-10 (K0-017), State Street Bridge Repairs, Zenith Tech, Inc., contractor. (Res. 11-2679)

**Recommendation of the Public Works and Services Committee on 7-26-11:** That the work done by Zenith Tech, Inc. under Contract 17-10 (K0-017), State Street Bridge Repairs, be accepted and final payment authorized for a total contract amount of \$566,383.00.

**Fiscal Note:** Contract was authorized under Resolution No. 10-1910, dated March 16, 2010.

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

**11-6686**

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 52-10 (K0-066), Transit Center West Canopy Platform Repair and Restoration, Ricchio, Inc., contractor. (Res. 11-2681)

**Recommendation of the Public Works and Services Committee on 7-26-11:** That the work done by Ricchio, Inc. under Contract 52-10 (K0-066), Transit Center West Canopy Platform Repair & Restoration, be accepted and final payment authorized for a total contract amount of \$441,719.00.

**Fiscal Note:** Contract was authorized under Resolution No. 10-2271, dated November 16, 2010.

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

**11-6687**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 3 to Contract 52-10 (K0-066), Transit Center West Canopy Platform Repair & Restoration, Ricchio, Inc., contractor. (Res. 11-2680)

**Recommendation of the Public Works and Services Committee on 7-26-11:** That Change Order No. 3 on Contract 52-10 (K0-066), Transit Center West Canopy Repair & Restoration, Ricchio, Inc., contractor, be approved in the amount of \$1,748.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 991.913.5040, Railroad Depot.

**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.**

[11-6690](#)

**Subject:** Communication from the Second Missionary Baptist Church requesting permission to close the 3900 block of 13th Street on Sunday, August 14, 2011 for a church event. (Res. 11-2675)

**Recommendation of the Public Works and Services Committee on 7-26-11:** That Second Missionary Baptist Church be granted permission to close Thirteenth Street from Lathrop Avenue to Russet Street, on Sunday, August 14, 2011, from 8:00 a.m. to 5:00 p.m., for a church event.

Further recommends that permission be 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 costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The 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.

**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.**

[11-6692](#)

**Subject:** Communication from the West Racine Business and Professional Association requesting permission to close the 1200 block of Grove Avenue on Saturday, August 13, 2011, for a car show. (Res. 11-2676)

**Recommendation of the Public Works and Services Committee on 7-26-11:** That the West Racine Business and Professional Association be granted permission to close Grove Avenue from Washington Avenue south to the alley, on Saturday, August 13, 2011, from 9:00 a.m. to 3:00 p.m., for a car show.

Further recommends that permission be 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 costs incurred by any City department be charged to the sponsor.
- D. The 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.

**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.**

[11-6701](#)

**Subject:** Resolution 11-2670, dated July 19, 2011, relating to street improvements. (Res. 11-2670)

#### **PORTLAND CEMENT CONCRETE PAVING**

**Three Mile Road** - +/- 350 feet west of La Salle St. to N. Main St  
**Chatham Street** - Melvin Ave. to Lombard Ave.  
**Lighthouse Drive** - Sheffield Dr. to Queens Ct.  
**Lombard Avenue** - North Main St. to Chatham St.  
**North Bay Drive** - Saxony Dr. to Steeplechase Dr.  
**Alley** - 8th Ave. to 9th Ave.; South St. to Shoreland Ave.

#### **CURB & GUTTER**

**Three Mile Road** - +/- 350 feet west of La Salle St. to N. Main St.

#### **SEWER & WATER LATERALS**

**Three Mile Road** - +/- 350 feet west of La Salle St. to N. Main St.

#### **SIDEWALK**

**Three Mile Road** - +/- 350 feet west of La Salle St. to N. Main St.

**Recommendation of the Public Works and Services Committee on 7-26-11:** That Resolution No. 11-2670, of July 19, 2011, be amended to delete:

#### PORTLAND CEMENT CONCRETE PAVING

Chatham Street - Melvin Ave. to Lombard Ave.



Lighthouse Drive - Sheffield Dr. to Queens Ct.  
Lombard Avenue - North Main St. to Chatham St.

and, as amended , Resolution No. 11-2670, of July 19, 2011, be adopted.

