



City of Racine

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

Meeting Minutes - Final Common Council

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

Tuesday, October 21, 2008

7:00 PM

Room 205, City Hall

A. Call To Order

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

B. Pledge of Allegiance To The Flag

A local Boy Scouts Troop 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 Maack.

Proclamation by Mayor Becker for Lead Poisoning Prevention Week (Oct. 19-25)

Mayor Becker read the proclamation.

D. Public Comments

*Julie McKenna
Keith Kemper
Chris Gulbrandson
Jeff VanKoningsvield
Denis Navratil
George Meyers*

E. Communications

Refer to Finance and Personnel Committee, by Ald. Friedel

[08-2757](#)

Subject: communication from the City Attorney submitting the claim of Maximino Miranda for consideration.

Referred to Finance and Personnel Committee

[08-2780](#)

Subject: communication from the City Attorney submitting the claim of Sentry Insurance a Mutual Company (J. Hendrickson) for consideration.

Referred to Finance and Personnel Committee

[08-2791](#)

Subject: communication from the City Attorney submitting the claim of Renta Varghese for consideration.

Referred to Finance and Personnel Committee

[08-2759](#)

Subject: Communication from the Public Health Administrator requesting permission for the City to enter into agreements with the Villages of Elmwood Park and Wind Point to provide Level 1 Health Services from January 1, 2009 through December 31, 2009.

Referred to Finance and Personnel Committee

[08-2790](#)

Subject: Communication from Terry Parker, Human Resources Manager requesting to appear before the Finance/Personnel Committee along with Ben Hughes, City Administrator, regarding the stop loss insurance 2008 performance review and 2009 renewal issues.

Referred to Finance and Personnel Committee

[08-2801](#)

Subject: Communication from the Finance Director requesting to discuss refunding the outstanding 2008 note anticipation notes maturing on December 15, 2008.

Referred to Finance and Personnel Committee

[08-2802](#)

Subject: Communication from the Grant Facilitator requesting permission to apply for the SC Johnson grant (Grant Control No. 2008-037) in the amount of \$50,000 to be utilized for the Ways to Work Program.

Referred to Finance and Personnel Committee

[08-2803](#)

Subject: Communication from the Grant Facilitator requesting permission to apply for the United Way of Racine County (Grant Control No. 2008-039) grant in the amount of \$8,000 to be utilized for the Racine Promise Study.

Referred to Finance and Personnel Committee

[08-2804](#)

Subject: Communication from the Grant Facilitator requesting to apply for the Racine Community Foundation grant (Grant Control No. 2008-038) in the amount of \$8,000 to be utilized for the Racine Promise Study.

Referred to Finance and Personnel Committee

[08-2805](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to purchase playground equipment for

Lockwood Park using 2008 surplus operational funds within the Parks, Recreation & Cultural Services Department.

This playground equipment will be installed in 2009.

Referred to Finance and Personnel Committee

08-2809

Subject: Communication from the Grant Facilitator requesting permission to apply for the Game Time Grant (Grant Control No. 2008-040) in the amount of \$63,230 to be utilized for the purchase of playground equipment for Lockwood Park.

Referred to the Finance and Personnel Committee

08-2810

Subject: Communication from the Grant Facilitator requesting permission to accept \$63,230 from the Game Time 2008 Fighting Obesity Grant (Grant Control No. 2008-040) to be utilized for the purchase of playground equipment for Lockwood Park.

Referred to the Finance and Personnel Committee

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

08-2760

Subject: Communication from Angel Georgian opposing the alternate street parking restrictions and would like to air his concerns regarding this matter.

Referred to Public Works and Services Committee

08-2782

Subject: Communication from the Alderman of the 5th District submitting the request of the HVMPA (Horlick Music Department) to place banners, flags and signs, including a permanent digital sign at 2119 Rapids Drive to advertise upcoming events.

(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

Referred to City Plan Commission

08-2783

Subject: Communication from the Chief Building Inspector wishing to discuss proposed changes to the Electrical Ordinance.

Referred to Public Works and Services Committee

08-2784

Subject: Communication from the Commissioner of Public Works/City Engineer requesting to meet with the Public Works and Services Committee in closed session regarding a settlement agreement with the Union Pacific Railroad for repairs to the Mound Avenue railroad bridge.

Referred to Public Works and Services Committee[08-2789](#)

Subject: Communication from the Downtown Racine Corporation requesting permission to close city streets for the annual Holiday Parade on November 8, 2008.

Referred to Public Works and Services Committee[08-2792](#)

Subject: Communication from the Commissioner of Public Works/City Engineer wishing to discuss the debarment of a contractor from City of Racine public works projects.

Referred to Public Works and Services Committee[08-2800](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations submitting a PECFA reimbursement for underground storage tank remediation at 1420 State Street.

Referred to Public Works and Services Committee[08-2811](#)

Subject: Communication from Globe Contractors, Inc. requesting an extension of time for use of the Michigan Boulevard Parking Lot in connection to City of Racine projects.

Referred to the Public Works and Services Committee**Refer to Public Safety and Licensing Committee, by Ald. Shakoor**[08-2779](#)

Subject: Communication from the Alderman of the 8th District requesting to discuss the concerns of residents in the West Sixth Street community regarding the camera system that is not yet functional.

Referred to Public Safety and Licensing Committee**Refer to Transit and Parking Commission, by Ald. DeHahn**[08-2761](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations wishing to discuss potential changes needed for the 2009 Budget.

Referred to Transit and Parking Commission**F. Committee Reports****Finance and Personnel Committee Report, by Ald. Friedel**[08-2505](#)

Subject: Communication from the City Attorney submitting the claim of Robin and Patricia Jacobsen for consideration. (Res.08-1072)

Recommendation of the Finance & Personnel Committee on

8-27-08: The claim of Robin and Patricia Jacobsen, 31 Sheffield for cleaning and repair expenses arising from a sewer backup into their basement on June 9, 2008 be deferred, that the City Attorney's office review the claim and conduct an analysis on the dollar amount submitted by Mr. Jacobsen and bring the item back for discussion.

Recommendation of the Finance & Personnel Committee on

09-22-08: The claim of Robin and Patricia Jacobsen, 31 Sheffield Dr., requesting reimbursement for cleaning and repair expenses arising from a sewer backup in their basement on 06-09-08 be settled in the amount of \$8,500.

Fiscal Note: There are sufficient funds available in account 101.990.5910 Judgments and Claims for the settlement.

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

[08-2688](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 53-08 (K8-061), City Hall Renovations - Phase II (R1). (Res.08-1066)

Recommendation of the Public Works and Services Committee on

9-30-08: Contract 53-08 (K8-061), City Hall Renovations - Phase II (R1), be awarded to Absolute Construction Enterprises, Inc., Racine, WI, at their bid price of \$1,045,000.00, they being the lowest responsible bidder.

Further recommends that this item be referred to the Finance and Personnel Committee for appropriate funding.

Recommendation of the Finance & Personnel Committee on

10-13-08: Recommend that \$650,000 be included in the 2009 Capital Improvement Budget and 2009 Bond Issue for City Hall Renovations - Phase II (R1) and that contract 53-08 (K8-061) be awarded.

Fiscal Note: The lowest responsible bidder bid \$1,045,000 on the project. \$395,000 is available in account 988.100.5010, 2008 City Hall - Facilities Plan, and \$35,000 is available in account 986.300.5040, Fire Dept. - Female Locker room.

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

[08-2692](#)

Subject: Communication from the City Attorney submitting the claim of Nona Hiler for consideration.

Recommendation of the Finance & Personnel Committee on

10-13-08: The claim of Nona Hiler, 831 College Ave., requesting reimbursement of \$2,138.15 for repair expenses after a tree branch allegedly fell on her vehicle on June 15, 2008 be denied.

Fiscal Note: N//A

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

[08-2693](#)

Subject: Communication from the City Attorney submitting the claim of Tracy Houdek for consideration.

Recommendation of the Finance & Personnel Committee on

10-13-08: The claim of Tracy Houdek, 1518 Quincy Ave., requesting reimbursement of \$1,142.60 for repair expenses after a tree branch allegedly fell on her parked vehicle on April 26, 2008 be denied.

Fiscal Note: N/A

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

[08-2695](#)

Subject: Communication from Mayor Becker requesting to accept the Racine Safe Neighborhood Alliance, Weed and Seed grant in the amount of \$150,000. (Res.08-1065)

Recommendation of the Finance & Personnel Committee on

10-13-08: The Mayor and City Clerk be authorized and directed to enter into an agreement for the Racine Safe Neighborhood Alliance, Weed and Seed grant (Grant Control No. 2007-043) in the amount of \$150,000.

Fiscal Note: There is a soft 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.

[08-2712](#)

Subject: The Director of City Development submitting the proposed 2009 operating plan and special assessments for the Downtown Business Improvement District No. 1. (Res.08-1068)

Recommendation of the Finance & Personnel Committee on

10-13-08: Approval of the 2009 operating plan and special assessments for the Downtown Business Improvement District No. 1.

Fiscal Note: It is estimated \$214,087 will be raised through bid assessments to be placed into the Downtown Bid's revenue account.

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

08-2713

Subject: The Director of City Development submitting the proposed 2009 operating plan and special assessments for the West Racine Business Improvement District No. 2. (Res.08-1069)

Recommendation of the Finance & Personnel Committee on

10-13-08: Approval of the 2009 operating plan and special assessments for the West Racine Business Improvement District No. 2.

Fiscal Note: It is estimated that \$21,376.60 will be raised through bid assessments to be placed into the West Racine Business revenue account.

Alderman Friedel requested that item 08-2713 be considered separately.

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

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

ABSTENTIONS: 1 - Spangenberg

08-2714

Subject: The Director of City Development submitting the proposed 2009 operating plan and special assessments for the Uptown Business Improvement District No. 3. (Res.08-1070)

Recommendation of the Finance & Personnel Committee on

10-13-08: Approval of the 2009 operating plan and special assessments for the Uptown Business Improvement District No. 3.

Fiscal Note: It is estimated \$38,039.49 will be raised through bid assessments to be placed into the Uptown Business revenue account.

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

08-2720

Subject: (Direct Referral) Communication from the City Attorney requesting a closed session strategy conference to consider the claim of Jamie Garner. (Res.08-1073)

Recommendation of the Finance & Personnel Committee on

10-13-08: The claim of Jamie Garner be settled in the amount of \$80,000. Further recommends the City Attorney be required to attempt recovery of the settled amount from the former officer Frank Williams civilly.

Fiscal Note: There are sufficient funds available in account 101.990.5910 Judgments and Claims for the settlement.

Alderman Friedel requested that item 08-2720 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: 14 - Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

NOES: 1 - Coe

08-2723

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a \$29,000 grant with the Wisconsin Coastal Management . (Res.08-1067)

Recommendation of the Finance & Personnel Committee on

10-13-08: Permission granted for the Director of Parks Recreation & Cultural Services apply for the Wisconsin Coastal Management grant (Grant Control No. 2008-033) in the amount of \$29,000 to be utilized for the North Beach bathhouse roof replacement.

Fiscal Note: There is a 50% match on the part of the city that is in the 2008 budget.

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

08-2740

Subject: Communication from the City Attorney submitting the claim of Shannon Figueroa for consideration.

Recommendation of the Finance & Personnel Committee on

10-13-08: The claim of Shannon Figueroa, 335 Luedtke Ave., requesting reimbursement of \$37,250 for damages from an auto accident involving a police squad car on January 22, 2006 be denied.

Fiscal Note: N/A

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

08-2743

Subject: Communication from the Fire Chief requesting permission to accept the 2007 Urban Area Security Initiative grant in the amount of \$50,000 from the Office of Justice Assistance. (Res.08-1062)

Recommendation of the Finance & Personnel Committee on

10-13-08: The Mayor and City Clerk by authorized and directed to enter into a \$50,000 agreement with the Office of Justice Assistance for the 2007 Urban Area Security Initiative grant (Grant Control No. 2008-009).

Recommendation of the Public Safety & Licensing Committee on

10-13-08: The Mayor and City Clerk be authorized and directed to

enter into a \$50,000 agreement with the Office of Justice Assistance for the 2007 Urban Area Security Initiative grant (Grant Control No. 2008-009).

Fiscal Note: No match required on the part of the city. The funds will be utilized for upgrades to the Fire Department's Tactical Command Post.

Alderman Friedel requested that item 08-2743 be considered separately.

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

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

ABSTENTIONS: 1 - Maack

[08-2751](#)

Subject: Communication from the Finance Director presenting the 2007 City of Racine's Financial Statements.

Recommendation of the Finance & Personnel Committee on 10-13-08: The 2007 City of Racine's Financial Statements be received and filed.

Fiscal Note: N/A

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

[08-2756](#)

Subject: Communication from the Finance Director requesting to transfer \$25,000 from the Finance Department's Salaries account 101.191.5010 to the Finance Department Building Improvements account 101.191.5760. (Res.08-1071)

Recommendation of the Finance & Personnel Committee on 10-13-08: Permission granted for the Finance Director to transfer \$25,000 from the Finance Department's Salaries account 101.191.5010 to the Finance Department Building Improvements account 101.191.5760 to be utilized for the design and installation of security upgrades.

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

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

Council Action

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

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

Public Works and Services Committee Report, by Ald. Holding08-2701

Subject: Communication from Debbie Smith, 2236 N. Green Bay Rd., regarding the use of Segways on city property for a tour business.

Recommendation of the Public Works and Services Committee on 10-14-08: That the request to utilize electric personal assistive mobility devices on city sidewalks be approved.

Further recommends that the City Attorney's office draft an ordinance for submittal to the Common Council.

Fiscal Note: Not applicable.

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

08-2705

Subject: Communication from the Southeastern Wisconsin Regional Planning Commission requesting confirmation of the City of Racine's intent to commit to the local share of the next phase of the KRM project in the amount of \$16,667.00. (Res.08-1049)

Recommendation of the Public Works and Services Committee on 10-14-08: That the amendment to the cooperative agreement between the Wisconsin Department of Transportation, the Counties of Kenosha, Milwaukee and Racine, and the Cities of Kenosha, Milwaukee and Racine to provide additional technical and planning work necessary for the KRM project to be resubmitted to the FTA be approved in the amount of \$16,677.00.

Fiscal Note: The \$16,677.00 may be provided in either in-kind services or cash to meet the matching requirements of the secured State (\$100,000.00) and Federal (\$800,000.00) funds. There are existing funds available in the Capital Improvement budget for any cash payment that may be necessary.

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

08-2725

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 25-08 (K8-029), 2008 Sewer Lining Design, Earth Tech, Inc., consultant. (Res.08-1056)

Recommendation of the Public Works and Services Committee on 10-14-08: That the professional services provided by Earth Tech/AECOM under Contract 25-08 (K8-029), 2008 Sewer Lining Design, be accepted and final payment authorized for a total contract

amount of \$55,811.54.

Fiscal Note: Contract was authorized under Resolution 08-0683, dated March 4, 2008.

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

[08-2730](#)

Subject: Communication from CJ Engineering, LLC submitting a Storm Water Management Agreement and Storm Water Calculations for the Woodland Pointe Condominium project. (Res.08-1050)

Recommendation of the Public Works and Services Committee on 10-14-08: That the Mayor and City Clerk be authorized and directed to enter into a Storm Water Management Practices Maintenance Agreement with the property owner of the Woodland Pointe Condominium project.

Further recommends that this agreement be filed with the Register of Deeds office and that the required \$250.00 Stormwater Permit Fee and \$50.00 filing fee be paid prior to any occupancy permits being approved.

Fiscal Note: This will generate \$250.00 in revenue for the Stormwater Utility.

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

[08-2737](#)

Subject: Communication from the Assistant Commissioner of Public Works/ Engineering wishing to amend Sec. 82-123 required width for sidewalk construction. (Ord.15-08)

Recommendation of the Public Works and Services Committee on 10-14-08: That Section 82-123(b)(12) of the Municipal Code of the City of Racine, Wisconsin, be amended to include Ohio Street, from Washington Avenue to Durand Avenue, 6 feet.

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

[08-2755](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 on Contract 42-08 (K8-050), Roof Replacement at Library, Solid Waste and Incinerator Buildings, Walsdorf Roofing Co., Inc., contractor. (Res.08-1059)

Recommendation of the Public Works and Services Committee on 10-14-08: That Change Order No. 1 on Contract 42-08 (K8-050), Roof Replacement at Library, Solid Waste and Incinerator Buildings,

Walsdorf Roofing Co., Inc., contractor, be approved in the amount of \$3,250.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 988.410.5010, SW Roof Replacement.

Fiscal Note: Funds are available as herein delineated.

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

08-2767

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 3 on Contract 05-08 (K8-005), Oakes Road Paving, A. W. Oakes & Son, Inc., contractor. (Res.08-1057)

Recommendation of the Public Works and Services Committee on 10-14-08: That Change Order No. 3 on Contract 05-08 (K8-005), Oakes Road Paving, A. W. Oakes & Son, Inc., contractor, be approved in the amount of \$29,501.06.

Further recommends that funding to defray the cost of this change order be appropriated from the following accounts:

\$28,071.44 - Account 919.987.5010, Oakes Road, 16th to 21st (IG)
\$ 1,429.62 - Mt. Pleasant
\$29,501.06

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.

08-2769

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering requesting to rescind Res. 08-0851 and create a new resolution for Change Order No. 4 to Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Pavers, contractor. (Res.08-1053)

Recommendation of the Public Works and Services Committee on 10-14-08: That Resolution 08-0851, dated June 3, 2008, be rescinded.

Further recommends that Change Order No. 4 to Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Pavers, contractor, be approved in the amount of \$7,658.99.

Further recommends that funding to defray the cost of this change

order be appropriated from Account 986.908.5010, Miscellaneous Concrete Paving.

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.

[08-2768](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 1 on Contract 22-08 (K8-026), 2008 City Resurfacing, A.W. Oakes & Son, Inc., contractor. (Res.08-1058)

Recommendation of the Public Works and Services Committee on 10-14-08: That Change Order No. 1 on Contract 22-08 (K8-026), 2008 City Resurfacing, A. W. Oakes & Son, Inc., contractor, be approved in the amount of \$29,513.78.

Further recommends that funding to defray the cost of this change order be appropriated from Account 988.908.5110, Bituminous Concrete Paving.

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.

[08-2770](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting final payment on Contract 41-06 (K6-043), PS - Const. Mgmt. Southside Industrial Park Infrastructure, Earth Tech/AECOM, consultant. (Res.08-1051)

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

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

Alderman Holding requested that item 08-2770 be considered separately.

This Communication was Referred to the Public Works and Services Committee

[08-2771](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 32-07 (K7-036), Professional Services - Tuckpoint Renovations at City Hall Annex, Industrial Roofing Services, Inc., consultant. (Res.08-1054)

Recommendation of the Public Works and Services Committee on 10-14-08: That the professional services provided by Industrial Roofing Services, Inc. under Contract 32-07 (K7-036), Professional Services - Tuckpoint Renovations at City Hall Annex, be accepted and final payment authorized for a total contract amount of \$4,000.00.

Fiscal Note: Contract was authorized under Resolution 07-0117, dated March 20, 2007.

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

08-2773

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering requesting to rescind Resolution 08-0850 and create a new resolution for Change Order No. 3 to Contract 10-07 (K7-010), Gaslight Drive Renovations, Cornerstone Pavers, contractor. (Res.08-1052)

Recommendation of the Public Works and Services Committee on 10-14-08: That Resolution 08-0850, dated June 3, 2008, be rescinded.

Further recommends that Change Order No. 3 to Contract 10-07 (K7-010), Gaslight Drive Renovations, Cornerstone Pavers, contractor, be approved in the amount of \$2,226.58.

Further recommends that funding to defray the cost of this change order be appropriated from Account 986.908.5010, Miscellaneous Concrete Paving.

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.

08-2775

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 6-08 (K8-007), City Hall Annex Masonry Tuckpointing, R. D. Woods Company, Inc., contractor. (Res.08-1055)

Recommendation of the Public Works and Services Committee on 10-14-08: That the work of R.D. Woods Company, Inc. under Contract 6-08 (K8-007), City Hall Annex Masonry Tuckpointing, be accepted and final payment authorized for a total contract amount of \$33,147.60.

Fiscal Note: Contract was authorized under Resolution 08-0759, dated April 14, 2008.

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

Council Action

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

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

Public Safety and Licensing Committee Report, by Ald. Shakoor**08-2376**

Subject: Communication from the Chief of Police requesting to apply for the Wisconsin Department of Transportation 2009 Alcohol Enforcement Mobilization grant. (Res.08-1060)

Recommendation of the Finance & Personnel Committee on

10-13-08: Permission granted for the Chief of Police to apply for the Wisconsin Department of Transportation 2009 Alcohol Enforcement Mobilization grant (Grant Control No. 2008-035) in the amount of \$25,000.

Recommendation of the Public Safety & Licensing Committee on

10-13-08: That the Chief of Police be granted permission to apply for the Wisconsin Department of Transportation 2009 Alcohol Enforcement Mobilization grant (Grant Control No. 2008-035) in the amount of \$25,000.

Fiscal Note: A 25% soft match is required on the part of the city.

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

08-2550

Subject: (Direct Referral) Communication from the Alderman of the 13th District requesting to discuss video poker machines at gas stations, convenience stores and other places.

Recommendation of the Public Safety & Licensing Committee on

08-25-08: That the item be deferred.

Recommendation of the Public Safety & Licensing Committee on

09-8-08: That the item be deferred to gather more information.

Recommendation of the Public Safety & Licensing Committee on

09-22-08: That the item be deferred.

Recommendation of the Public Safety & Licensing Committee on

10-13-08: That the City Attorney contact the District Attorney and request him to take the necessary action in the near future to address this issue and to send notices to all Class A establishments informing them the City will be enforcing the law.

Further recommend this item be received and filed.

Fiscal Note: N/A

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

[08-2724](#)

Subject: New Application of Avanti Brothers Wine Company, for a Wholesale License at 2034 Indiana Street, Suite B. (14th District)

Recommendation of the Public Safety & Licensing Committee on 10-13-08: That the new application of Avanti Brothers Wine Company, for a Wholesale License at 2034 Indiana Street, Suite B., be approved.

Fiscal Note: N/A

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

[08-2733](#)

Subject: (New) Application of Javier's Restaurant, Yecenia Ortega, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2815 Durand Avenue. (10th District)

Recommendation of the Public Safety & Licensing Committee on 10-13-08: That the new application Javier's Restaurant, Yecenia Ortega, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2815 Durand Avenue be approved with the voluntary stipulation they would surrender the "Class B" license to the City if they decided to discontinue their business.

Fiscal Note: N/A

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

[08-2739](#)

Subject: Communication from Police Chief requesting to apply for the Wisconsin Department of Transportation 2009 Speed Enforcement Mobilization grant. (Res.08-1061)

Recommendation of the Finance & Personnel Committee on 10-13-08: Permission granted for the Chief of Police to apply for the Wisconsin Department of Transportation 2009 Speed Enforcement Mobilization grant (Grant Control No. 2008-036) in the amount of \$25,000.

Recommendation of the Public Safety & Licensing Committee on 10-13-08: That the Chief of Police be granted permission to apply for

the Wisconsin Department of Transportation 2009 Speed Enforcement Mobilization grant (Grant Control No. 2008-036) in the amount of \$25,000.

Fiscal Note: A 25% soft match is required on the part of the city.

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

08-2745

Subject: Communication from the Fire Chief requesting permission to apply for and accept a 2008 Urban Area Security Initiative grant in the amount of \$253,000. (Res.08-1063)

Recommendation of the Finance & Personnel Committee on

10-13-08: Permission granted to apply for and accept a \$253,000 2008 UASI grant (Grant Control No. 2008-034) with the Department of Homeland Security, Office of Justice Assistance.

Recommendation of the Public Safety & Licensing Committee on

10-13-08: That the Fire Chief be granted permission to apply for and accept a \$253,000 2008 UASI grant (Grant Control No. 2008-034) with the Department of Homeland Security, Office of Justice Assistance.

Fiscal Note: No match is required on the part of the city.

Alderman Shakoor requested that item 08-2745 be considered separately.

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

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

ABSTENTIONS: 1 - Maack

08-2753

Subject: Direct Referral: Change Order #6 Contract 52-07 (K7-061), Remodel Racine Zoological Gardens, Phase III, by Seater Construction Co., Inc. (Res.08-1064)

Recommendation of the Public Safety & Licensing Committee on

10-13-08: That Change Order No. 6 on Contract 52-07 (K7-061), Remodel Racine Zoological Gardens, Phase III, by Seater Construction Co., Inc., be approved in the amount of \$22,794.24.

Fiscal Note: Funds are available in account 987.740.5030, Entrance Complex/Parking, \$293,266.00 for the City's portion of the project. The remaining funds will be provided by the Racine Zoological Society.

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

08-2754

Subject: Direct Referral: Bids for Contract 55-08 (K8-065) (R1)

Garden Crypt and Niche Addition at Mound Cemetery.

Recommendation of the Public Safety & Licensing Committee on 10-13-08: That Contract 55-08 (K8-065), Garden Crypt and Niche Addition at Mound Cemetery, be awarded to Bane-Nelson, Inc., Kenosha, WI, at their bid price of \$1,333,000.00, they being the second lowest responsible bidder.

Further recommend Mork Mausoleum Construction, Inc., the lowest responsible bidder be released of any liabilities and their bid bond be returned without malice and the item be referred to Finance and Personnel and the Cemetery Board.

Fiscal Note: Funds are available in account 207.002.5760, Mound Crypts Interior and 207.002.5760, Mound Crypts.

This Communication was Referred to the Finance and Personnel Committee

This Communication was Referred to the Board of Cemetery Commissioners

[08-2776](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the monthly report for the sale of abandoned vehicles for October 8, 2008.

Recommendation of the Public Safety & Licensing Committee on 10-13-08: That the item be received and filed.

Fiscal Note: This will generate \$8,660.01 in revenues.

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

Council Action

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

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

City Plan Commission Report, by Ald. Holding

[08-2721](#)

Subject: Communication from the Racine Public Library offering to purchase all available City-owned land not used by the Racine Water Utility bordered by Spring Street, Newman Road and Green Bay Road. (Res.08-1046)

Recommendation of the City Plan Commission on 10-08-08: That the sale of up to 36 acres is not in conflict with City plans and programs.

Further, that the Mayor and City Clerk be authorized to execute a letter of intent for the sale of said lands with the Racine Public Library.

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

08-2736

Subject: Communication from the Eleventh District Alderman requesting to discuss a change in the zoning restrictions on garage heights in the City of Racine. (Ord.14-08)

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

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

08-2746

Subject: (Direct Referral) Appeal by Racine Fire Department regarding a decision of the Downtown Area Design Review Commission to deny a request for a conditional use permit for an electronic message board at 730 Center Street.

Recommendation of the City Plan Commission on 10-08-08: That the appeal be approved subject to designs presented to the Plan Commission on October 8, 2008 with final design to be approved by the Department of City Development.

Further, that the Commission finds that based on Sec. 114 - 1027. Exceptions to Article, in the Zoning Ordinance, the sign is exempt as a public agency sign intended to aide and promote public safety.

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

Council Action

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

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

Executive Committee Report, by Ald. Maack

06-2459

Subject: Communication from the Mayor wishing to discuss with the Executive Committee, a border agreement with Mt. Pleasant west of Oakes Road.

Recommendation: Recommend this item be received and filed.

Fiscal Note: N/A

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

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

08-2758

Subject: Communication from Mayor Becker requesting to change the polling place from Knapp School to Workforce Development, 1717 Taylor Avenue beginning with the November 4, 2008 Election. (Res.08-1074)

Recommendation: Recommend that the polling place be moved from Knapp School to the Workforce Development Center, 1717 Taylor Avenue, beginning with the November 4, 2008 election and the City will re-visit the issue in 2009 and consider whether to move it back to Knapp School.

Fiscal Note: N/A

Alderman Shields requested that item 08-2758 be considered separately.

Alderman Shields made a motion that the recommendation be amended to include that beginning in 2009 the City would re-visit the issue of moving the polling place back to Knapp School.

Alderman Spangenberg spoke in support of re-visiting the idea of moving the location back to Knapp School.

Alderman Kaplan spoke against the idea of moving it back and felt it should remain at Workforce Development.

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

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

Office of the Mayor Report, by Ald. Maack

08-2799

Subject: Communication from Mayor Becker nominating an appointment to the following committee for the City of Racine:

Cable Commission:

Appoint Nicholas Ravnkar, 607 1/2 Sixth Street for a term ending May 1, 2010.

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

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

G. Consent Agenda - Resolutions

Res.08-1047

Preliminary - Ten (10) Year

Benefits and Damages

Resolved, by the Common Council of the City of Racine, Wisconsin:

1. The Common Council hereby declares its intention to exercise its power under §. 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following street(s):

All property fronting upon both sides:

PORTLAND CEMENT CONCRETE PAVING

Alley bounded by Arthur Avenue and Blaine Avenue and Kinzie Avenue and Lindermann Avenue.

2. Said public improvement shall consist of **PORTLAND CEMENT CONCRETE PAVING**.
3. The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall not be greater than the benefits accruing thereto from said improvements.
4. The assessments against any parcel may be paid in cash or in ten (10) annual installments.
5. The Commissioner of Public Works is directed to prepare a report consisting of:
 - a. Preliminary or final plans and specifications for said improvement.
 - b. An estimate of the entire cost of the proposed work or improvement.
 - c. An estimate, as to each parcel of property within the assessment district, of:
 - (1) The assessment of benefits to be levied.
 - (2) The damages to be awarded for property taken or damaged.
 - (3) The net amount of such benefits over damages or the net amount of such damages over benefits.

Upon completing such report, the Commissioner of Public Works is directed to file a copy thereof on the City Clerk's Office for public inspection.

6. Upon receiving the report of the Commissioner of Public Works, the City Clerk is directed to give a Class 1 notice of a public hearing on such report as specified in §. 66.60(7), Wisconsin Statutes.

The hearing shall be held at the Council Chambers in the City Hall at a time set by the Clerk in accordance with §. 66.0703 (7)(a), Wisconsin Statutes.

Sponsors: Gregory Holding

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

Res.08-1050

Permission to enter into Storm Water Management Agreement and Storm Water Calculations for Woodland Pointe Condominium Project

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Storm Water Management Practices Maintenance Agreement with the property owner of the Woodland Pointe Condominium project.

Further resolved, that this agreement be filed with the Register of Deeds office and that the required \$250.00 Stormwater Permit Fee and \$50.00 filing fee be paid prior to any occupancy permits being approved.

Fiscal Note: This will generate \$250.00 in revenue for the Stormwater Utility.

Sponsors: Gregory Holding

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

Res.08-1052

Rescind Resolution 08-0850 and approve Change Order No. 3 to Contract 10-07 (K7-010), Gaslight Drive Renovations, Cornerstone Pavers

Resolved, that Resolution 08-0850, dated June 3, 2008, be rescinded.

Further resolved, that Change Order No. 3 to Contract 10-07 (K7-010), Gaslight Drive Renovations, Cornerstone Pavers, contractor, be approved in the amount of \$2,226.58.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 986.908.5010, Miscellaneous Concrete Paving.

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.08-1053

Rescind Resolution 08-0851 and approve Change Order No. 4 to Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Pavers

Resolved, that Resolution 08-0851, dated June 3, 2008, be rescinded.

Further resolved, that Change Order No. 4 to Contract 20-07 (K7-023),

Local Road Improvement Program, Cornerstone Pavers, contractor, be approved in the amount of \$7,658.99.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 986.908.5010, Miscellaneous Concrete Paving.

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.08-1054

Professional services on Contract 32-07 (K7-036), Tuckpoint Renovations at City Hall Annex, Industrial Roofing Services, Inc., be accepted and final payment authorized

Resolved, that the professional services provided by Industrial Roofing Services, Inc. under Contract 32-07 (K7-036), Professional Services - Tuckpoint Renovations at City Hall Annex, be accepted and final payment authorized for a total contract amount of \$4,000.00.

Fiscal Note: Contract was authorized under Resolution 07-0117, dated March 20, 2007.

Sponsors: Gregory Holding

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

Res.08-1055

Approval of work on Contract 6-08 (K8-007), City Hall Annex Masonry Tuckpointing, R.D. Woods Company, Inc., and final payment authorized

Resolved, that the work of R.D. Woods Company, Inc. under Contract 6-08 (K8-007), City Hall Annex Masonry Tuckpointing, be accepted and final payment authorized for a total contract amount of \$33,147.60.

Fiscal Note: Contract was authorized under Resolution 08-0759, dated April 14, 2008.

Sponsors: Gregory Holding

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

Res.08-1056

Professional services on Contract 25-08 (K8-029), 2008 Sewer Lining Design, Earth Tech, Inc., be approved and final payment authorized

Resolved, that the professional services provided by Earth Tech/AECOM under Contract 25-08 (K8-029), 2008 Sewer Lining Design, be accepted and final payment authorized for a total contract amount of \$55,811.54.

Fiscal Note: Contract was authorized under Resolution 08-0683, dated

March 4, 2008.

Sponsors: Gregory Holding

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

Res.08-1057

Approval of Change Order No. 3 on Contract 05-08 (K8-005), Oakes Road Paving, A.W. Oakes & Son, Inc.

Resolved, that Change Order No. 3 on Contract 05-08 (K8-005), Oakes Road Paving, A. W. Oakes & Son, Inc., contractor, be approved in the amount of \$29,501.06.

Further resolved, that funding to defray the cost of this change order be appropriated from the following accounts:

\$28,071.44 - Account 919.987.5010, Oakes Road, 16th to 21st (IG)
\$ 1,429.62 - Mt. Pleasant
\$29,501.06

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.08-1058

Approval of Change Order No. 1 on Contract 22-08 (K8-026), 2008 City Resurfacing, A. W. Oakes & Son, Inc.

Resolved, that Change Order No. 1 on Contract 22-08 (K8-026), 2008 City Resurfacing, A. W. Oakes & Son, Inc., contractor, be approved in the amount of \$29,513.78.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 988.908.5110, Bituminous Concrete Paving.

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.08-1059

Approval of Change Order No. 1 on Contract 42-08 (K8-050), Roof Replacement at Library, Solid Waste and Incinerator Buildings, Walsdorf Roofing Co., Inc.

Resolved, that Change Order No. 1 on Contract 42-08 (K8-050), Roof Replacement at Library, Solid Waste and Incinerator Buildings, Walsdorf Roofing Co., Inc., contractor, be approved in the amount of \$3,250.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 988.410.5010, SW Roof Replacement.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.08-1060

Permission for Chief of Police to apply for Wisconsin Dept. of Transportation 2009 Alcohol Enforcement Mobilization Grant

Resolved, that the Chief of Police be granted permission to apply for the Wisconsin Department of Transportation 2009 Alcohol Enforcement Mobilization grant (Grant Control No. 2008-035) in the amount of \$25,000.

Fiscal Note: A 25% soft match is required on the part of the City.

Sponsors: Q.A. Shakoor, II and Thomas Friedel

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

Res.08-1061

Permission for Chief of Police to apply for Wisconsin Dept. of Transportation 2009 Speed Enforcement Mobilization Grant

Resolved, that the Chief of Police be granted permission to apply for the Wisconsin Department of Transportation 2009 Speed Enforcement Mobilization grant (Grant Control No. 2008-036) in the amount of \$25,000.

Fiscal Note: A 25% soft match is required on the part of the City.

Sponsors: Q.A. Shakoor, II and Thomas Friedel

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

Res.08-1064

Change Order No. 6 on Contract 52-07 (K7-061), Remodel Racine Zoological Gardens, Phase III, Seater Construction Co., Inc. be approved

Resolved, that Change Order No. 6 on Contract 52-07 (K7-061), Remodel Racine Zoological Gardens, Phase III, Seater Construction Co., Inc., be approved in the amount of \$22,794.24.

Fiscal Note: Funds are available in account 987.740.5030, Entrance Complex/Parking, \$293,266.00 for the City's portion of the project. The remaining funds will be provided by the Racine Zoological Society.

Sponsors: Q.A. Shakoor, II

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

Res.08-1065

Permission to accept Racine Safe Neighborhood Alliance, Weed and Seed Grant

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement for the Racine Safe Neighborhood Alliance, Weed and Seed Grant (Grant Control No. 2007-043) in the amount of \$150,000.

Fiscal Note: There is a soft match required on the part of the City.

Sponsors: Thomas Friedel

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

Res.08-1066

Contract 53-08 (K8-061), City Hall Renovations - Phase II (R1) be awarded to Absolute Construction Enterprises, Inc.

Resolved, that \$650,000 be included in the 2009 Capital Improvement Budget and 2009 Bond Issue for Contract 53-08 (K8-061), City Hall Renovations - Phase II (R1), and that the contract be awarded to Absolute Construction Enterprises, Inc., Racine, WI, at their bid price of \$1,045,000.00, they being the lowest responsible bidder.

Fiscal Note: The lowest responsible bidder bid \$1,045,000 on the project. \$395,000 is available in account 988.100.5010, 2008 City Hall - Facilities Plan, and \$35,000 is available in account 986.300.5040, Fire Dept. - Female Locker room.

Sponsors: Thomas Friedel and Gregory Holding

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

Res.08-1067

Permission for the Director of Parks to apply for a grant with Wisconsin Coastal Management

Resolved, that permission be granted to the Director of Parks Recreation & Cultural Services to apply for the Wisconsin Coastal Management Grant (Grant Control No. 2008-033) in the amount of \$29,000 to be utilized for the North Beach bathhouse roof replacement.

Fiscal Note: There is a 50% match on the part of the city that is in the 2008 budget.

Sponsors: Thomas Friedel

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

Res.08-1071

Permission granted to transfer funds for the Finance Department

Resolved, that permission be granted for the Finance Director to transfer

\$25,000 from the Finance Department's Salaries, Account 101.191.5010, to the Finance Department Building Improvements, Account 101.191.5760, to be utilized for the design and installation of security upgrades.

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

Sponsors: Thomas Friedel

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

Res.08-1072

Claim for sewer backup at 31 Sheffield Drive be approved

Resolved, that the claim of Robin and Patricia Jacobsen, 31 Sheffield Dr., requesting reimbursement for cleaning and repair expenses arising from a sewer backup in their basement on 06-09-08, be settled in the amount of \$8,500.

Fiscal Note: There are sufficient funds available in Account 101.990.5910, Judgments and Claims, for the settlement.

Sponsors: Thomas Friedel

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

Council Action

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

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

Res.08-1074

Change polling place from Knapp School to Workforce Development

Resolved, that the polling location currently located at Knapp School, 2701 - 17th Street, which currently serves District 9 Ward 21 and District 13 Ward 30, be relocated to Workforce Development, 1717 Taylor Avenue, beginning with the November 4, 2008 election.

Fiscal Note: N/A

Sponsors: David L. Maack

Alderman Shields requested that the resolution be amended to include: In 2009 the City will re-visit the issue of moving the polling place back to Knapp School.

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

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

H. Resolutions

Res.08-1046

Sale of land to Racine Public Library and Letter of Intent for the sale

Resolved, that the sale of up to 36 acres of land bordered by Spring Street, Newman Road and Green Bay Road to the Racine Public Library is not in conflict with City plans and programs.

Further resolved, that the Mayor and City Clerk be authorized and directed to execute a letter of intent for the sale of said lands with the Racine Public Library.

Fiscal Note: Pending negotiations.

Sponsors: Gregory Holding

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

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

Res.08-1049

Approval for City of Racine to provide local share for next phase of the KRM project

Resolved, that the amendment to the cooperative agreement between the Wisconsin Department of Transportation, the Counties of Kenosha, Milwaukee and Racine, and the Cities of Kenosha, Milwaukee and Racine to provide additional technical and planning work necessary for the KRM project to be resubmitted to the FTA be approved in the amount of \$16,677.00.

Fiscal Note: The \$16,677.00 may be provided in either in-kind services or cash to meet the matching requirements of the secured State (\$100,000.00) and Federal (\$800,000.00) funds. There are existing funds available in the Capital Improvement budget for any cash payment that may be necessary.

Sponsors: Gregory Holding

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

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

Res.08-1051

Professional services provided by Earth Tech/AECOM for Contract 41-06 (K6-043), Southside Industrial Park Infrastructure be approved and final payment authorized

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

contract amount of \$194,218.56.

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

Sponsors: Gregory Holding

A motion was made Referred to the Public Works and Services Committee

Res.08-1062

Permission for Fire Chief to accept the 2007 Urban Area Security Initiative Grant from the Office of Justice Assistance and Mayor and City Clerk enter into the grant agreement

Resolved, that the Fire Chief be authorized and directed to accept the 2007 Urban Area Security Initiative Grant in the amount of \$50,000 from the Office of Justice Assistance.

Further resolved, that the Mayor and City Clerk be authorized and directed to enter into a \$50,000 agreement with the Office of Justice Assistance for the 2007 Urban Area Security Initiative grant (Grant Control No. 2008-009).

Fiscal Note: No match required on the part of the city. The funds will be utilized for upgrades to the Fire Department's Tactical Command Post.

Sponsors: Q.A. Shakoor, II and Thomas Friedel

A motion was made by Alderman Friedel that this Resolution be Adopted. The motion was APPROVED by the following vote:

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

ABSTENTIONS: 1 - Maack

Res.08-1063

Permission for Fire Chief to apply and accept a 2008 Urban Area Security Initiative Grant from the Department of Homeland Security, Office of Justice Assistance

Resolved, that the Fire Chief be granted permission to apply for and accept a \$253,000 2008 UASI grant (Grant Control No. 2008-034) with the Department of Homeland Security, Office of Justice Assistance.

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

Sponsors: Q.A. Shakoor, II and Thomas Friedel

A motion was made by Alderman Friedel that this Resolution be Adopted. The motion was APPROVED by the following vote:

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

ABSTENTIONS: 1 - Maack

Res.08-1068

2009 Operating Plan for Downtown Business Improvement District No. 1

Resolved, that the 2009 operating plan for Downtown Business Improvement District No. 1 be approved, and the Finance Director be authorized and directed to place the special assessments listed in the plan on the property tax bills of the parcels within the District.

Fiscal Note: It is estimated \$214,087 will be raised through BID assessments to be placed into the the Downtown BID's revenue account.

Sponsors: Thomas Friedel

A motion was made by Alderman Friedel that this Resolution be Adopted. The motion was APPROVED by the following vote:

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

Res.08-1069

2009 Operating Plan for West Racine Business Improvement District No. 2

Resolved, that the 2009 operating plan for West Racine Business Improvement District No. 2 be approved, and the Finance Director be authorized and directed to place the special assessments listed in the plan on the property tax bills of the parcels within the District.

Fiscal Note: It is estimated that \$21,376.60 will be raised through BID assessments to be placed into the West Racine Business revenue account.

Sponsors: Thomas Friedel

A motion was made by Alderman Friedel that this Resolution be Adopted. The motion was APPROVED by the following vote:

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

Res.08-1070

2009 Operating Plan for Uptown Business Improvement District No. 3

Resolved, that the 2009 operating plan for Uptown Business Improvement District No. 3 be approved, and the Finance Director be authorized and directed to place the special assessments listed in the plan on the property tax bills for the parcels within the District.

Fiscal Note: It is estimated \$38,039.49 will be raised through bid assessments to be placed into the Uptown Business revenue account.

Sponsors: Thomas Friedel

A motion was made by Alderman Friedel that this Resolution be Adopted. The motion was APPROVED by the following vote:

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

Res.08-1073 Claim of Jamie Garner be approved

Resolved, that the claim of Jamie Garner be settled in the amount of \$80,000.

Further resolved, that the City Attorney be authorized and directed to attempt recovery of the settled amount from the former officer Frank Williams civilly.

Fiscal Note: There are sufficient funds available in Account 101.990.5910, Judgments and Claims, for the settlement.

Sponsors: Thomas Friedel

A motion was made by Alderman Friedel that this Resolution be Adopted. The motion was APPROVED by the following vote:

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

NOES: 1 - Coe

Res.08-1075 Final - Ten (10) Year
Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 14th day of October, 2008, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

PORTLAND CEMENT CONCRETE PAVING

Hillcrest Circle from Wright Avenue to cul-de-sac

Alley - Washington Avenue to 16th Street; Packard Avenue to Phillips Avenue

BITUMINOUS CONCRETE PAVING

Kings Circle from Oakwood Drive to cul-de-sac

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Racine as follows:

1. That the report of the Commissioner of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.
2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner of Public Works.

- 3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.
- 4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.
- 5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.
- 6. That the assessments may be paid in cash or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per annum.
- 7. The City Clerk is directed to publish this resolution in the official newspaper of the City of Racine as a Class I notice in the assessment district.
- 8. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll, whose post office address is known or can with reasonable diligence be ascertained.

Dated _____
 Signed _____
 Mayor

Published _____

Attest: _____
 City Clerk

Sponsors: Gregory Holding

Referred to the Public Works and Services Committee

I. Ordinances

Ord.14-08 Ordinance No. 14-08

To repeal and recreate Sec. 114-693 of the Municipal Code of the City of Racine, Wisconsin relating to Accessory buildings and structures - Height limitations.

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

Part 1:

Sec. 114-693 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“Sec. 114-693. Height limitations.

Detached Accessory Buildings may be no taller than 15’ as measured from finished floor to peak of roof; or 75% of the house height, whichever is greater. In any case, the maximum height as measured from finished floor of accessory structure to peak of roof is 20’.”

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 Public Works and Services Committee

Ord.15-08

Ordinance No. 15-08

To amend Sec. 82-123(b) of the Municipal Code of the City of Racine, Wisconsin relating to Sidewalks - Required widths.

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

Part 1:

Sec. 82-123(b) of the Municipal Code of the City of Racine is hereby amended by adding the following at the end of the section:

“(12) On Ohio Street, from Washington Avenue to Durand Avenue, 6 feet.”

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 Public Works and Services Committee

J. Miscellaneous Business

Refer to Committee of the Whole, by Ald. Maack

08-2781

Subject: Communication from Mayor Becker submitting the 2009 proposed budgets for the General Fund, Special Revenue Funds, Capital Projects Funds, Debt Service, Enterprise Funds, Utilities, and Internal Service Funds.

As we head into 2009 I assure you that the long term fiscal health and stability of the City of Racine is sound and solid. The past decisions that I and the Council have made, while sometimes controversial and many times difficult, have kept Racine in a strong financial position. Standard & Poor's report on Racine says: "The city's strong financial management, along with its moderately increasing tax base, is key to the maintenance of its strong financial operations." (June 23, 2008)

Comments like these are the result of responsible budgeting, proving to the bond market this is a city that is willing to make long term decisions, as opposed to the easy political and expedient choices.

As I put together the budget I propose to you tonight, there were a number of principles and requirements that were adhered to. The first issue is that we still operate under state imposed levy limits. Last year the percentage was 3.86%, this year it is back to 2%. The result is we end up with less than a 1% revenue increase. The reason for this is about a third of our revenue is from state shared revenue which again has not increased.

Tonight I present to you the 2009 Operating Budget, the 2009 Capital Improvement Budget along with the five year 2009-2013 Capital Improvement plan.

Looking ahead to next year was its usual challenge. This is my sixth budget, and every year we have had a net loss of jobs. Our policy is to manage through the year in anticipation of positions being eliminated. This allows us to have open positions and avoid having to lay people off. Again, this year, we were able to attain this objective. The total positions reduced this year is about five and one half Full Time Equivalent (FTE's).

The library has cut back almost three FTE's, one electrical inspector is not being replaced, one assessor position and a 1/2 time equipment repair specialist in the Parks Department. No one is to be laid off as these are all open positions.

The only major change to operations will be the assessor's office going to re-evaluations on a bi-annual basis instead of every year. Racine and LaCrosse are currently the only cities in Wisconsin to do an annual re-evaluation. For a city like

Racine that is already developed and with stable housing prices, this should not adversely impact our residents. As you may recall we did a management audit of this department last year and this was one of the possibilities of change that was recommended.

The main reason we were able to hold position cuts to only five and one half is due to holding down the cost of our health care. There are three things that have contributed to being able to budget no increase in health care costs.

First, the city/county health clinic has worked out in both of its goals. It has improved service to our employees, and it has saved dollars in a new and better way of delivering services. This program has been good for the city, the county, Wheaton Franciscan and our employees.

Secondly, we have increased our emphasis on our wellness program for employees. Last year we increased the hours for this position, and it appears to be paying off.

Thirdly, we feel we have been lucky. We have not had the number of high cost claims we have anticipated. While this is great news for our employees, it is not something we can plan for each budget year. We will continue to work to develop innovative ways to deliver care at the lowest cost.

In working with our health care committee of management and labor, we have a proposal that has been developed to further lower health care costs by common sense and doing some things differently. This is a plan developed jointly which has the potential to save hundreds of thousands of dollars. We have agreed to not ask for an increase in premium co-pays if all unions agree to new approaches put forth in this plan.

The cost of energy continues to be a burden on the taxpayers of Racine. Our projected increase in natural gas is 41%, electricity 7%, 14% for WE street lights and gas is being budget at \$3.75, and \$4.00 for diesel versus \$3.00 for each this year.

With all the challenges facing the administrative managers, I am very proud of the operating budget being presented tonight.

This budget maintains current staffing levels in the police and fire departments and minimally impacts other departments. Again we know through innovation, streamlining and better management we will be able to continue to service the needs of the citizens of Racine.

The five year CIP is our projected spending plan. Only 2009 is included as an appropriation in this budget. The spending levels are generally within our limits for 2010-2013. This is a plan, I am sure some things will be deleted, and some added, but I am committed to keeping the borrowing at or below \$8,000,000 per year.

You will see 2009 is over our target, but this is due to a one time new initiative; a new approach to recycling. This year there is funding for 64 gallon recycling carts for every household in Racine. This will result in considerably higher recycling percentages, lower tipping fees at the landfill and better reuse of materials now being landfilled.

Other areas of emphasis is maintaining our infrastructure. Rick Jones has done an excellent job of maintaining our buildings, streets, pipes and all the unglamorous parts of city government that most people do not see or think about. This well thought out plan and its execution saves the taxpayers over the long haul.

The fee for the sanitary sewers stays the same, but now the work has been done and commercial properties will be added, increasing revenues by approximately \$300,000. 100% of these dollars are used for repair and upgrades to this critical system.

Parks and Community Centers remain a centerpiece for additional spending. We continue to upgrade the centers and parts. We are replacing obsolete equipment, making our parks more inviting and improving views and access of our river. One new project I am proposing is a boundless playground at Lockwood Park. This effort has been led by Alderman Wisneski, along with his wife and a neighborhood group. (To all thanks.)

The centerpieces will be a large play area accessible to everyone in our community; even if they have physical disabilities. Some of this is being proposed to be purchased out of this years dollars so we can receive a large discount from the manufacturer.

The underlayment of this area will be a rubberized surface. Children in wheelchairs will be able to maneuver easily, and the equipment is also accessible to those in wheel chairs. This will be a great place for all families, but a special place for those that have few, if any options for physically challenged children.

In addition, the Lockwood Fund is paying to rebuild the basketball court on virgin land, put up a new sign and to fund a Stay in School, Back to School program in the park.

Donnie Snow and his staff did a great job putting together this years, and the next four years plan to give us great parks.

As we all know, financial and land markets have been a bit unsettled lately. We have talked to our bond consultants and they assure us that barring any unforeseen events, Racine should have no problem borrowing money next year. As a matter of fact, they told us compared to many investments, we are looking better than this year.

I encourage any comments, suggestions or criticisms of this budget. I am confident that with the input of citizens and this council, there is room to improve upon what is presented to you tonight. I have always said any proposal being reviewed by 15 additional people, should be able to come up with at least a few ways to improve it.

The public hearing date has been set, along with four nights of Committee of the Whole working sessions to cover every part of this budget. I and staff look forward to working with each of you to continue to move Racine forward, and truly make it as great a city as we all know it can be.

Thank you.

Referred to the Committee of the Whole

Next meeting is Wednesday, November 5, 2008 due to General Election.

K. Adjourn

The meeting was adjourned at 8:15p.m. by Alderman Shakoor. The next scheduled meeting of the Council is Wednesday, November 5, 2008.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK