



# City of Racine

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

## Meeting Minutes - Final Common Council

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

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Wednesday, February 18, 2009

7:00 PM

Room 205, City Hall

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### Due to Primary Election on 2-17-09

#### A. Call To Order

**PRESENT:** 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol  
**EXCUSED:** 2 - Friedel and McCarthy

#### B. Pledge of Allegiance To The Flag

*Mayor Friedel 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.*

**to Approve the Minutes**

#### D. Public Hearings

##### Ord.1-09

Ordinance No. 1-09

To amend Sec. 114-34(d) and (g) of the Municipal Code of the City of Racine, Wisconsin relating to Board of Appeals - Hearings; Determinations.

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

##### Part 1:

Section 114-34(d) of the Municipal Code of the City of Racine is hereby amended by deleting the word "four" in the fourth sentence and inserting the phrase "a majority of the members" in its place.

##### Part 2:

Section 114-34(g) of the Municipal Code of the City of Racine is hereby amended by deleting the phrase "four members of the board of appeals" in

the first sentence and inserting the phrase "a majority of the members present at the meeting" in its place.

Part 3:

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

**His Honor, the Mayor, declared the public hearing closed**

Ord.04-09

Ordinance No. 4-09

To amend Sec. 58-1, amend Sec. 58-61, amend Sec. 58-62, amend Sec. 58-63, create Secs. 58-63.4 and 58-63.5, repeal and recreate Sec. 58-64, create Sec. 58-64.5, amend Secs. 58-76 and 58-78, create Division 4 Section 58-79, amend Sec. 114-1, amend Sec. 114-617 and Sec. 114-619 of the Municipal Code of the City of Racine, Wisconsin relating to H - Historic Properties District.

Part 1:

Section 58-1 of the Municipal Code of the City of Racine is hereby amended by adding the following definition before the definition "*Commission*":

*"Certificate of appropriateness for properties within a designated H-Historic Properties District is an official ruling of the Department of City Development or Landmarks Preservation Commission approving exterior treatment for activities such as additions, alterations, rehabilitation, restoration, construction, reconstruction or demolition of a landmark, landmark site or contributing property, or new construction on vacant or cleared lots or parcels."*

And by adding the following definition after the definition of "*Commission*":

*"Contributing property is a designated property or structure that, in accordance with criteria in section Sec. 58-61, contributes to the character or understanding of the historical context of a defined geographic area. A*

Contributing property is designated as one or a multiple of properties or structures that comprise the cohesive basis for the establishment of an H-Historic properties district.”

Part 2:

Section 58-61 of the Municipal Code of the City of Racine is hereby amended as follows:

Amend the title to read:

“Sec. 58-61. Criteria for designation of landmarks, landmark sites and contributing properties.”

Amend “(a)” to read: “The criteria for the designation of properties to be landmarks, landmark sites or contributing properties shall be that which:” ...

Add “(5)” at the end of the section to read as follows:

“(5) Contributes to the character or understanding of a district and is one property, or a multiple of properties or structures, that helps form the basis of a district.”

Part 3:

Section 58-62 of the Municipal Code of the City of Racine is hereby amended by changing the title to read:

“Sec. 58-62. Procedure for identification of landmarks, landmark sites or contributing properties for designation.”

Amend “(a)” by adding a comma after the word “landmark” in the last sentence, by deleting the word “or” at the end of the paragraph and by adding the phrase “or contributing property.” at the end of the paragraph.

Amend “(b)” by adding the phrase “or contributing property” at the end of the first sentence.

Amend “(d)” by deleting “or a” in the first sentence, by inserting a comma after the word “landmark” and by adding the phrase “or contributing property” after the word “site” in the first sentence.

Amend “(e)” by inserting a comma after the word “landmark” in the second sentence, by deleting the word “or” in the second sentence and by inserting the phrase “or contributing property” after the word “site” in the second sentence.

Amend “(f)” by deleting the word “such” and adding in its place the word “the” and by adding the phrase “of a landmark or landmark site” after the word “designation”.

Part 4:

Section 58-63 of the Municipal Code of the City of Racine is hereby amended by changing the title to read:

“Sec. 58-63. Maintenance and repair of landmark, landmark site or contributing property and prevention of neglect.”

By repealing and recreating “(a)” to read as follows:

“(a) Subject to obtaining the required permits, ordinary maintenance and repair of designated landmarks, landmark sites or contributing properties may be undertaken without a finding of appropriateness by the Department of City Development (department) or commission if the activity involves maintenance and repair of existing features. Ordinary maintenance and repair shall include, but not limited to, any activities which do not change the structural portions of the building or structure or irreversibly change the exterior appearance. Ordinary maintenance and repair shall not be considered either a minor or major change. If the activity does involve the substantial or irreversible change of the exterior appearance than commission review is required. All reviews shall be conducted as specified by Secs. 58-64, 58-64.5, and 114-619 of the municipal code. Section 58-63(a) shall not apply to properties designated as landmarks or landmark sites under this chapter prior to January 1, 2006, unless the landmark or landmark site is re-designated in accordance with section 58-66.”

Part 5:

Sections 58-63.4 and 58-63.5 of the Municipal Code of the City of Racine are hereby created to read as follows:

“Sec. 58-63.4. Building permits required.

Except as provided in Sec. 58-63, for purposes of this chapter, the following exterior alterations to designated landmarks, landmark sites or contributing properties, or construction on vacant or cleared lots or parcels require a finding of appropriateness and a building permit:

- (a) Porches and exterior stairs.
- (b) Exterior doors.
- (c) Front yard fencing.
- (d) Siding.
- (e) Windows.
- (f) Roofs and chimneys.
- (g) Decks, fire escapes, exit platforms, and other exterior structural elements.
- (h) Building additions and exterior alterations.
- (i) New construction on vacant or cleared lot or parcel.
- (j) Accessory structures.

Sec. 58-63.5. Preapplication conference for alterations to landmarks,

landmark sites and contributing properties.

Prior to making a formal application for a finding of appropriateness for alterations to a landmark, landmark site properties or contributing property, a preapplication conference is highly recommended. The purpose of the conference is to acquaint all pertinent city staff with the proposal, and acquire the views and concerns of those participating. The preapplication conference occurs with the department at the conceptual stage of the project when plans are flexible and adjustments are possible. The preapplication conference is also intended to assist the applicant in bringing the project plan into conformance with this article and other applicable regulations.”

Part 6:

Section 58-64 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“Sec. 58-64. Alterations and new construction.

(a) Within a designated H-Historic Properties District no owner or owner’s agent shall receive a building permit to commence an activity resulting in a minor or major change to the exterior appearance of a designated landmark, landmark site, contributing property, or a vacant or cleared lot or parcel without first obtaining a finding of appropriateness.

(b) Minor changes: for purposes of this chapter, the department may review an application and render a finding of appropriateness if an activity is determined by the department to be a minor change that does not alter the exterior appearance of a property, or vacant or cleared lot or parcel. The department shall conduct a review in accordance with subsection (e) below.

(c) Major changes: for purposes of this chapter, the commission shall review an application and render a finding of appropriateness if an activity is determined by the department to be a major change that will result in the substantial or irreversible alteration or demolition of, or the construction of any improvement upon a part or the entire exterior of such designated landmark, landmark site, or contributing property, or new construction on a vacant or cleared lot or parcel. The commission shall conduct a review in accordance with subsection (e) below, Sec. 58-64.5, and Sec. 114-619.

(d) The chief building inspector shall not accept applications for building permits for exterior modifications, new construction, or razing permits, nor issue such permits for properties for which the owner or its representative has a petition filed for the consideration of a rezoning to the “H” historic properties district designation. Subsections (a) through (f) shall not apply to properties designated under this chapter as landmarks or landmark sites prior to January 1, 2006, unless re-designated in accordance with section 58-66.

(e) Findings of appropriateness shall be rendered unless it is determined

that:

- (1) The activity will be detrimental to the maintenance and overall historic character of the landmark, landmark site, contributing property or district;
  - (2) The activity will impede the current or future preservation or restoration of the subject property or district;
  - (3) Adequate measures will not be taken to protect the integrity of distinctive features, finishes, construction techniques, or examples of craftsmanship of the subject or adjacent landmark, landmark sites or contributing property;
  - (4) The activity is contrary or detrimental to the findings of the original designation of the subject property or district;
  - (5) The activity will not stabilize the landmark, landmark site or contributing property for future preservation or restoration efforts; or
  - (6) The activity does not conform to criteria adopted by the common council to provide guidelines for the alteration and restoration of historic properties such as, but not limited to, those contained in Sec. 58-64.5. H-Historic Properties District design guidelines and Section 114-619 Architectural Guidelines.
- (f) In addition to the application for a finding of appropriateness, an owner or owner's agent requesting designation of a landmark or landmark site shall submit to the director of city development be accompanied by all information and applicable fees required for a finding with respect to the standards of subsection (3). Within 10 days of submittal for the department, and 45 days of submittal for the commission, a review of the application shall be conducted and a written finding issued to the applicant, the director of city development, and the chief building inspector by the director of city development.
- (1) Upon a finding of appropriateness, the applicant may request all necessary permits and, upon receiving such permits, proceed with the approved activity.
  - (2) Within 90 days after the date of a finding of appropriateness date of denial or of a finding of appropriateness, the applicant may adjust the plans to address factors that resulted in the finding, and resubmit the adjusted plans for review as described in (b) or (c) above, or may appeal the finding to the plan commission. The plan commission shall review the appeal and the department or commission's finding within 30 days and forward its recommendation to the common council for final action.
  - (g) In instances of overlapping jurisdictions between the department and/or commission and a design or development review body established by chapter 114, the design or development review body shall conduct the application review, consult with the department and/or commission, and where substantiated, issue a finding of appropriateness following the

standards provided in subsection (e) of this section and Sec. 58-64.5 and Sec. 114-619.”

Part 7:

Section 58-64.5 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Sec. 58-64.5. H-Historic Properties District design guidelines.

(a) General Guidelines. The following general guidelines are based on 36 CFR Part 67, the Secretary of the Interior’s Standard, and shall be applied to projects taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be withdrawn.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that causes damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall

be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would not be impaired.

(b) New construction on vacant or cleared lots or parcels within an H - Historic Properties District shall be executed in a manner that is not detrimental to the district or adjacent properties.

(c) Guidelines for Specific Architectural Components. Refer to Section 114-619 H - Historic Properties District, Architectural Guidelines for reference to specific descriptions addressing the addition, alteration, repair, restoration, replacement or new construction of architectural components or structures.”

Part 8:

Sections 58-76 and 58-78 and 58-78 (4) of the Municipal Code of the City of Racine is hereby amended by adding the phrase “or contributing property” after the words “landmark site” where it appears in these sections.

Part 9:

Division 4, Section 58-79 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Division 4. Enforcement.

Section 58-79. Enforcement.

Enforcement authority and applicable powers for this chapter is herein granted to the Zoning Administrator through Section 114, Article II Administration and Enforcement of the Municipal Code of the City of Racine.”

Part 10:

Section 114-1 of the Municipal Code of the City of Racine is hereby amended by adding the following definition before the definition of “*Certificate, occupancy*”:

“*Certificate of appropriateness for properties within a designated H-Historic Properties District* is an official ruling of the Department of City Development or Landmarks Preservation Commission approving exterior treatment for activities such as additions, alterations, rehabilitation, restoration, construction, reconstruction or demolition of a landmark, landmark site or contributing property, or new construction on vacant or cleared lots of



parcels.”

And by adding the following definition after the definition of “*Community living*”:

“*Contributing property* is a designated property or structure that, in accordance with criteria in section Sec. 58-61, contributes to the character or understanding of the historical context of a defined geographic area. A Contributing property is designated as one or a multiple of properties or structures that comprise the cohesive basis for the establishment of an H-Historic properties district.”

Part 11:

Section 114-617 of the Municipal Code of the City of Racine is hereby amended by adding the words “landmarks preservation” before the word “commission” and by adding the phrase “or contributing property” at the end of the paragraph.

Part 12:

Section 114-619 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Sec. 114-619. Architectural Guidelines.

Architectural guidelines may be adopted and amended from time to time by resolution of the common council. The purpose of these guidelines is to provide guiding principals and component specific framework relating to each architectural quality of a property to achieve the outcome of a durable project that upholds or enhances the value of it and adjacent properties. In applying the guidelines, consideration shall be given to the context of the built and natural surroundings in which the property is situated.”

Part 13:

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

Passed by the Common Council:

\_\_\_\_\_

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

\_\_\_\_\_

Acting Mayor

Attest:

\_\_\_\_\_

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

*The following individuals spoke on the matter:*

*Mary Whitman - 2440 Kinzine Avenue*

*Eric Marcus - 1520 College Avenue*

*Karen Peranz - (Representing property owner at 1121 Lake Avenue)*

*Jim Feeney - 1211 S. Main*

*Matt Sadowski - City Development*

**His Honor, the Mayor, declared the public hearing closed**

## **E. Public Comments**

*Susan DeKeuster*

*Norb DeKeuster*

*George Meyers*

*John Magee*

## **F. Communications**

[09-3199](#)

**Subject:** Monthly Building Report for January, 2009.

**Received and Filed**

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

[09-3190](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from Root Pike WIN (City Grant Control # 2009-07) for Increasing Public Access to the Root River.

**Referred to Finance and Personnel Committee**

[09-3192](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from Fiskars Garden and Outdoor Living - Project Orange Thumb (City Grant Control # 2009-008) for a community gardening project.

**Referred to Finance and Personnel Committee**

[09-3209](#)

**Subject:** communication from the City Attorney submitting the claim of Harry and Joni Christofferson for consideration.

**Referred to Finance and Personnel Committee**

[09-3220](#)

**Subject:** Communication from the Racine Branch NAACP, ACT-SO Program Chair requesting the use of the Tyler-Domer Community Center at no charge for their local competition and recognition ceremony.

**Referred to Finance and Personnel Committee**

[09-3238](#)

**Subject:** Communication from the Finance Director requesting the State of Wisconsin Department of Administration to distribute the school tax, lottery and gaming credits directly to the City in accordance with State Statute sec. 79.10(7m)(cm)(2007-08).

**Referred to the Finance and Personnel Committee**

[09-3243](#)

**Subject:** Request for Authorization to pursue a potential energy saving program in collaboration with the Center on Wisconsin Strategy, University of Wisconsin - Madison.

**Referred to the Finance and Personnel Committee**

[09-3246](#)

**Subject:** Communication from the Mayor requesting the Common Council grant the Mayor and the Grant Facilitator permission to apply for grants under the federal or state administration of the American Recovery and Reinvestment Act of 2009 without the requirement of prior Common Council approval.

*Alderman Spangenberg made a motion to suspend the rules to consider item 09-3246. There were no objections to suspension of the rules to consider the item.*

*Mayor Friedel gave committee members a brief synopsis of the reason for the urgency to act on this item immediately. He informed committee members he would keep them informed of the steps as they are taken in relation to meeting the required guidelines.*

**Received and Filed as Reported**

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

[09-3224](#)

**Subject:** Communication from Kapur & Associates, Inc. notifying the City of residual groundwater contamination within the street right-of-way of 749 Erie Street.

**Referred to Public Works and Services Committee**

[09-3225](#)

**Subject:** Communication from the Purchasing Agent submitting bids for Official Notice #1 for Two (2) Dump Trucks with Snowplows and Tailgate Spreaders.

**Referred to Public Works and Services Committee**

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

[09-3160](#)

**Subject:** Application of PH Green Bay, LLC, Todd L. Fortier, Agent, for a Change of Agent for a Class "B" license for 5000 Washington Avenue. (12th District)

**Referred to Public Safety and Licensing Committee**

[09-3210](#)

**Subject:** (New) Application of Rapids Drive Convenience, Stephen Grebe (Agent) for a Class "A" Retail Fermented Malt Beverage license

for 3502 Rapids Drive. (6th District)

Referred to Public Safety and Licensing Committee

[09-3221](#)

**Subject: (New)** Application of SDJJ, LLC., John McAuliffe agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 211- 6th Street. (1st District)

Referred to Public Safety and Licensing Committee

**Refer to Community Development Committee, by Ald. Maack**

[09-3205](#)

**Subject:** Request of Project New Life for Local Option funding for a summer youth employment program.

Referred to Community Development Committee

**Refer to Redevelopment Authority of the City of Racine, by Ald Spangenberg**

[09-3226](#)

**Subject:** Request to transfer 1501 West St. and 1500 May St. to Habitat for Humanity.

Referred to Redevelopment Authority of the City of Racine

## G. Committee Reports

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

[08-2441](#)

**Subject:** (Direct Referral) Communication from the City Attorney concerning the legal status of the Racine Concert Band. (Res.09-1255)

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

**02-09-09:** That the City Attorney's office be directed to develop an agreement with the Racine Concert Band becoming a separate entity from the City.

**Fiscal Note:** N/A

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

[09-3131](#)

**Subject:** Communication from the City Attorney submitting the claim of Carlos Torres for consideration.

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

**2-09-09:** The claim of Carlos Torres claiming reimbursement in an amount in excess of \$100.00 for damages to his vehicle which was allegedly struck by a DPW snowplow be denied based upon the information that is available.

**Fiscal Note:** N/A

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

**09-3153**

**Subject:** Claim for excessive assessment from Sears Roebuck and Co., 5800 Durand Avenue for the tax year 2008.

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

**2-09-09:** The claim of Sears Roebuck and Co., 5800 Durand Avenue claiming that the 2008 assessment of the property set by the Assessor's Office at \$9,800,000.00 is excessive and should be lowered be denied.

**Fiscal Note:** N/A

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

**09-3159**

**Subject:** Amendment No. 1 to the Household Hazardous Waste Agreement with the Village of Sturtevant (Res.09-1256)

**Recommendation of the Wastewater Commission dated 1/27/09:**

Wastewater Commission approved and further recommends to refer to the Finance and Personnel Committee for approval and for authorization of the Mayor and the City Clerk to sign the Amendment.

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

**2-09-09:** That the Mayor and City Clerk be authorized to sign an amendment to the Household Hazardous Waste Agreement with the Village of Sturtevant.

**Fiscal Note:** N/A

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

**09-3165**

**Subject:** Communication from the City Attorney requesting authorization to represent Off. Ryan Comstock in Racine County Case No. 09-CV-0863, Shannon Figueroa, et al. v. Ryan Comstock, et al. (Res.09-1254)

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

**2-09-09:** That the City Attorney be authorized to represent Off. Ryan Comstock in Racine County Case No. 09-CV-0863, Shannon Figueroa, et al. v. Ryan Comstock, et al.

**Fiscal Note:** N/A - This item will be handled in house.

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

**09-3176**

**Subject:** Communication from the Commissioner of Public Works/City Engineer regarding repairs to the Impound Lot facility. (Res.09-1257)

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

**2-09-09:** That the Commissioner of Public Works be authorized and directed to advertise for and receive bids on repairs to the Impound Lot Facility; and that unencumbered funds representing those authorized and carried forward under Resolution 08-0722 of 04/02/08 in the amount of \$572,300 be carried forward to 2009 and appropriated for the 2009 Impound Lot Facility Project.

**Fiscal Note:** There are sufficient funds available for the appropriation.

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

**AYES:** 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 2 - Friedel and McCarthy

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

**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. (Res.09-1237)

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

**on 10-28-08:** That the City proceed to hold a due process hearing on the potential debarment of John's Concrete, Inc. from bidding on public works contracts in accordance with Section 46-40, Debarment, of the Municipal Code.

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

**on 2-10-09:** That the negotiated settlement between John's Concrete, Inc. and the City of Racine be approved.

**Fiscal Note:** The negotiated settlement is on file in the City Attorney's office. There is no cost to the City of Racine under the terms of this agreement.

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

Reported. The motion was APPROVED.

08-2962

**Subject:** Request that Adams Outdoor Advertising be granted permission for its sign at 1301 West Sixth Street to project over public right-of-way. (Res.09-1238)

**Recommendation of the Public Works and Services Committee on 12-9-08, 1-13-09, and 1-27-09:** Defer

**Recommendation of the Public Works and Services Committee on 2-10-09:** Since public interest requires it, that the following street right-of-way be and hereby is vacated and discontinued:

That part of Block 52 in School Section, a recorded plat in the City of Racine, Racine County, Wisconsin that is part of the Northwest ¼ of Section 16 Township 3 North, Range 23 East described as follows:

Commence at the Northwest corner of the Northwest ¼ of Section 16, Township 3 North, Range 23 East; Thence North 88° 4'18" East, on the North line of the N/W ¼, 169.75 feet; thence South 01° 55' 42" East, 53.06 feet to the POINT OF BEGINNING; thence South 00° 08'07" East, 26.95 feet; thence South 88° 14' 18" West, 103.90 feet; thence North 85° 53' 29" West, 95.00; thence North 00°08'07"West,23.17 feet; thence North 89°51'53"East, 198.59' to the POINT OF BEGINNING. Said land being in the City of Racine, Racine County, Wisconsin.

Said described tract containing 5,495.67 square feet more-or-less.

Further recommends that this item be referred to the City Plan Commission for their consideration.

**Fiscal Note:** Not applicable at this time.

**This Communication was Referred to the City Plan Commission**

08-2974

**Subject:** Request by K. Singh & Associates for permission to apply for PECFA Reimbursement for Walker Manufacturing site. (Res.09-1239)

**Recommendation of the Public Works and Services Committee on 12-9-08, 1-13-09, and 1-27-09:** Defer

**Recommendation of the Public Works and Services Committee on 2-10-09:** That the Mayor and City Clerk be authorized and directed to enter into an agreement with K. Singh and Associates to submit PECFA reimbursement claim to the Wisconsin Department of Commerce for PECFA eligible costs at the former Walker Site, 1201 Michigan Boulevard, with the following stipulations:

A. K. Singh and Associates waives any and all claims that this agreement creates a duty by the City of Racine to obtain PECFA funds.

B. K. Singh and Associates hereby indemnifies and shall defend and hold harmless the City of Racine against any and all actions, suits, claims and administrative procedures arising from the seeking of or receipt of such funds.

C. K. Singh and Associates shall bear full responsibility for timely submission of documents to all agencies and shall hold the City of Racine harmless for failing to submit or making incomplete submissions to any agency regarding any matter concerning the PECFA reimbursement.

D. K. Singh and Associates shall give all notices required by law and comply with all laws, ordinances, rules and regulations pertaining to requirements for PECFA reimbursement.

E. K. Singh and Associates shall maintain liability insurance satisfactory to the City of Racine.

**Fiscal Note:** There will be no cost to the City of Racine for entering into this agreement. Further, it is the intent of this agreement to pass along any PECFA funds that are received to K. Singh and Associates for their previous costs in remediating a portion of the Walker Site.

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

[08-3072](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal from Ayres Associates for professional services for repairs to the State Street Bridge. (Res.09-1247)

**Recommendation of the Public Works and Services Committee on 1-13-09 and 1-27-09:** Defer

**Recommendation of the Public Works and Services Committee on 2-10-09:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Ayres Associates for professional engineering services for repairs to the State Street Bridge, at a price not-to-exceed \$9,200.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 930.072.5810, State Street Bridge.



**Fiscal Note:** The cost of these professional services are 100% reimbursable through the State of Wisconsin Lift Bridge Program.

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

08-3073

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal from HNTB for professional services for repairs to the Main Street Bridge. (Res.09-1248)

**Recommendation of the Public Works and Services Committee on 2-10-09:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with HNTB for professional engineering services for tip lock repairs to the Main Street Bridge, at a price not-to-exceed \$34,001.44.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 930.071.5810, Main Street Bridge.

**Fiscal Note:** The cost of these professional services are 100% reimbursable through the State of Wisconsin Lift Bridge Program.

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

09-3137

**Subject:** Communication from the Assistant Commissioner of Public Works/Engineering submitting a request to revise the Storm Water Ordinances to comply with the reissuance of the Root River Group Municipal Storm Water Discharge Permit. (Ord.05-09)

**Recommendation of the Public Works and Services Committee on 2-10-09:** That an ordinance be introduced to amend Section 98-304(2) of the Municipal Code of the City of Racine relating to Utilities; Construction Site Erosion - Applicability and Jurisdiction.

**Fiscal Note:** N/A

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

09-3161

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 48-08 (K8-056), PS - Construction Management Sanitary Sewer Lining, Earth Tech/AECOM, consultant. (Res.09-1246)

**Recommendation of the Public Works and Services Committee on 12-9-08:** The professional services provided by Earth

Tech/AECOM under Contract 48-08 (K8-056), Professional Services - Construction Management Sanitary Sewer Lining, be accepted and final payment authorized for a total contract amount of \$53,664.21.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0891, dated June 17, 2008.

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

[09-3172](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 29-08 (K8-033), Exterior Renovations - Racine Safety Building, Camosy, Inc., contractor. (Res.09-1245)

**Recommendation of the Public Works and Services Committee on 2-10-09:** The work done by Camosy, Inc. under Contract 29-08 (K8-033), Exterior Renovations - Racine Safety Building, be accepted and final payment authorized for a total contract amount of \$76,900.00.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0841, dated June 3, 2008.

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

[09-3174](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting the City Attorney take the necessary steps to recover damages from A. W. Oakes to a sanitary sewer lateral at 2044 Racine Street from worked performed on Contract 22-05, Racine Street Utility Construction. (Res.09-1253)

**Recommendation of the Public Works and Services Committee on 2-10-09:** That the City Attorney be authorized and directed to take such action as is deemed necessary for the City of Racine to recover the \$21,548.74 in damages to repair the sanitary sewer lateral at 2044 Racine Street.

**Fiscal Note:** Not applicable at this time.

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

[09-3180](#)

**Subject:** Communication from the Purchasing Agent submitting bid results on Official Notice #13, Avaya Telecommunication System Maintenance. (Res.09-1241)

**Recommendation of the Public Works and Services Committee on 2-10-09:** That the contract for Avaya Telecommunication System

Maintenance be awarded to NACR, Franklin, WI, at their bid price of \$29,830.64, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of these services be appropriated from Account 402.000.5550, Repairs and Maintenance, Telephone.

**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.**

[09-3184](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a proposal from AECOM for a Flood Stage Relationship Study. (Res.09-1249)

**Recommendation of the Public Works and Services Committee on 2-10-09:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services for a Flood Stage Relationship Study, at a price not-to-exceed \$11,500.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 104.987.5420, Storm Sewers - Miscellaneous Locations.

**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.**

[09-3185](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting a proposal from AECOM for Sewer System Data Models, Phase II. (Res.09-1250)

**Recommendation of the Public Works and Services Committee on 2-10-09:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services for Sewer System Data Models, Phase II, at a price not-to-exceed \$45,000.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 104.989.5420, Storm Sewers - Miscellaneous Locations.

**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.**

09-3186

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting Amendment No. 1 to Contract 35-08 (K8-039), Water Quality Feasibility Study for City Facilities, Earth Tech/AECOM, consultant. (Res.09-1252)

**Recommendation of the Public Works and Services Committee on 2-10-09:** That Amendment No. 1 to Contract 35-08 (K8-039), Water Quality Feasibility Study for City Facilities, AECOM Technical Services (formerly Earth Tech), consultant, as submitted, be approved in the amount of \$12,200.00.

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

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

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

09-3193

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/Engineering submitting an invitation to join with other municipalities and counties in the creation of a Local Government Storm Water Group. (Res.09-1240)

**Recommendation of the Public Works and Services Committee on 2-10-09:** That the Commissioner of Public Works/City Engineer be authorized and directed to join, on behalf of the City of Racine, the Local Government Storm Water Group of the League of Municipalities.

**Fiscal Note:** Membership in this organization is \$300.00 per year. Funds are available in Account 104.000.5240, Memberships Stormwater Utility.

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

09-3195

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 29-07 (K7-033), Professional Services - Tuckpoint Renovations at Safety Building, Butterfield, Rudie & Seitz, consultant. (Res.09-1243)

**Recommendation of the Public Works and Services Committee on 2-10-09:** The professional services provided by Butterfield, Rudie & Seitz under Contract 29-07 (K7-033), Professional Services - Tuckpoint Renovations at Safety Building, be accepted and final

payment authorized for a total contract amount of \$16,440.32.

**Fiscal Note:** Contract was authorized under Resolution No. 07-0097, dated March 6, 2007.

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

[09-3196](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting a proposal from AECOM for 2009 Sewer Management Services. (Res.09-1251)

**Recommendation of the Public Works and Services Committee on 2-10-09:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services for 2009 Sewer Management Services, at a price not-to-exceed \$57,100.00.

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

\$28,550.00 - Account 104.989.5420, Storm Sewer, Misc. Locations

\$28,550.00 - Account 287.988.5310, Sanitary Sewer, Various Locations

\$57,100.00 - Total

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

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

[09-3197](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 4 on Contract 05-08 (K8-005), Oakes Road Paving, A.W. Oakes & Son, contractor. (Res.09-1242)

**Recommendation of the Public Works and Services Committee on 2-10-09:** That Change Order No. 4 on Contract 05-08 (K8-005), Oakes Road Paving, A.W. Oakes & Son, contractor, be approved in the amount of \$38,759.45.

Further recommends that funding to defray the cost of this change order be appropriated from Account 919.987.5010, Oakes Road, 16th to 21st (IG).

**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.**

09-3198

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 05-08 (K8-005), Oakes Road Paving, A. W. Oakes & Son, contractor. (Res.09-1244)

**Recommendation of the Public Works and Services Committee on 2-10-09:** The work done by A.W. Oakes & Son under Contract 05-08 (K8-005), Oakes Road Paving, be accepted and final payment authorized for a total contract amount of \$1,420,192.15.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0707, dated March 18, 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:** 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 2 - Friedel and McCarthy

**Public Safety and Licensing Committee Report, by Ald. Shakoor**09-3155

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting permission to waive formal bidding for the purchase of playground equipment for Lockwood Park. (Res.09-1234)

**Recommendation of the Public Safety & Licensing Committee on 2-9-09:** That permission be granted to waive the formal bidding for the purchase of playground equipment for Lockwood Park.

Fiscal Note: Funds are available in account 989.700.5140.

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

09-3177

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting permission to enter in an agreement with AECOM to prepare plans and specifications for replacing the North Beach sanitary lift station. (Res.09-1235)

**Recommendation of the Public Safety & Licensing Committee on 2-9-09:** That permission be granted to the Director of Parks, Recreation & Cultural Services to enter in an agreement with AECOM to prepare plans and specifications for replacing the North Beach sanitary lift station.

Fiscal Note: Funds are available in account 989-700-5050, North Beach Sanitary Lift Station.

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

**09-3178**

**Subject: (Direct Referral)** Change Order #7 Contract 52-07 (K7-061), Remodel Racine Zoological Gardens, Phase III, by Seater Construction Co., Inc. (Res.09-1236)

**Recommendation of the Public Safety & Licensing Committee on 2-9-09:** That Change Order #7 for Contract 52-07 (K7-061), Remodel Racine Zoological Gardens, Phase III, by Seater Construction Co., Inc. be approved in the increased amount of \$60,209.05.

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.**

**09-3181**

**Subject:** (Direct Referral) Communication from the Purchasing Agent submitting the sale of abandoned vehicles for January 29, 2009.

**Recommendation of the Public Safety & Licensing Committee on 2-9-09:** That the item be received and filed.

**Fiscal Note:** This will generate \$6,488.01 in revenues.

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

**09-3182**

**Subject:** Communication from the Fire Chief requesting permission to apply for, and if awarded, accept the 2009 DHS/Port Security Grant on behalf of the Racine Fire Department and the RCWRRT. Grant Control #: 2009-006. (Res.09-1233)

**Recommendation of the Finance & Personnel Committee on 2-09-09:** That permission be granted for the Fire Chief to apply for, and if awarded, accept the 2009 DHS/Port Security Grant on behalf of the Racine Fire Department and the RCWRRT.

**Recommendation of the Public Safety & Licensing Committee on 2-09-09:** That permission be granted for the Fire Chief to apply for, and if awarded, accept the 2009 DHS/Port Security Grant on behalf of the Racine Fire Department and the RCWRRT.

**Fiscal Note:** There is a hard match of 25% or \$15,000, which will be covered with carry-forward funds from the 2008 fire department budget.

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

[09-3183](#)

**Subject:** Communication from the Fire Chief requesting permission for the Mayor and City Clerk to be authorized to sign an updated lease agreement for Engine House 3 Museum with the Racine Fire Bells, Inc. (Res.09-1232)

**Recommendation of the Finance & Personnel Committee on 2-09-09:** That the Mayor and City Clerk be authorized to sign the updated lease agreement for Engine House 3 Museum with the Racine Fire Bells, Inc.

**Recommendation of the Public Safety & Licensing Committee on 2-09-09:** That the Mayor and City Clerk be authorized to sign the updated lease agreement for Engine House 3 Museum with the Racine Fire Bells, Inc

**Fiscal Note:** The Fire Department will cover the cost of building utilities in an amount of approximately \$2,500 per year under this agreement.

**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:** 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 2 - Friedel and McCarthy

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

[09-3200](#)

**Subject:** (Direct Referral) Consideration of resolution language for the implementation of design guidelines for the H-Historic Properties District. (Res.09-1258)

**Recommendation of the City Plan Commission 2-11-09:** That the resolution language be adopted.

**Fiscal Note:** N/A



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

**09-3223**

**Subject:** (Direct Referral) Ord.04-09 An ordinance relating to the implementation of desing guidelines for the H-Historic Properties District.

**Recommendation of the City Plan Commission on 2-11-09:** To approve the ordinance as amended in Part 4 (a) by eliminating the second sentence and adding the following: "Ordinary maintenance and repair shall include, but not be limited to, any activities which do not change the structural portions of the building or structure or irreversibly change the exterior appearance. Ordinary maintenance and repair shall not be considered either a minor or major change" and in Part 5 Sec.58-63.4 at the beginning of the paragraph insert "Except as provided in Sec.58-63, for".

**Fiscal Note:** N/A

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

Council Action

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

**AYES:** 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 2 - Friedel and McCarthy

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

**09-3204**

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

Transit & Parking Commission:

Reappoint Timothy Craft, 2028 Deane Blvd, to fill an unexpired term of Laurie Kell, ending October 1, 2010.

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

**AYES:** 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 2 - Friedel and McCarthy

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

09-3079

**Subject:** Communication from the Rotary Foundation of Racine West, Inc., requesting permission to utilize various parks for the 6th annual Great Midwest Dragon Boat Festival, on July 10 and 11, 2009, for the use of selling beverages, beer, food items and providing live entertainment, to close city streets and parking lanes for a parade and race administration and to utilize the parking lot at the south end of Pershing Drive. Also, sponsoring organizations request permission to place posters on or about city streets and parks regarding this free event. (Res.09-1259)

**Recommendation of the Public Works and Services Committee on 1-27-09:** Permission be granted to the Rotary Foundation of Racine West, Inc. to use the City-owned parking lot east of Gateway Technical College and the gravel area immediately east of the Gateway parking lot between Pershing Park Drive and Lake Michigan for the sixth annual Great Midwest Dragon Boat Festival, to be held July 10-11, 2009.

Further recommends that the parking lane along the east side of Main Street from 11th Street to 14th Street be closed during the event.

Further recommends that no parking be allowed along the west side of Main Street from 14th Street to 16th Street during the event and that traffic be shifted to the west half of the roadway.

Further recommends that permission be granted to the sponsor to use certain city streets on Friday, July 10, 2009, and to close the following streets:

6th Street from Library Drive to Pershing Park Drive  
Pershing Park Drive from 6th Street to 11th Street  
11th Street from Main Street to Pershing Park Drive

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 the event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall pay a \$350.00 special event fee.

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

**Recommendation of the Board of Parks, Recreation & Cultural Services:** that the request be approved with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to the event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall pay a \$318.00 daily special event fee.

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

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

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

**AYES:** 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 2 - Friedel and McCarthy

## H. Consent Agenda

[Res.09-1232](#)

Permission to extend lease agreement for Engine House 3 Museum with Racine Fire Bells

Resolved, that the Mayor and City Clerk be authorized and directed to sign the updated lease agreement for Engine House 3 Museum with the Racine Fire Bells, Inc., for a period of 10 years beginning March 1, 2009, for the sum of \$1.00 with an option to renew this lease for an additional five years.

Fiscal Note: The Fire Department will cover the cost of building utilities in an amount of approximately \$2,500 per year under this agreement.

Sponsors: Q.A. Shakoor, II and David L. Maack

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

[Res.09-1233](#)

Permission for Fire Chief to apply for and if awarded, accept 2009 DHS/Port Security Grant

Resolved, that permission be granted for the Fire Chief to apply for, and if awarded, accept the 2009 DHS/Port Security Grant on behalf of the Racine Fire Department and the RCWRRT.

Fiscal Note: There is a hard match of 25% or \$15,000, which will be covered with carry-forward funds from the 2008 fire department budget.

Sponsors: Q.A. Shakoor, II and David L. Maack

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

**Res.09-1234**

Waive formal bidding for purchase of playground equipment for Lockwood Park

Resolved, that permission be granted to waive the formal bidding procedures for the purchase of playground equipment for Lockwood Park.

Fiscal Note: Funds are available in Account 989.700.5140.

Sponsors: Q.A. Shakoor, II

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

**Res.09-1235**

Permission to enter into agreement with AECOM for plans and specifications for replacing North Beach Sanitary Lift Station

Resolved, that permission be granted to the Director of Parks, Recreation & Cultural Services to enter in an agreement with AECOM to prepare plans and specifications for replacing the North Beach sanitary lift station.

Fiscal Note: Funds are available in Account 989-700-5050, North Beach Sanitary Lift Station.

Sponsors: Q.A. Shakoor, II

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

**Res.09-1236**

Approval of Change Order #7 for Contract 52-07 (K7-061), Remodel Racine Zoological Gardens Phase III

Resolved, that Change Order #7 for Contract 52-07 (K7-061), Remodel Racine Zoological Gardens, Phase III, by Seater Construction Co., Inc. be approved in the increased amount of \$60,209.05.

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.09-1237**

Negotiated settlement between John's Concrete, Inc., and the City of Racine be approved

Resolved, that the negotiated settlement between John's Concrete, Inc., and the City of Racine be approved.

Fiscal Note: The negotiated settlement is on file in the City Attorney's office. There is no cost to the City of Racine under the terms of this agreement.

Sponsors: Gregory Holding

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

**Res.09-1238**

Vacation of street right-of-way 1301 West Sixth Street

Resolved, that since public interest requires it, that the following street right-of-way be and hereby is vacated and discontinued:

That part of Block 52 in School Section, a recorded plat in the City of Racine, Racine County, Wisconsin that is part of the Northwest ¼ of Section 16 Township 3 North, Range 23 East described as follows:

Commence at the Northwest corner of the Northwest ¼ of Section 16, Township 3 North, Range 23 East; Thence North 88° 4' 18" East, on the North line of the N/W ¼, 169.75 feet; thence South 01° 55' 42" East, 53.06 feet to the POINT OF BEGINNING; thence South 00° 08' 07" East, 26.95 feet; thence South 88° 14' 18" West, 103.90 feet; thence North 85° 53' 29" West, 95.00; thence North 00° 08' 07" West, 23.17 feet; thence North 89° 51' 53" East, 198.59' to the POINT OF BEGINNING. Said land being in the City of Racine, Racine County, Wisconsin.

Said described tract containing 5,495.67 square feet more-or-less.

Fiscal Note: N/A

Sponsors: Gregory Holding

**A motion was made Referred to the City Plan Commission**

**Res.09-1239**

Enter into agreement with K. Singh and Associates to apply for PECFA Reimbursement for Walker Manufacturing Site

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with K. Singh and Associates to submit PECFA reimbursement claim to the Wisconsin Department of Commerce for PECFA eligible costs at the former Walker Site, 1201 Michigan Boulevard, with the following stipulations:

A. K. Singh and Associates waives any and all claims that this agreement creates a duty by the City of Racine to obtain PECFA funds.

B. K. Singh and Associates hereby indemnifies and shall defend and hold

harmless the City of Racine against any and all actions, suits, claims and administrative procedures arising from the seeking of or receipt of such funds.

C. K. Singh and Associates shall bear full responsibility for timely submission of documents to all agencies and shall hold the City of Racine harmless for failing to submit or making incomplete submissions to any agency regarding any matter concerning the PECFA reimbursement.

D. K. Singh and Associates shall give all notices required by law and comply with all laws, ordinances, rules and regulations pertaining to requirements for PECFA reimbursement.

E. K. Singh and Associates shall maintain liability insurance satisfactory to the City of Racine.

Fiscal Note: There will be no cost to the City of Racine for entering into this agreement. Further, it is the intent of this agreement to pass along any PECFA funds that are received to K. Singh and Associates for their previous costs in remediating a portion of the Walker Site.

Sponsors: Gregory Holding

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

**Res.09-1240**

Permission for Commissioner of Public Works to join the Local Government Storm Water Group

Resolved, that the Commissioner of Public Works/City Engineer be authorized and directed to join, on behalf of the City of Racine, the Local Government Storm Water Group of the League of Municipalities.

Fiscal Note: Membership in this organization is \$300.00 per year. Funds are available in Account 104.000.5240, Memberships Stormwater Utility.

Sponsors: Gregory Holding

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

**Res.09-1241**

Official Notice #13, Avaya Telecommunication System Maintenance, be awarded to NACR

Resolved, that the contract for Avaya Telecommunication System Maintenance, Official Notice #13, be awarded to NACR, Franklin, WI, at their bid price of \$29,830.64, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of these services be appropriated from Account 402.000.5550, Repairs and Maintenance, Telephone.

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.09-1242**

Change Order No. 4 on Contract 05-08 (K8-005), Oakes Road Paving, be approved

Resolved, that Change Order No. 4 on Contract 05-08 (K8-005), Oakes Road Paving, A.W. Oakes & Son, contractor, be approved in the amount of \$38,759.45.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 919.987.5010, Oakes Road, 16th to 21st (IG).

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.09-1243**

Professional services provided under Contract 29-07 (K7-033) be approved and final payment authorized

Resolved, that the professional services provided by Butterfield, Rudie & Seitz under Contract 29-07 (K7-033), Professional Services - Tuckpoint Renovations at Safety Building, be accepted and final payment authorized for a total contract amount of \$16,440.32.

Fiscal Note: Contract was authorized under Resolution No. 07-0097, dated March 6, 2007.

Sponsors: Gregory Holding

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

**Res.09-1244**

Work done under Contract 05-08 (K8-005), Oakes Road Paving, be accepted and final payment authorized

Resolved, that the work done by A.W. Oakes & Son under Contract 05-08 (K8-005), Oakes Road Paving, be accepted and final payment authorized for a total contract amount of \$1,420,192.15.

Fiscal Note: Contract was authorized under Resolution No. 08-0707, dated March 18, 2008.

Sponsors: Gregory Holding

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

**Res.09-1245**

Work accepted and final payment authorized for Contract 29-08 (K8-033), Exterior Renovations - Racine Safety Building

Resolved, that the work done by Camosy, Inc. under Contract 29-08 (K8-033), Exterior Renovations - Racine Safety Building, be accepted and final payment authorized for a total contract amount of \$76,900.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0841, dated June 3, 2008.

Sponsors: Gregory Holding

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

**Res.09-1246**

Professional services accepted and final payment authorized on Contract 48-08 (K8-056) PS - Construction Management Sanitary Sewer Lining

Resolved, that the professional services provided by Earth Tech/AECOM under Contract 48-08 (K8-056), Professional Services - Construction Management Sanitary Sewer Lining, be accepted and final payment authorized for a total contract amount of \$53,664.21.

Fiscal Note: Contract was authorized under Resolution No. 08-0891, dated June 17, 2008.

Sponsors: Gregory Holding

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

**Res.09-1247**

Enter into a professional services agreement with Ayres Associates for repairs to State Street Bridge

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Ayres Associates for professional engineering services for repairs to the State Street Bridge, at a price not-to-exceed \$9,200.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 930.072.5810, State Street Bridge.

Fiscal Note: The cost of these professional services are 100% reimbursable through the State of Wisconsin Lift Bridge Program.

Sponsors: Gregory Holding

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

**Res.09-1248**

Enter into professional services agreement with HNTB for repairs to Main



## Street Bridge

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with HNTB for professional engineering services for tip lock repairs to the Main Street Bridge, at a price not-to-exceed \$34,001.44.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 930.071.5810, Main Street Bridge.

Fiscal Note: The cost of these professional services are 100% reimbursable through the State of Wisconsin Lift Bridge Program.

Sponsors: Gregory Holding

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

**Res.09-1249**

Enter into a Professional Services Agreement with AECOM for a Flood Stage Relationship Study

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services for a Flood Stage Relationship Study, at a price not-to-exceed \$11,500.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 104.987.5420, Storm Sewers - Miscellaneous Locations.

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.09-1250**

Enter into Professional Services Agreement with AECOM for Sewer System Data Models, Phase II

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services for Sewer System Data Models, Phase II, at a price not-to-exceed \$45,000.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 104.989.5420, Storm Sewers - Miscellaneous Locations.

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.09-1251**

Enter into a Professional Services Agreement with AECOM Technical Services for 2009 Sewer Management Services

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services for 2009 Sewer Management Services, at a price not-to-exceed \$57,100.00.

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

\$28,550.00 - Account 104.989.5420, Storm Sewer, Misc. Locations  
\$28,550.00 - Account 287.988.5310, Sanitary Sewer, Various Locations  
\$57,100.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

**Res.09-1252**

Approve Amendment No. 1 to Contract 35-08 (K8-039), Water Quality Feasibility Study for City Facilities

Resolved, that Amendment No. 1 to Contract 35-08 (K8-039), Water Quality Feasibility Study for City Facilities, AECOM Technical Services (formerly Earth Tech), consultant, as submitted, be approved in the amount of \$12,200.00.

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

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

**Res.09-1253**

City Attorney be authorized to take action to recover repair costs to sanitary sewer lateral

Resolved, that City Attorney be authorized and directed to take such action as is deemed necessary for the City of Racine to recover the \$21,548.74 in damages from A. W. Oakes to repair the sanitary sewer lateral at 2044 Racine Street from work performed on Contract 22-05, Racine Street Utility Construction.

Fiscal Note: Not applicable at this time.

Sponsors: Gregory Holding

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

**Res.09-1254**

Permission for City Attorney's Office to represent police officer in Racine County Circuit Court case

Resolved, that the City Attorney's Office be authorized and directed to represent Police Officer Ryan Comstock in the case entitled Shannon Figueroa, et al., v. Ryan Comstock, et al., Case No. 09-CV-0863.

Fiscal Note: N/A

Sponsors: David L. Maack

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

**Res.09-1255**

City Attorney's Office be authorized to develop an agreement with Racine Concert Band

Resolved, that the City Attorney's office be authorized and directed to develop an agreement with the Racine Concert Band for becoming a separate entity from the City.

Fiscal Note: N/A

Sponsors: David L. Maack

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

**Res.09-1256**

Amendment No. 1 to the Household Hazardous Waste Agreement with Village of Sturtevant be approved

Resolved, that the Mayor and City Clerk be authorized and directed to sign an amendment to the Household Hazardous Waste Agreement with the Village of Sturtevant.

Fiscal Note: N/A

Sponsors: David L. Maack

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

**Res.09-1257**

Permission for Commissioner of Public Works to advertise and receive bids on repairs to Impound Lot

Resolved, that the Commissioner of Public Works be authorized and directed to advertise for and receive bids on repairs to the Impound Lot Facility; and that unencumbered funds representing those authorized and carried forward under Resolution 08-0722 of 04/02/08 in the amount of \$572,300, be carried forward to 2009 and appropriated for the 2009 Impound Lot Facility Project.

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

Sponsors: David L. Maack

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

**Res.09-1258**

Architectural Guidelines for affected properties within an H-Historic Properties District

Whereas, the City of Racine has established the H - Historic Properties District to protect historical, architectural, archeological and cultural resources that are important to preserve, and to assist in the documentation, study and understanding of the collective history of the city, county, state, region or nation; and

Whereas, the Landmarks Preservation Commission and Plan Commission have recommended approval of Architectural Guidelines for affected properties within an H - Historic Properties District; and

Whereas, the purpose of these guidelines is to provide principals and component specific framework relating to each architectural quality of a property to achieve the outcome of a durable project that upholds or enhances the value of it and adjacent properties in accordance with Chapter 58 Historic Preservation, and Chapter 114, Sections 614 through 634 H - Historic Properties District, of the Racine Municipal Code.

Now, therefore, be it resolved, that the Common Council of the City of Racine hereby adopts the Architectural Guidelines for affected properties within an H - Historic Properties District for landmarks, landmark sites and contributing properties, or new construction on a vacant or cleared lot or parcel as follows:

(a) Guiding Principles

- (1) A finding of appropriateness either from the Department of City Development (the department) or the Landmarks Preservation Commission (the commission) is required before a building permit may be applied for.
- (2) Compliance with all applicable building and zoning codes and ordinances is required.
- (3) In applying these guidelines, consideration shall be given to the context of the built and natural surroundings in which the property is situated.

(4) The original design of the building should be respected, including those details that contribute to architectural character (gingerbread, eaves, cornices, dentils, moldings, trim work, columns, porch details, and lattice work).

(5) Original materials should be preserved whenever possible. They should be visible from the street and not covered over.

(6) Original building elements should be preserved whenever possible. When replacement is required, they should be done reflecting the scale of original component.

(7) Even when restoration of the exterior is not possible, the home should communicate pride of ownership and visual appeal.

(8) New construction on a vacant or cleared lot or parcel should be undertaken with due consideration being given to the context of the historic character of the built and natural surroundings in which the new construction is to be located. Such construction shall be undertaken in accordance with section "(c)" below.

(b) Architectural Component

(1) Porches and exterior stairs

- a. Original porch floor materials should be preserved and maintained.
- b. Original porch floor materials, such as wood and concrete, should be maintained and preserved.
- c. Wooden porch floors should not be replaced with concrete.
- d. Porch floor areas that are damaged should be replaced with matching materials.
- e. Original porch columns should be preserved and maintained.
- f. Porch columns should be repaired rather than replaced if possible unless there is deterioration within the column.
- g. Wood columns that match the original should be used on the front facade.
- h. Aluminum, wrought iron, or metal columns should not be used unless historically accurate.
- i. Original porch railings and details should be preserved and maintained.
- j. Replacement of porch railing elements should be of materials that match the original and at a similar scale. If the original porch

had spindles, the replacement porch should also have spindles.

- k. The installation of a porch railing for a porch that was built without one should be discouraged. If such a railing is necessary, the railing should be simple in design.
- l. Wooden porches should not be constructed with treated lumber and left unpainted. Exterior wood porches on the front exterior should be built with pine and painted.
- m. Original front and side porches should neither be removed nor filled in.
- n. Original exterior stairs should be preserved and maintained.
- o. Original wood, brick, or concrete stairs should be either repaired or replaced with stairs of matching material.
- p. Precast or pre-formed concrete stairs should not be installed on the building facade visible from the street.
- q. Wood or pine is the preferred material for handrails. Wrought iron or simple 2x4 handrails are discouraged but simple designs may be acceptable.

## (2) Exterior Doors

- a. Original doors and their entrance surrounds, sidelights, transoms, and detailing should not be removed or changed.
- b. Replacement of missing original doors should be like the original in style, materials, glazing, and lights.
- c. New doors should be of designs appropriate to the style of the buildings.
- d. Original doors should not be replaced with solid core doors.
- e. Screen aluminum storm and screen doors with a baked enamel finish are appropriate, although the preferred treatment is a wooden storm or screen door. Aluminum screen doors should be full view in dark colors, and without excessively ornate or decorative grill work.
- f. The use of metal security doors is discouraged.

## (3) Front yard fencing

- a. Fencing and/or front yard walls are discouraged.

- b. If front yard fencing is used it should be a maximum of four feet high with three feet high of solid material.
- c. The use of lattice, stockade, or chain link is discouraged.

(4) Siding

- a. The preferred siding treatment is the original wood clapboard - repaired, treated, and painted in two or three colors using one color as a base in combination with appropriate accents.
- b. If after careful consideration, the owner chooses to install substitute siding, the following considerations are necessary to maintain the architectural integrity of the building:
  - i. The width of the new siding must match the original clapboards (most likely 4 over 4);
  - ii. The original trim around windows and doors should be left uncovered;
  - iii. Any decorative brackets, cornice moldings, eaves, or soffits should be left uncovered.

(5) Windows

- a. The rhythm and relationship between windows, doors and wall spaces should be preserved.
- b. Windows on the facade should be preserved in their original location.
- c. The size and design of the original windows should be maintained with their original materials and number of panes.
- d. While repair of existing windows is preferred, replacement windows should match the original in materials and design.
- e. Filling in the top or bottom of the window opening with a metal or wood panel to permit the use of a standard replacement or storm window is not allowed. Window openings should not be enclosed, reduced, expanded, concealed, or obscured.
- f. Replacement windows should not have snap on or flush muntins. True divided lights with full dimensioned muntins are preferred. However, at a minimum, muntins permanently adhered to the exterior window surface are acceptable.
- g. Storm windows should match the original window in dimension and proportion.

- h. Storm windows should be of baked enamel. Raw or untreated aluminum frames are not acceptable.
- i. Metal or vinyl window shutters are generally not appropriate.
- j. Security bars should not be visible from the street.

(6) Roofs and chimneys

- a. Roofs should be preserved in their original size, shape, and pitch and, if possible with original roofing materials.
- b. Asphalt shingles may be used if the original material is not economically feasible.
- c. Asphalt roofs should be in the colors of black, dark red, brown, or dark green rather than lighter colors.
- d. Original chimneys should be preserved and maintained.
- e. Repair and repointing of brick chimneys should be with brick and mortar to match the original.
- f. The application of stucco or other partial or full coverage surfaces or veneers to encapsulate brick or stone chimneys should not be utilized.

(7) Decks and other exterior structural elements

- a. Decks should be located in the rear of the house.
- b. Handicap ramps should be located on the rear or side facades of the building which are not readily visible.
- c. If the previous is not possible, ramps should be of wood construction with design and detailing compatible with the existing structure.
- d. Exterior staircases which connect to upper floors should not be on the front facade of the building unless required by applicable building or fire codes.

(8) Exterior lighting

- a. Exterior light fixtures should be simple in design. Ornate carriage lights should not be installed.
- b. Exterior lights should be either mounted in the porch ceiling or on the wall adjacent to the primary entrance. Light fixtures should automatically turn on in the evening.



- c. Small footlights for driveways and service walks are preferable to large free standing post mounted lights.
- d. Security lights should be mounted on the eaves and roofline on the side and back facades.

(9) Miscellaneous

- a. Mailboxes should be of high quality and affixed to the front facade of the building. Freestanding pedestal mounted mailboxes in the front yard are discouraged.
- b. Every house should have a clearly visible house number, displayed either on the transom over the front door or adjacent to the front door mounted on the facade.
- c. Satellite dishes, solar collectors and utility boxes should be mounted to the rear of the parcel or structure away from street view.

(c) New Construction on vacant or cleared lots or parcels

(1) Building heights shall be as specified in the Chapter 114, unless otherwise established by the common council.

(2) Roof shapes should be compatible with the architectural style of the district.

(3) Materials for exterior walls should be compatible with the architectural style of the district.

(4) Scale or bulk of all street-facing facades should be no greater than the average gross area of the street-facades of all existing structures adjacent and opposite, but within 200 feet of the property limits of the proposed construction side. For larger structures, visual breaks or setbacks should be incorporated into the facade design that repeats existing street-facing facade rhythms and proportions.

(d) Accessory Structures

(1) Design elements should be compatible with that of the principal structure.

(2) Accessory structures should be unobtrusive in relation to the principal structure.

(3) Exterior wall materials should be reasonably similar to those of the principal structure.

(e) Appeals of the decision of the Department of City Development or the Landmarks Preservation Commission

An applicant may appeal a decision of the Department of City Development or the Landmarks Preservation Commission in accordance with Section 58.64 (f)(2). of the Racine Municipal Code.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

**Res.09-1259**

Permission granted to Rotary Foundation of Racine West, Inc., to utilize various parks for 6th Annual Great Midwest Dragon Boat Festival with stipulations

Resolved, that permission be granted to the Rotary Foundation of Racine West, Inc. to use the City-owned parking lot east of Gateway Technical College and the gravel area immediately east of the Gateway parking lot between Pershing Park Drive and Lake Michigan for the sixth annual Great Midwest Dragon Boat Festival, to be held July 10-11, 2009.

Further resolved, that the parking lane along the east side of Main Street from 11th Street to 14th Street be closed during the event.

Further resolved, that no parking be allowed along the west side of Main Street from 14th Street to 16th Street during the event and that traffic be shifted to the west half of the roadway.

Further resolved, that permission be granted to the sponsor to use certain city streets on Friday, July 10, 2009, and to close the following streets:

6th Street from Library Drive to Pershing Park Drive  
Pershing Park Drive from 6th Street to 11th Street  
11th Street from Main Street to Pershing Park Drive

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

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to the event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall pay a \$350.00 special event fee.
- E. The sponsor shall pay a \$318.00 daily special event fee for use of Myers Park.

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

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

Sponsors: Aron Wisneski and Gregory Holding

**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:** 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 2 - Friedel and McCarthy

## I. Resolutions

### Res.09-1260

City Clerk be authorized to hold a Special Election to Fill Unexpired Term of Mayor

Resolved, that a Special Election be held in the City of Racine on Tuesday, May 5, 2009, to fill the unexpired term for the Office of Mayor.

Further resolved, that the term for Mayor will begin on Wednesday, May 20, 2009 and will expire on April 16, 2011.

Further resolved, that the first day to circulate nomination papers is February 19, 2009 and the final day for filing nomination papers is 5:00 p.m. on Wednesday, March 11, 2009 in the Office of the City Clerk.

Further resolved, that a primary election be held on Tuesday, April 7, 2009, for Office of Mayor.

Now, therefore, be it resolved, that the Common Council of the City of Racine hereby directs the Racine City Clerk to hold a Special Election to fill the unexpired term of Mayor ending April 16, 2011.

Fiscal Note: The estimated cost of this special election will be \$36,000.

Sponsors: David L. Maack

**A motion was made by Alderman David L. Maack that this resolution be Adopted.**

## J. Ordinances

### Ord.05-09

Ordinance No. 5-09

To amend Sec. 98-304(2) of the Municipal Code of the City of Racine, Wisconsin relating to Utilities; Construction Site Erosion - Applicability and

jurisdiction.

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

Part 1:

Section 98-304(2) of the Municipal Code of the City of Racine is hereby amended by deleting "a." and relettering "b." to "a.", "c." to "b.", "d." to "c.", and "e." to "d."

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.06-09**

Ordinance No. 6-09

To repeal and recreate Sec. 6-97 of the Municipal Code of the City of Racine, Wisconsin relating to Retail "Class A" intoxicating liquor licenses.

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

Part 1:

Section 6-97 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

"Sec. 6-97. Class "A" and "Class A" licenses.

(1) A Class "A" license authorizes retail sales of fermented malt beverages (e.g. beer and most "coolers") for consumption off the premises where sold and in original packages, containers and bottles. The fee for a Class "A" license is \$100.00 per year.

**State law reference** - Wis. Stats. § 125.25(1).

(2) A retail "Class A" intoxicating liquor license shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages and containers in quantities of not more than three wine gallons at any one time, and to be consumed off the licensed premises, except that wine may be sold in the original package or otherwise in any quantity, and excepting that provision of free wine samples as specified in Wis. Stats. § 125.06(13)(a) is prohibited. The fee for a retail "Class A" liquor license is \$500.00 per year. **State law reference** - Retail "Class A" license, Wis. Stats. § 125.51(2).

(3) Number of licenses.

At the time of the enactment of this ordinance, there were forty (40) Class "A" license holders and twenty-six "Class A" holders. As part of a comprehensive effort to decrease the incidence of alcohol-related problems and to reduce the strain on public resources, the Common Council seeks to reduce the number of "Class A" and Class "A" alcohol beverage licenses in the City in accordance with the following prospective quotas:

The total number of Class "A" licenses shall not exceed thirty-six (36); and

The total number of "Class A" licenses shall not exceed twenty-four (24).

(4) Geographic restrictions.

Notwithstanding any other provisions of this Chapter, no new retail "Class A" or Class "A" intoxicating liquor license shall be issued for any establishment located within five-tenths (0.5) of a mile from any other licensed establishment (regardless of the type of Class A alcohol license held) or within two thousand (2,000) feet of any church, day care center, school, community center or other facility predominantly attended by individuals under the age of twenty-one (21).

(5) *Public hearing.* The Common Council shall hold a public hearing upon every Class "A" and "Class A" license application and/or petition and shall notify all property owners within a radius of five-tenths (.5) of a mile of the proposed site of the date of the hearing. The notice shall be given at least five (5) days before the hearing and may be given by mail or other publication.

(6) Exceeding quota or geographic concentration restrictions.

Notwithstanding the provisions of this Chapter, the Common Council may, by a two-thirds (2/3) vote of all the members of the Common Council, grant a new retail Class "A" fermented malt beverage or a new retail "Class A" intoxicating liquor license in excess of the quota set forth in Section 6-97(3) or the geographic concentration restrictions set forth in Section 6-97(4).

(a) It having been found by the Common Council in imposing the quotas or in exceeding the geographic concentration restrictions in this section that the proliferation of taverns and liquor stores can be a detriment to the City of



(FOR VOTING DETAIL, SEE OFFICIAL CANVASS ATTACHMENT)

We have determined that the candidates who received the largest number of votes for the office of Alderperson for the First District is as follows:

FIRST DISTRICT    JEFF COE  
                                    KEITH FAIR

and are entitled to have their names placed upon the ballot at the Spring Election to be held April 7, 2009.

Dated this 18th day of February, 2009

BOARD OF CANVASSERS

\_\_\_\_\_  
GIGI OLIVER

\_\_\_\_\_  
BETTY LARSEN

\_\_\_\_\_  
JANICE M. JOHNSON-MARTIN, CITY CLERK

Received and Filed as Reported

**L. Adjourn**

*The meeting was adjourned at 8:20p.m. by Alderman Shakoor. The next scheduled meeting of the Council is March 3, 2009.*

ATTEST: JANICE M. JOHNSON-MARTIN  
          CITY CLERK