**Fiscal Note:** Funds will be appropriated in the 2012 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

**Sponsors:** Sandy Weidner

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

**11-6703**

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 44-11 (K1-046), Sidewalk Replacement, Phase II. (Res. 11-2677)

**Recommendation of the Public Works and Services Committee on 7-26-11:** That Contract 44-11 (K1-046), 2011 Sidewalk Replacement, Phase II, be awarded to AZAR LLC, Racine, WI, at their bid price of \$132,814.90, 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:

\$ 112,814.90 - Account 906.000.5520, Sidewalk Replacement  
\$ 10,000.00 - Account 991.908.5520, Sidewalk Replacement  
\$ 5,000.00 - Account 991.908.5320, Replacement Curb & Gutter  
\$ 5,000.00 - Account 991.908.5530, Crosswalk Ramps  
\$ 132,814.90 - 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.**

**11-6704**

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 46-11 (K1-049), Fire Station 2 Window Replacement. (Res. 11-2678)

**Recommendation of the Public Works and Services Committee on 7-26-11:** That Contract 46-11 (K1-049), Fire Station 2 Window Replacement, be awarded to Softer Lite Window Company, Waukesha, WI, at their bid price of \$17,250.00, plus Alternative #2 in the amount of \$950.00, for a total contract amount of \$18,200.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 991.300.5050, Fire Station 2 Windows.

**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 that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 12 - Fair, Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Wisneski, Morgenroth and Hart

**NOES:** 1 - Mozol

**EXCUSED:** 2 - Shields and Kaplan

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

##### 11-6647

**Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to present the bids for Contract No. 31-11 (K1-033) Sam Johnson Parkway Fountain Upgrades.

**Recommendation of the Public Safety and Licensing Committee on 7-25-11:** Request the bids be received and filed and permission be granted to rebid the item at a later time.

Fiscal Note: N/A

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

##### 11-6652

**Subject:** Repeal and recreate Article 22, Sec. XXX. Stationary Engineer.

**Recommendation of the Public Safety and Licensing Committee on 7-11-11:** That the ordinance to Repeal and recreate Article 22, Sec. XXX. Stationary Engineer be deferred until 7-23-11.

**Recommendation of the Public Safety and Licensing Committee on 7-25-11:** That Ordinance 5-11 be adopted.

Fiscal Note: N/A

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

##### 11-6660

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

Cultural Services requesting approval to present the bids received by the Purchasing Agent on June 9, 2011 for one (1) 25,000 GVW Truck Chassis with an 11 Cubic Yard Refuse Body. (Res. 11-2682)

**Recommendation of the Public Safety and Licensing Committee on 7-25-11:** That the bid for one (1) 25,000 GVW Truck Chassis with an 11 Cubic Yard Refuse Body be awarded to Lakeside International Trucks at their net bid price of \$111,805.00, they being the low responsive, responsible bidder.

Fiscal Note: Funds are available in account 991.700.5010, Parks-Garbage Truck

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

**AYES:** 13 - Fair, Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Wisneski, Morgenroth, Hart and Mozol

**EXCUSED:** 2 - Shields and Kaplan

#### 11-6650

**Subject:** (New) Application of ELM Entertainment DBA Corner Pocket, Eric L. Mohr, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1655 Taylor Avenue. (3rd District)

**Recommendation of the Public Safety and Licensing Committee on 7-25-11:** That the "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1655 Taylor Avenue be denied due to the fragility of the neighborhood and the high concentration of other liquor establishments in the area.

Fiscal Note: N/A

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

**AYES:** 13 - Fair, Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Wisneski, Morgenroth, Hart and Mozol

**EXCUSED:** 2 - Shields and Kaplan

#### 11-6656

**Subject:** (Direct Referral) Reconsideration of nonrenewal application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2011-2012 due to statutory requirements.

O Keith Fair 509 Sixth Street,  
(Tradename) The Place on 6th

**Recommendation of the Public Safety and Licensing Committee on 7-11-11:** That the Committee hold a due process hearing to consider whether the "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License of O Keith Fair, 509 Sixth Street, (Tradename) The Place on 6th ) should be suspended or revoked. The licensee shall be allowed to continue current operations until completion of the due process hearing.

**Fiscal Note:** Potential cost of Due Process hearing \$6,000.

*Alderman Wisneski requested that item 11-6656 be considered separately.*

*Alderman Marcus made a motion to Receive and File this item, motion failed due to lack of a second.*

*An agreement had been reached between The Place on 6th, Keith Fair and the City Attorney's Office. Alderman Wisneski made a motion to adopt the proposed agreement as present and notwithstanding the committee recommendation the item be received and filed.*

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

**AYES:** 11 - Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Wisneski, Morgenroth, Hart and Mozol

**NOES:** 1 - Holding

**EXCUSED:** 2 - Shields and Kaplan

**ABSTENTIONS:** 1 - Fair

### **Transit and Parking Commission Report, by Ald. DeHahn**

**[10-4792](#)**

**Subject:** Communication from David Wesley requesting to discuss bus stops at Prospect Heights.

**Recommendation of the Transit and Parking Commission on 03-31-10:** Defer

**Recommendation of the Transit and Parking Commission on 04-28-10:** Defer

**Recommendation of the Transit and Parking Commission on 05-26-10:** Defer

**Recommendation of the Transit and Parking Commission on 01-26-11:** Defer

**Recommendation of the Transit and Parking Commission on 07-27-11:** Receive and file.

**Fiscal Note:** N/A

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

10-5568

**Subject:** Communication from the Alderman of the 9th District requesting the City investigate placing electric vehicle chargers in City parking ramps.

**Recommendation of the Transit and Parking Commission on 09-29-10:** Defer

**Recommendation of the Transit and Parking Commission on 01-26-11:** Defer

**Recommendation of the Transit and Parking Commission on 07-27-11:** Receive and file.

Further recommend this communication be referred to the Public Works and Services Committee.

**Fiscal Note:** N/A

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

This Communication was Referred to the Public Works and Services Committee

11-6179

**Subject:** Communication from the Transit and Parking System Manager requesting to review the transit operating agreement between the City of Racine and the Village of Caledonia. (Res. 11-2687)

**Recommendation of the Transit and Parking Commission on 03-30-11:** Defer

**Recommendation of the Transit and Parking Commission on 04-27-11:** Defer

**Recommendation of the Transit and Parking Commission on 07-27-11:** The Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine.

**Fiscal Note:** The Village of Caledonia will pay up to \$30,000 as

budgeted for transit service provided in the Village.

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

[11-6180](#)

**Subject:** Communication from the Transit and Parking System Manager requesting to review the transit operating agreement between the City of Racine and the Village of Sturtevant. (Res. 11-2688)

**Recommendation of the Transit and Parking Commission on 03-30-11:** Defer

**Recommendation of the Transit and Parking Commission on 04-27-11:** Defer

**Recommendation of the Transit and Parking Commission on 07-27-11:** The Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine.

**Fiscal Note:** The Village of Sturtevant will pay up to \$53,000 as budgeted for transit service provided in the Village.

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

[11-6676](#)

**Subject:** Communication from the Transit and Parking System Manager requesting approval to pursue Federal funding for potential bus replacements. (Res. 11-2683)

**Recommendation of the Transit and Parking Commission on 07-27-11:** Approve the request to seek 80% or greater funding for as many as fourteen vehicles to replace 1997 vintage fleet with staff directed to work closely with the Finance Department.

**Fiscal Note:** No financial commitment beyond what is currently in the Capital Improvements Program (CIP) is required at grant application. Obtaining new vehicles to replace 15 year-old vehicles will significantly reduce annual operating costs that are partially funded by City tax levy. Eight additional replacement vehicles are funded in the current CIP. Grant requests will attempt to replace as many as fourteen vehicles while procurement opportunities are optimal.

*Alderman Morgenroth wished to go on record recommending the Transit and Parking Commission keep in mind smaller transportation vehicles for future purchases based future studies of ridership and city needs.*

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

[11-6677](#)

**Subject:** Communication from the Transit and Parking System

Manager requesting to amend US Federal Transit Administration (FTA) Grant No. WI-04-0037-00. (Res. 11-2685)

**Recommendation of the Transit and Parking Commission on 07-27-11:** Approve and instruct staff to request grant amendment.

**Fiscal Note:** Local funding is already provided in CIP.

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

[11-6678](#)

**Subject:** Communication from the Transit and Parking System Manager and the Southeastern Wisconsin Regional Plan Commission (SEWRPC) requesting the opportunity to discuss the Transit Development Plan.

**Recommendation of the Transit and Parking Commission on 07-27-11:** Receive and file.

**Fiscal Note:** N/A

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

[11-6679](#)

**Subject:** Communication from the Transit and Parking System Manager requesting to discuss the Parking Utility Financial Analysis Draft Report.

**Recommendation of the Transit and Parking Commission on 07-27-11:** Receive and file.

Further recommend this communication be referred to the Public Works and Services Committee.

**Fiscal Note:** N/A

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

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

[11-6680](#)

**Subject:** Communication from the BUS Transit Manager submitting the June BUS Monthly Report and first six months of 2011 ridership and revenue.

**Recommendation of the Transit and Parking Commission on 07-27-11:** Receive and file.

**Fiscal Note:** N/A

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

**11-6681**

**Subject:** Communication from the Transit and Parking System Manager requesting authorization to enter into an Intergovernmental Cooperative Purchasing Agreement with Kenosha Area Transit. (Res. 11-2684)

**Recommendation of the Transit and Parking Commission on 07-27-11:** Approve subject to US DOT grant approval.

**Fiscal Note:** N/A. The Intergovernmental Purchasing Agreement itself presents no funding obligation.

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

**11-6702**

**Subject:** (Direct Referral) Communication from the Transit and Parking System Manager requesting authorization to approve the transit operating agreement between the City of Racine and the Village of Mt. Pleasant. (Res. 11-2686)

**Recommendation of the Transit and Parking Commission on 07-27-11:** The Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine.

**Fiscal Note:** The Village of Mt. Pleasant will pay up to \$173,000 as budgeted for transit service provided in the Village.

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

**AYES:** 12 - Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

**EXCUSED:** 2 - Shields and Kaplan

**NON VOTING:** 1 - Fair

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

**11-6661**

**Subject:** (Direct Referral) Consideration of a request from Richard Scheel for a Conditional Use Permit to operate an automobile repair facility at 2835 Lathrop Avenue. (PC-11) (Res. 11-2689)



**Recommendation of the City Plan Commission on 7-27-11:** That the item be approved subject to conditions.

**Fiscal Note:** N/A

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

[11-6715](#)

**Subject:** (Direct Referral) Consideration of a request from Tim and Heather Kochanski for a Conditional Use Permit to operate a new and consignment children's store at 2508 Douglas Avenue. (PC-11) (Res. 11-2690)

**Recommendation of the City Plan Commission on 7-27-11:** That the item be approved subject to conditions.

**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 Aron Wisneski, seconded by Alderman Raymond DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

**AYES:** 13 - Fair, Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Wisneski, Morgenroth, Hart and Mozol

**EXCUSED:** 2 - Shields and Kaplan

[11-6716](#)

**Subject:** (Direct Referral) Consideration of a request from Pamela Bogan seeking a Conditional Use Permit for a candy store at 1132 S. Memorial Drive. (PC-11) (Res. 11-2691)

**Recommendation of the City Plan Commission on 7-27-2011:** That the item be approved subject to conditions.

**Fiscal Note:** N/A

*Alderman Wisneski requested that item 11-6716 be considered separately and referred back to Committee for further consideration.*

This Communication was Referred to the City Plan Commission

**Housing Loan Board Report, by Ald. Wiser**

[11-6691](#)

**Subject:** Request of Assistant Director, Joseph Heck, to accept Ms. JoAnn Kathy Lomo's offer to purchase 1537 Thurston Avenue. (Res. 11-2692)

**Recommendation of the Loan Board of Review on 7-21-11:** That the request be approved. Further recommend that the Mayor, City Clerk, and Assistant Director of City Development be authorized to execute any necessary selling documents.

**Fiscal Note:** The City will receive \$74,900 in proceeds, minus closing costs.

*City Development Director O'Connell was called on for further information on this property.*

*Alderman Marcus made a motion to defer this item pending additional information. A short recess was taken for the requested information to be brought to the Common Council. Alderman Marcus 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:** 13 - Fair, Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Wisneski, Morgenroth, Hart and Mozol

**EXCUSED:** 2 - Shields and Kaplan

## G. Consent Agenda

[Res.11-2671](#) Request for permission to accept two (2) U.S. Environmental Protection Agency grants to perform environmental site assessments at brownfields properties throughout the City.

Resolved, that permission be granted for the Director of City Development to accept two (2) U.S. Environmental Protection Agency grants to be utilized to perform environmental site assessments at brownfields properties throughout the City (City Grant Control No. 2010-031).

Fiscal Note: \$400,000 Site Assessment Grant (SAG) from the U.S. Environmental Protection Agency (EPA). %\$200,000 for hazardous substances and \$200,000 for petroleum. No match required on the part of the city.

Sponsors: Q.A. Shakoor, II

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

[Res.11-2672](#) Consideration of Jermaine Sheppard claim.

Resolved, that the claim of Jermaine Sheppard, 2040 Thurston Ave., requesting the reimbursement of \$250,000 for damages arising out of an alleged auto accident involving a DPW vehicle and a third vehicle in the 300 block of Main St. on or about January 9, 2009 be denied.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

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

**Res.11-2674**

Permission to close Gideon Court and abutting alleys for a special event on August 13, 2011, from 3 p.m. to 10 p.m.

Resolved, that Ernestina Martinez, 1021 Gideon Court, be granted permission to close Gideon Court and butting alleys, on Saturday, August 13, 2011, from 3:00 p.m. to 10:00 p.m., for a private party.

Further resolved, that permission be 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 costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.
- F. \$50 processing fee to be paid.

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.

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

Sponsors: Sandy Weidner

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

**Res.11-2675**

Permission to close the 3900 block of 13th Street on Sunday, August 14, 2011 for a church event.

Resolved, that Second Missionary Baptist Church be granted permission to close Thirteenth Street from Lathrop Avenue to Russet Street, on Sunday, August 14, 2011, from 8:00 a.m. to 5:00 p.m., for a church event.

Further resolved, that permission be 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 costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.
- F. \$50 processing fee to be paid.

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.

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

Sponsors: Sandy Weidner

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

**Res.11-2676**

Permission to close the 1200 block of Grove Avenue on Saturday, August 13, 2011, for a car show.

Resolved, that the West Racine Business and Professional Association be granted permission to close Grove Avenue from Washington Avenue south to the alley, on Saturday, August 13, 2011, from 9:00 a.m. to 3:00 p.m., for a car show.

Further resolved, that permission be 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 costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall pay a \$250.00 special event fee.
- E. \$50 processing fee to be paid.

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.

Fiscal Note: There will be nominal costs to various City departments,

Sponsors: Sandy Weidner

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

**Res.11-2677**

Submission of bid results on Contract 44-11 (K1-046), Sidewalk

Replacement, Phase II.

Resolved, that Contract 44-11 (K1-046), 2011 Sidewalk Replacement, Phase II, be awarded to AZAR LLC, Racine, WI, at their bid price of \$132,814.90, they being the lowest responsible bidder.

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

\$ 112,814.90 - Account 906.000.5520, Sidewalk Replacement  
\$ 10,000.00 - Account 991.908.5520, Sidewalk Replacement  
\$ 5,000.00 - Account 991.908.5320, Replacement Curb & Gutter  
\$ 5,000.00 - Account 991.908.5530, Crosswalk Ramps  
\$ 132,814.90 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2678**

Submission of bid results on Contract 46-11 (K1-049), Fire Station 2 Window Replacement.

Resolved, that Contract 46-11 (K1-049), Fire Station 2 Window Replacement, be awarded to Softer Lite Window Company, Waukesha, WI, at their bid price of \$17,250.00, plus Alternative #2 in the amount of \$950.00, for a total contract amount of \$18,200.00, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 991.300.5050, Fire Station 2 Windows.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2679**

Request for final payment on Contract 17-10 (K0-017), State Street Bridge Repairs, Zenith Tech, Inc., contractor.

Resolved, that the work done by Zenith Tech, Inc. under Contract 17-10 (K0-017), State Street Bridge Repairs, be accepted and final payment authorized for a total contract amount of \$566,383.00.

Fiscal Note: Contract was authorized under Resolution No. 10-1910, dated March 16, 2010.

**Sponsors:** Sandy Weidner

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

**Res.11-2680**

Change Order No. 3 to Contract 52-10 (K0-066), Transit Center West Canopy Platform Repair & Restoration, Ricchio, Inc., contractor.

Resolved, that Change Order No. 3 on Contract 52-10 (K0-066), Transit Center West Canopy Repair & Restoration, Ricchio, Inc., contractor, be approved in the amount of \$1,748.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 991.913.5040, Railroad Depot.

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

**Sponsors:** Sandy Weidner

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

**Res.11-2681**

Request for final payment on Contract 52-10 (K0-066), Transit Center West Canopy Platform Repair and Restoration, Ricchio, Inc., contractor.

Resolved, that the work done by Ricchio, Inc. under Contract 52-10 (K0-066), Transit Center West Canopy Platform Repair & Restoration, be accepted and final payment authorized for a total contract amount of \$441,719.00.

**Fiscal Note:** Contract was authorized under Resolution No. 10-2271, dated November 16, 2010.

**Sponsors:** Sandy Weidner

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

**Res.11-2682**

Request for approval to present the bids received by the Purchasing Agent on June 9, 2011 for one (1) 25,000 GVW Truck Chassis with an 11 Cubic Yard Refuse Body.

Resolved, that the bid for one (1) 25,000 GVW Truck Chassis with an 11 Cubic Yard Refuse Body be awarded to Lakeside International Trucks at their net bid price of \$111,805.00, they being the low responsive, responsible bidder.

**Fiscal Note:** Funds are available in account 991.700.5010, Parks-Garbage Truck.

**Sponsors:** Aron Wisneski

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

**Res.11-2683**

Request for approval to pursue Federal funding for potential bus replacements.

Resolved, that the request to seek 80% or greater funding for as many as fourteen vehicles to replace 1997 vintage fleet with staff directed to work closely with the Finance Department be approved.

**Fiscal Note:** No financial commitment beyond what is currently in the Capital Improvements Program (CIP) is required at grant application. Obtaining new vehicles to replace 15 year-old vehicles will significantly reduce annual operating costs that are partially funded by City tax levy. Eight additional replacement vehicles are funded in the current CIP. Grant requests will attempt to replace as many as fourteen vehicles while procurement opportunities are optimal

**Sponsors:** Raymond DeHahn

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

**Res.11-2684**

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

Resolved, that authorization to enter into agreement, subject to US DOT grant approval, be approved.

**Fiscal Note:** N/A. The Intergovernmental Purchasing Agreement itself presents no funding obligation.

**Sponsors:** Raymond DeHahn

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

**Res.11-2685**

Request to amend US Federal Transit Administration (FTA) Grant No. WI-04-0037-00.

Resolved, that request for grant amendment be approved.

**Fiscal Note:** Local funding is already provided in CIP.

**Sponsors:** Raymond DeHahn

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

**Res.11-2686**

Request for authorization to approve the transit operating agreement between the City of Racine and the Village of Mt. Pleasant.

Resolved, that the Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine.

Fiscal Note: The Village of Mt. Pleasant will pay up to \$173,000 as budgeted for transit service provided in the Village.

Sponsors: Raymond DeHahn

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

**Res.11-2687**

Request to review the transit operating agreement between the City of Racine and the Village of Caledonia.

Resolved, that the Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine.

Fiscal Note: The Village of Caledonia will pay up to \$30,000 as budgeted for transit service provided in the Village.

Sponsors: Raymond DeHahn

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

**Res.11-2688**

Request to review the transit operating agreement between the City of Racine and the Village of Sturtevant.

Resolved, that the Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine.

Fiscal Note: The Village of Sturtevant will pay up to \$53,000 as budgeted for transit service provided in the Village.

Sponsors: Raymond DeHahn

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

**Res.11-2689**

Request from Richard Scheel for a Conditional Use Permit to operate an automobile repair facility at 2835 Lathrop Avenue. (PC-11)

Resolved, that the item be approved subject to conditions.

THAT THE REQUEST FROM RICHARD SCHEEL SEEKING A CONDITIONAL USE PERMIT TO OPERATE AN AUTOMOBILE REPAIR FACILITY AT 2835 LATHROP AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:



- a. That the plan submitted to the Plan Commission on July 27, 2011, be approved subject to the conditions contained herein.
- b. That all applicable permits be obtained from the Building Inspection Department.
- c. That a minimum 6' tall cedar (or similar wood) fence be installed from the point of the front of the building, along the southern property line to the rear of the property prior to issuance of an occupancy permit.
- d. That the entire drive aisle be re-surfaced with asphalt and the area adjacent to the building be striped accordingly for 6 parallel parking spaces prior to issuance of an occupancy permit.
- e. That all parking spaces shall be paved and wheel stops installed.
- f. That the 20' ingress/egress easement mentioned in various documents be recorded for the property at 2835 Lathrop Avenue prior to issuance of an occupancy permit.
- g. That all weeds and debris, particularly along the rear of the building and along property lines, be cleared and maintained prior to issuance of an occupancy permit.
- h. That if the required improvements are not completed at the time of occupancy, a financial security shall be provided to the City in an amount equal in value to the required improvements.
- i. 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.
- j. 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 completed by September 1, 2011. 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.
- k. By operating under this Conditional Use, the applicant and owner

give permission to the City to enter upon the property for the purposes described herein.

l. That all trash, debris, tires, equipment, or any other items related to the business be stored inside the building and trash and debris removed on a weekly basis.

m. That there be no painting or bodywork allowed at this site, and that all repair work be done inside the building.

n. That there be no outside storage of junk vehicles, tires, pallets, vehicle parts, or other similar items be allowed, and that no outdoor displays be allowed (such as tires, vending, sale items, etc.).

o. That the hours of operation be Monday through Friday, 8:00 a.m. - 6:00 p.m., and Saturdays from 8:00 a.m. - 3:00 p.m.

p. That all signage be professionally made, comply with all zoning ordinance requirements, and be submitted to the Director of City Development for review and approval prior to installation.

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

r. 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.

Fiscal Note: N/A

Sponsors: Aron Wisneski

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

[Res.11-2690](#)

Request from Tim and Heather Kochanski for a Conditional Use Permit to operate a new and consignment children's store at 2508 Douglas Avenue. (PC-11)

Resolved, that the item be approved subject to conditions.

THAT THE REQUEST FROM TIM AND HEATHER KOCHANSKI SEEKING APPROVAL OF A CONDITIONAL USE TO OPERATE A CONSIGNMENT/NEW RETAIL STORE AT 2508 DOUGLAS AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

That the plan presented to the Plan Commission on July 27, 2011 for

2508 Douglas Avenue be approved subject to the conditions contained herein.

- a. That the hours in which retail establishment may operate are Tuesday through Saturday, 10:00 a.m. - 4:00 p.m.
- b. That all pallets, tires, junk vehicles, trailers, and any other debris be removed from the rear of the building prior to issuance of an occupancy permit.
- c. That the front parking lot be re-stripped, wheel stops re-installed, and the two spaces at the northernmost part of the parking lot eliminated. These spaces require visitors to back up over property lines and are illegal spaces. Wheel stops or curbing shall be installed along the sidewalk to prevent vehicles from backing over property lines. This shall occur prior to issuance of an occupancy permit.
- d. That all signage shall require permits through the Building Inspection department and be subject to review of the Douglas Avenue Access Corridor District.
- e. That all codes and ordinances shall be complied with and required permits acquired.
- f. That all improvements as required shall be fully completed by September 1, 2011. If the applicant or owner fails to implement the required improvements by September 1, 2011, a financial security shall be provided to the City in an amount 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 September 1, 2011. 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 the purpose hereby described.

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

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

Fiscal Note: N/A

Sponsors: Aron Wisneski

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

**Res.11-2692**

Request to accept Ms. JoAnn Kathy Lomo's offer to purchase 1537 Thurston Avenue.

Resolved, that the request be approved.

Further resolved, that the Mayor, City Clerk and Assistant Director of City Development be authorized to execute any necessary selling documents.

Fiscal Note: The City will receive \$74,900 in proceeds, minus closing costs.

Sponsors: Dennis Wiser

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

Council Action

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

**AYES:** 13 - Fair, Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Wisneski, Morgenroth, Hart and Mozol

**EXCUSED:** 2 - Shields and Kaplan

## H. Resolutions

**Res.11-2691**

Request from Pamela Bogan seeking a Conditional Use Permit for a candy store at 1132 S. Memorial Drive. (PC-11)

Resolved, that the item be approved subject to conditions.

THAT THE REQUEST FROM PAMELA BOGAN SEEKING A CONDITIONAL USE PERMIT FOR A CANDY STORE AT 1132 S. MEMORIAL DRIVE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the plans presented to the Plan Commission on July 27, 2011 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That all trash and recyclables be stored in closed containers and screened from view.
- d. That property and adjacent sidewalk shall be kept free of all trash and debris.
- e. That the following shall be accomplished by the business owner prior to the issuance of an occupancy permit:
  - 1) A trash can shall be provided on the South Memorial Drive sidewalk area at the front of the building, the design of which is to be presented to the Director of City Development for review and approval.
  - 2) Obsolete signage shall be removed from the awning.
  - 3) Window and door bars on the South Memorial street façade shall be removed and may be re-installed indoors.
  - 4) All proposed window signage designs shall be presented to the director of City Development for Review and approval.
  - 5) Cautionary signs shall be installed on the inside and outside of the building urging patrons to be mindful of traffic and courteous to neighbors.
- f. That the hours that the business is open to the public be Monday through Sunday, 8:00 a.m. to 8:00 p.m.
- g. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- h. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Aron Wisneski

A motion was made Referred to the Common Council

**Res.11-2673**

Findings of the Board of Review of 7-22-11 for the property of 2911 LaSalle St., Angeline M. France.

Resolved, that the 2010 assessment for 2911 LaSalle St., Angeline M. France, Parcel #05407000, be reduced and that the resulting real estate tax overpayment be charged against account 101.990.5930, Real Estate and personal Property Taxes and a refund issued.

Fiscal Note: There are sufficient funds available for this credit. A credit of \$452.96 will be charged against account 101.990.5930, Real Estate and Personal Property Taxes. Amounts applicable to other taxing jurisdictions will be charged back to those jurisdictions.

Sponsors: Q.A. Shakoor, II

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

**AYES:** 13 - Fair, Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Wisneski, Morgenroth, Hart and Mozol

**EXCUSED:** 2 - Shields and Kaplan

**Res.11-2692**

Request to accept Ms. JoAnn Kathy Lomo's offer to purchase 1537 Thurston Avenue.

Resolved, that the request be approved.

Further resolved, that the Mayor, City Clerk and Assistant Director of City Development be authorized to execute any necessary selling documents.

Fiscal Note: The City will receive \$74,900 in proceeds, minus closing costs.

Sponsors: Dennis Wiser

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

**AYES:** 13 - Fair, Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Wisneski, Morgenroth, Hart and Mozol

**EXCUSED:** 2 - Shields and Kaplan

**Res.11-2693**

A resolution proclaiming opposition to the loss of local control, additional costs, and damage to the interests of the citizens of Racine as caused by changes to Wisconsin's redistricting statutes.

WHEREAS, the US Constitution requires that every 10 years representative districts be redrawn, equalizing population to achieve the goal of "one person, one vote" at all levels of government; and

WHEREAS, Federal and State law mandate that the new districts be compact and contiguous, respect existing municipal boundaries, and reflect communities of interest; and

WHEREAS, the City of Racine's Redistricting Committee held a series of open, publicly noticed meetings; and

WHEREAS, on July 19, 2011 the Common Council of the City of Racine approved a tentative ward map created under existing state law; and

WHEREAS, on July 8, 2011, contained within Senate Bills 148 and 149 the State legislature released draft maps of Congressional, Senatorial, and Assembly Districts several months ahead of schedule and well before the deadline for municipal definition of wards; and

WHEREAS, Senate Bill 150 was also released on July 8, 2011, which retroactively changes state statutes to allow the State Legislature to define its districts first and force municipalities to alter their ward boundaries with disregard toward what had been drafted and in some cases adopted by July 8, 2011; and

WHEREAS, the week given for reaction to the new statutes and maps by municipalities and the public coincides with yearly training for municipal clerks who are responsible for running elections and thus are in many cases not available to provide feedback on how the statutory changes will increase the costs and difficulties of holding elections over the next decade; and

WHEREAS, the new maps force the immediate creation in Racine of eight new wards, five of which will be below the legal threshold of 800 residents, incurring additional election costs for every election for the next 10 years; and

WHEREAS, in Racine the new maps create one new ward containing only 84 people, making it probable that voters in that ward will not always be guaranteed a secret ballot; and

WHEREAS, the new maps will create additional costs not only in Racine but in most municipalities by forcing modification of ward and district maps already drafted; and

WHEREAS, the net effect of SB 148, SB 149, and SB 150 is to remove all local control of the redistricting process.

NOW, THEREFORE BE IT RESOLVED that the City of Racine decries the costly change to process being forced upon both it and the rest of Wisconsin for purely partisan ends; and

BE IT FURTHER RESOLVED that the City of Racine will take all reasonable legal actions possible to fight the loss of local control and damage to our citizens' interests that the actions of the Legislature have caused; and

BE IT FURTHER RESOLVED that the Common Council of the City of Racine believes that the redistricting and reapportionment process should be conducted as it has been under existing state law, and in particular that municipalities should be responsible for determining ward lines before other units of government, including the state, set their districts, as municipalities are best equipped to identify and protect communities of interest; and

Fiscal Note: N/A

Sponsors: Gregory Holding, O. Keith Fair, Raymond DeHahn, Ronald D. Hart, Melissa Kaprelian-Becker, Eric Marcus, Terry McCarthy, James Morgenroth, Robert Mozol, Q.A. Shakoor, II, Sandy Weidner, Dennis Wiser and Aron Wisneski

*All the Alderman present requested to be included as a sponsor for 11-2693.*

*Alderman McCarthy made a motion to include "reasonable" legal actions possible in the 2nd to last paragraph, seconded by Wiser.*

*Alderman Holding made a motion to adopt 11-2693 as amended. Seconded by Alderman Weidner, motion carried.*

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

**AYES:** 13 - Fair, Marcus, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Wisneski, Morgenroth, Hart and Mozol

**EXCUSED:** 2 - Shields and Kaplan

## I. Ordinances

### Ord.6-11

Amend Chapter 2, Sec. 2-112. - Limitation on debate

Resolved, that the amendment to Chapter 2, Sec. 2-112 - Limitation on debate, which has been amended by adding items (b) and (c), be approved.



Ordinance No. XX-11

To amend Chapter 2, Sec. 2-112. - Limitation on debate, Municipal Code of the City of Racine, Wisconsin relating to Administration.

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

Part 1:

Sec. 2-112 of the Municipal Code of the city of Racine is hereby amended to read as follows:

**“2-112. Limitation on debate.**

(a) When a member of the common council is called to order, he/she shall take his/her seat, and shall not be allowed to proceed until the question of order is decided. No member shall speak more than twice at the same meeting on any questions except by leave of the common council.

(b) Each member must remain at his/her desk when participating in debate/discussion of any item.

(c) A member may not make an electronic presentation during Common Council or Committee of the Whole meetings, unless they have the permission of the common council - determined by a ¾ vote of the members present. (This is not meant to apply to standing committees or other boards or commissions.) In addition, a written request to make an electronic presentation and individual copies of the presentation must be provided to each member at least as far in advance as the agenda for the meeting in question is posted to Legistar. The presentation shall be a matter of public record.”

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, Aron Wisneski and Sandy Weidner

*Alderman Marcus made a motion to receive and file Ord 06-11, seconded by Alderman Fair Motion failed with the following vote.*

*Ayes: Marcus*

*Noes: McCarthy, Morgenroth, Mozol, Shakoor, Weidner, Wisner, Wisneski, DeHahn, Fair, Hart, Holding, Kaplan and Kaprelian-Becker.*

*Excused: Shields and Kaplan.*

**A motion was made by Alderman Gregory Holding, seconded by Alderman Aron Wisneski, Referred to the Committee of the WholeThe motion was Approvedby the following vote:**

**AYES:** 12 - Fair, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

**NOES:** 1 - Marcus

**EXCUSED:** 2 - Shields and Kaplan

## J. Adjourn

*The meeting was adjourned at 8:27 P.M. by Alderman Shakoor. The next scheduled meeting of the Council is Tuesday August 16, 2011].*

ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK