



City of Racine

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

Meeting Agenda - Final Common Council

Mayor John T. Dickert
Alderman Jeff Coe, Alderman Gregory Holding
Alderman Michael Shields, Alderman Jim Kaplan, Alderman
David L. Maack
Alderman Sandy Weidner, Alderman Terry McCarthy, Alderman
Raymond DeHahn
Alderman Q.A. Shakoor, II, Alderman Aron Wisneski, Alderman
Robert Mozol
Alderman James T. Spangenberg, Alderman Ronald D. Hart,
Alderman Eric Marcus, Alderman Dennis Wisner

Tuesday, October 19, 2010

7:00 PM

Room 205, City Hall

- A. Call To Order
- B. Pledge of Allegiance To The Flag
- C. Approval of Journal of Council Proceedings (Minutes)
- D. Public Comments
- E. PRESENTATION OF THE 2011 PROPOSED BUDGET BY MAYOR DICKERT

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

[10-5688](#) **Subject:** Communication from Mayor Dickert submitting the 2011 proposed budgets for the General Fund, Special Revenue Funds, Debt Service, Enterprise Funds, Utilities, and Internal Service Funds.

[10-5689](#) **Subject:** Communication from Mayor Dickert submitting the 2011-2015 proposed Capital Improvement Plan.

F. Communications

Refer to Finance and Personnel Committee, by Ald. Spangenberg

[10-5663](#) **Subject:** communication from the City Attorney submitting the claim of Bobbie Schommer for consideration.

[10-5675](#) **Subject:** communication from the City Attorney submitting the claim of Irineo James for consideration.

- [10-5682](#) **Subject:** communication from the City Attorney submitting the claim of Derek Vega for consideration.
- [10-5683](#) **Subject:** communication from the City Attorney submitting the claim of Sharolynn Roche for consideration.
- [10-5690](#) **Subject:** communication from the City Attorney submitting the claim of Progressive Insurance (Stephen Broad) for consideration.
- [10-5691](#) **Subject:** communication from the City Attorney submitting the claim of Patricia Oertel for consideration.
- [10-5662](#) **Subject:** communication from the City Attorney submitting the claim of Lucia Lemke for consideration.
- [10-5660](#) **Subject:** Communication from the Police Chief, requesting to apply for the 2010 AAA Grant (grant control # 2010-37).
- (Also refer to the Public Safety & Licensing Committee.)
- [10-5670](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer requesting to begin the process of hiring a Transportation Planner.
- [10-5676](#) **Subject:** Communication from the Police Chief, requesting to accept the 2010 Bulletproof Vest Partnership Grant (grant control# 2010-020).
- (Also refer to Public Safety & Licensing Committee.)
- [10-5695](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Operations requesting additional funds for the City Hall remodeling for changes requested by the City Health Administrator.
- [10-5699](#) **Subject:** Communication from the Purchasing Agent to award the bid for Official Notice #14, 40' X 48' adjustable stage and ten (10) panels of fold and roll risers, to StageRight Corporation at their bid price of \$91,198.00 they being the low responsive, responsible bidder.
- [10-5704](#) **Subject:** Communication from the Purchasing Agent requesting to discuss the bids that will be received for Official Notice #16, razing and removal of the commercial structures located at 1348, 1350 and 1354 State street in Racine, Wisconsin and to make a recommendation for award.

[10-5709](#) **Subject:** Communication from the Police Chief, requesting a waiver of formal bidding and sole-source procurement for 34 Fingerprint Scanners.

(Also refer to the Public Safety & Licensing Committee.)

[10-5712](#) **Subject:** Communication from the Director of City Development submitting a request from Business Improvement District No. 1, Downtown Racine, for approval of its proposed 2011 operating plan.

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

[10-5686](#) **Subject:** Communication from the Downtown Racine Corporation requesting to use city right-of-way for the annual Holiday Parade on Saturday, November 13, 2010.

[10-5706](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Operations submitting the request of Zenith Tech to utilize the former Walker Site for storage of equipment for State Street Bridge repair with the following stipulations: (Res.10-2234)

- A. A Hold Harmless Agreement be executed;
- B. Proof of Liability Insurance be filed; and
- C. Zenith Tech restores the property to its original condition.

Fiscal Note: Not applicable.

[10-5717](#) **Subject:** Communication from Pat Miller, 1706 Rapids Drive, requesting to install a stationary, projecting awning over city right-of-way.

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

[10-5665](#) **Subject:** (New) Application of 3 Mile BP LLC, Rabi Nesheiwat, Agent for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3945 Erie Street. (15th District)

[10-5674](#) **Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to meet with the Public Safety and Licensing Committee to present the bids received by the Commissioner of Public Works for Roof Replacement at North Beach Bath House.

Refer to Traffic Commission, by Ald. Holding

[10-5659](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting parking restrictions on the Blaine Avenue

median from December 1 to April 1. **Alderman Wisneski, Alderman McCarthy and Robert Jorgensen invited to the meeting.**

[10-5705](#)

Subject: Communication from Racine County Supervisor, 3rd District, Monte Osterman, requesting the placement of Children Playing signs on Melvin Avenue and William Street between Ruby Avenue and Erie Street.

Refer to Transit and Parking Commission, by Ald. DeHahn

[10-5694](#)

Subject: Communication from the General Manager for the Belle Urban System requesting authorization to have Corporate Images provide improvements/enhancements to the Belle Urban System website.

[10-5711](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations requesting to review proposed signage to honor Ms. Corinne Reid-Owens. (Res. 10-2189).

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

[10-5710](#)

Subject: Request from the First District Alderman for a moratorium on City of Racine support for affordable housing developments until an analysis of housing affordability is completed.

[10-5713](#)

Subject: Request from the Director of City Development and the Racine County Economic Development Corporation to provide a briefing to the Committee of the Whole on the Commercial Corridors Initiative.

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

[10-5673](#)

Subject: Communication from Julie Peterson requesting additional plantings in Lakeview Park.

[10-5707](#)

Subject: Communication from the President of the Racine Raiders Football Club requesting a formal agreement to create a new structure to replace the existing structure that the Raiders currently occupy at Horlick Athletic Field.

[10-5718](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to enter into an agreement with a consulting firm for the purpose of an operations audit of the Mound and Graceland Cemeteries.

(Also refer to Public Safety and Licensing Committee)

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Spangenberg

[10-5590](#)

Subject: Developers Agreement for General Capital Mt. Pleasant LLC for Water Main Construction (Res.10-2223)

Recommendation of the Racine Waterworks Commission of

9-28-10: To approve. Refer to the Finance and Personnel Committee for approval.

Recommendation of the Finance & Personnel Committee of

10-11-10: The Mayor and City Clerk be authorized and directed to enter into an agreement with GenCap, Mt. Pleasant, LLC to construct and install local water facilities as defined in the City Municipal Code and the retail water service agreement dated 5-24-04.

Fiscal note: Fee estimation not to exceed \$7,500 and remainder shall be payable within 30 days of each invoice rendered by Racine Water Utility to GenCap.

[10-5620](#)

Subject: Interim Financing Options for the 2011 Water Capital Improvement Program (Res.10-2224)

Recommendation of the Racine Waterworks Commission on

9-28-10: Refer to the Finance and Personnel Committee for approval.

Recommendation of the Finance & Personnel Committee on

10-11-10: Authorization be granted for the Racine Water Utility to make expenditures as needed from funds on hand, located in the Water fund and/or possibly a short term loan from the City of Racine to pay the costs of planning, engineering and construction of these improvements until the revenue bond proceeds become available.

Fiscal note: Reimbursement of expenditures with proceeds of the revenue bond issuance, the aggregate principle amount of debt expected to exceed \$6,000,000.

[10-5647](#)

Subject: Communication from the Director of City Development submitting a request by the Racine County Economic Development Corporation for a loan guarantee for Altus Vinyl LLC. (Res.10-2225)

Recommendation of the Redevelopment Authority on 10-4-10: that the Authority supports the use of \$50,000.00 from the Intergovernmental Revenue Sharing Fund for a loan guarantee for Altus Vinyl, LLC; and

further recommends that the guarantee be conditioned upon Altus Vinyl, LLC, agreeing to give preference to City of Racine residents when filling open positions; and further recommends that the Mayor and City Clerk be authorized and directed to execute a Limited Guarantee of Specific Transaction documenting such guarantee.

Recommendation of the Finance & Personnel Committee on

10-11-10: Permission be granted for the City of Racine to guarantee a loan not to exceed \$50,000 in a 5-year term for Altus Vinal, LLC.

Fiscal note: The funds are available in the Intergovernmental Revenue Sharing (919) Account and will be utilized for purchasing assets of the former Dynaseal, Inc., general working capital and start up expenses.

10-5648

Subject: Communication from the Finance Director requesting Brad Viegut of RW Baird and Company to appear before the Finance & Personnel Committee to discuss refunding of the 2010 Capital Improvement Note Anticipation Note issued this past Summer on July 27, 2010.

Recommendation of the Finance & Personnel Committee of

10-11-10: Authorization be granted to borrow sufficient funds to cover the 2010 Capital Improvement Projects.

Fiscal note: Note anticipation notes issuance of approximately \$9,650,000 for 2010 CIP. Final debt amount will be determined by market conditions and total issuance costs.

10-5649

Subject: Communication from the Assistant Finance Director requesting to present the 2009 Financial Statements and Single Audit of the City of Racine.

Recommendation of the Finance & Personnel Committee on

10-11-10: The 2009 City of Racine's Financial Statements be received and filed.

Fiscal note: N/A

Public Works and Services Committee Report, by Ald. Holding

10-5672

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a professional services proposal to design stage renovations for Memorial Hall. (Res.10-2227)

Recommendation of the Public Works and Services Committee on 10-12-10: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Butterfield, Rudie & Seitz, Inc., Racine, WI, to design stage renovations for Memorial Hall, in the not-to-exceed amount of \$34,500.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 108.990.5530, Memorial Hall Stage Updates.

Fiscal Note: Funds are available as herein delineated.

[10-5637](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering submitting a two-party agreement for the rerouted (STH 32) Douglas Avenue, (Goold Street to Hamilton Street) and Hamilton Street - (Douglas Avenue to N. Main Street). State Project ID: 2350-00-00/70. (Res.10-2228)

Recommendation of the Public Works and Services Committee on 10-12-10: That the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for the rerouting of STH 32 to Douglas Avenue (Goold Street to Hamilton Street) and Hamilton Street (Douglas Avenue to N. Main Street), State Project ID: 2350-00-00/70.

Fiscal Note: This agreement approves the route change for STH 32.

[10-5638](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering submitting a two-party agreement for the (STH 32) Connecting Highway change; from Goold Street - (Douglas Avenue to N. Main Street) and N. Main Street - (Goold Street to Hamilton Street); to Douglas Avenue (Goold Street to Hamilton Street) and Hamilton Street - (Douglas Avenue to N. Main Street). State Project ID: 2350-00-00/70, Douglas Avenue (Goold to N. Main). (Res.10-2229)

Recommendation of the Public Works and Services Committee on 10-12-10: That the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for a connecting Highway Change-Hamilton Street/Douglas Avenue (STH32), Main Street to Goold Street, State Project ID: 2350-00-00/70, be approved in the amount of \$7,320,000.00 with the City's share being 50%, or \$3,660,000.00 and the State's share being 50%, or \$3,660,000.00.

Further recommends that funding to defray the City's share of this project will be provided in the 2011-2015 Capital Improvement Program.

Fiscal Note: Funds are available as herein delineated.

[10-5642](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering requesting the City Attorney's Office take the necessary steps to acquire the property at 1201 Douglas Avenue (Tax ID 01970000) for State Project ID: 2350-00-00/70, Douglas Avenue (STH32) (Goold to N. Main). (Res.10-2230)

Recommendation of the Public Works and Services Committee on 10-12-10: That the City Attorney be authorized and directed to take the necessary steps to acquire a 1201 Douglas Avenue for State Project ID: 2350-00-00/70 Hamilton St./Douglas Ave. - Main Street to Goold Street.

Fiscal Note: The acquisition of this property will facilitate the rerouting of STH 32.

[10-5661](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting the Final Payment on contract 49-10 (K0-063) PS - Survey 3 Mile Road (Douglas to N.Main), Nielsen Madsen and Barber SC, Consultants. (Res.10-2226)

Recommendation of the Public Works and Services Committee on 10-12-10: That the professional services provided by Nielsen, Madsen & Barber SC, under Contract 49-10 (K0-063), Professional Services - Survey 3 Mile Road (Douglas to N. Main), be accepted and final payment authorized for a total contract amount of \$18,180.00.

Fiscal Note: Contract was authorized under Resolution No. 10-2092, dated July 6, 2010.

[10-5717](#)

Subject: Communication from Pat Miller, 1706 Rapids Drive, requesting to install a stationary, projecting awning over city right-of-way.

Attorney Frank Gimbel - Representing AD Petroleum

Public Safety and Licensing Committee Report, by Ald. Wisneski

[10-5671](#)

Subject: Due process hearing on item 10-5279, being the recommendation of the Common Council on 6-15-2010 to consider suspension or revocation of the "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for AD Petroleum, Kamaljit K. Dhaliwal and Deepinder S. Dhaliwal, Agents, 1917 Sixteenth Street.

Recommendation of the Public Safety and Licensing Committee Due Process Hearing on 10-6-10: That the "Class A" beer and liquor

license for AD United Petroleum at 1917 Sixteenth Street, Racine, Wisconsin be suspended for 90 days.

Fiscal Note: Approximately \$8,000.00

10-5700

Subject: To amend Sec. 30-41 of the Municipal Code of the City of Racine, Wisconsin relating to Cemeteries - Board of Cemetery Commissioners.

Recommendation of the Public Safety and Licensing Committee on 10-11-10: That Ord. 15-10 be recommended for approval.

Fiscal Note: N/A

City Plan Commission Report, by Ald. Holding

10-5562

Subject: (Direct Referral) Request by Douglas Stratton representing Regency West Apartments, LLC seeking a conditional use permit for the Regency West Apartments planned development at 2300 Loni Lane.

Recommendation of the City Plan Commission on 9-29-10: That the request be denied.

Recommendation of the City Plan Commission on 10-13-10: That the request be denied

Fiscal Note: N/A

10-5666

Subject: (Direct Referral) Review of a Developer's Agreement for the Regency West Apartments planned development at 2300 Loni Lane.

Recommendation of the City Plan Commission on 10-13-10: That the agreement be received and filed.

Fiscal Note: N/A

10-5668

Subject: (Direct Referral) Request by the State of Wisconsin, Department of Corrections for Conditional Use approval to demolish and replace a portion of the maintenance/warehousing building at 1414 Albert Street. (Res.10-2231)

Recommendation of the City Plan Commission on 10-13-10: That the request be approved subject to conditions.

Fiscal Note: N/A

[10-5669](#)

Subject: (Direct Referral) Request by Richard Olson for Conditional Use approval to operate an indoor motocross training and event center at 526 Marquette Street. (Res.10-2232)

Recommendation of the City Plan Commission on 10-13-10: That the request be approved subject to conditions.

Fiscal Note: N/A

Committee of the Whole Report, by Ald. Coe,

[10-5430](#)

Subject: communication from the Alderpersons of the 1st District, the 2nd District, and the 6th District requiring that the Mayor of the City of Racine appoint at least two (2) Alderman to the City of Racine Loan Review Board and that the Alderman with the most seniority on the Board report out the Board's actions for approval by the Common Council.

Recommendation of the Committee of the Whole on 09-07-2010: that the Item be Deferred.

Recommendation of the Committee of the Whole on 09-21-2010: that the Item be Deferred.

Recommendation of the Committee of the Whole on 10-05-2010: that the Item be Received and Filed.

Fiscal Note: N/A

[08-2975](#)

Subject: Ord. 16-08, to amend sec. 2-64, Administration - Order of Business.

Recommendation of the Committee of the Whole on 12-02-2008: the Item be deferred.

Recommendation of the Committee of the Whole on 09-07-2010: the Item be Received and Filed..

Fiscal Note: N/A

[10-5385](#)

Subject: Communication from the Alderman of the 2nd District requesting to discuss NSP funded housing.\

Recommendation of the Committee of the Whole on 09-21-2010: that the Item be Deferred.

Recommendation of the Committee of the Whole on 10-05-2010:
that the Item be Received and Filed.

Fiscal Note: N/A

Office of the Mayor Report, by Ald. Coe,

[10-5698](#)

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

Appoint John Monefeldt 932 Russet Street, Racine 53405 to the Downtown Area Design Review Commission to a 3 year term expiring on November 1, 2013

Appoint John Monefeldt 932 Russet Street, Racine 53405 to the Landmarks Preservation Commission to fill the current vacancy set to expire on May 1, 2013

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

[10-5654](#)

Subject: (Direct Referral) Consideration of the Nomination of certain objects of cultural or historic significance to be listed on the City of Racine Inventory of Historic Artifacts. (Res.10-2233)

Recommendation of the Landmarks Preservation Commission on 10-4-10: The the objects be designated as Historic Artifacts.

Fiscal Note: N/A

H. Consent Agenda - Resolutions

[Res.10-2223](#)

Mayor and City Clerk be authorized to enter into an agreement with GenCap, Mt. Pleasant, LLC for water main construction

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with GenCap, Mt. Pleasant, LLC to construct and install local water facilities as defined in the City Municipal Code and the retail water service agreement dated 5-24-04.

Fiscal Note: Fee estimation not to exceed \$7,500 and remainder shall be payable within 30 days of each invoice rendered by Racine Water Utility to GenCap.

Sponsors: James T. Spangenberg

[Res.10-2224](#)

City of Racine, Wisconsin 2011 Interim Financing Comfort Resolution

WHEREAS, the City of Racine, Wisconsin, owns and operates a regional drinking water treatment plant through the Racine Water Utility; and

WHEREAS, the Utility plans to make Capital improvements to the plant and the distribution system through its 2011 Capital Improvement Program (CIP) and anticipates a revenue bond issuance in 2011 following a water rate case before the Wisconsin Public Service Commission (PSC); and

WHEREAS, said improvements include but are not limited to the replacement of water mains in the distribution system, replacement of variable frequency drives for the backwash water motors, lead service replacement, water meter replacement and other small projects that are included in the 2011 Water Utility C.I.P.; and

WHEREAS, these improvements may need to proceed prior to receipt of the actual revenue bond issuance due to construction schedules for City of Racine paving projects in 2011; and

WHEREAS, the City and its Water Utility wishes to document its intent to use the future revenue bond issuance/loan as a refinancing tool for expenditures that may be made before revenue bond loan closing; and

WHEREAS, this resolution documents this intent and meets the letter and spirit of IRS's Reimbursement Regulations, Section 1.150-2.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Racine, Wisconsin, that:

1. Expenditures of Funds. The City or the Racine Water Utility shall make expenditures as needed from funds on hand, located in the water fund, and/or possibly a short term loan from the City of Racine to pay the costs of planning, engineering and construction of these improvements until the revenue bond proceeds become available.
2. Declaration of Official Intent. The City hereby officially declares its intent under 26 CFR Section 1.150-2 to reimburse said expenditures with proceeds of the revenue bond issuance, the aggregate principal amount of debt expected not to exceed \$6,000,000.

Fiscal Note: Reimbursement of expenditures with proceeds of the revenue bond issuance, the aggregate principle amount of debt expected to exceed \$6,000,000.

Sponsors: James T. Spangenberg

Res.10-2225 Permission granted for the City of Racine to guarantee a loan for Altus Vinyl, LLC., and Mayor and City Clerk be authorized and directed to execute a Limited Guarantee of Specific Transaction documenting such guarantee

Resolved, that permission be granted for the City of Racine to guarantee a loan not to exceed \$50,000 in a 5-year term for Altus Vinyl, LLC., and that the Mayor and City Clerk be authorized and directed to execute a Limited

Guarantee of Specific Transaction documenting such a guarantee.

Fiscal Note: The funds are available in the Intergovernmental Revenue Sharing (919) Account and will be utilized for purchasing assets of the former Dynaseal, Inc., general working capital and start up expenses.

Sponsors: James T. Spangenberg

[Res.10-2226](#) Professional Services - Survey 3 Mile Road, provided by Nielsen Madsen & Barber SC, under Contract 49-10 (K0-063), be accepted and final payment authorized

Resolved, that the professional services provided by Nielsen, Madsen & Barber SC, under Contract 49-10 (K0-063), Professional Services - Survey 3 Mile Road (Douglas to N. Main), be accepted and final payment authorized for a total contract amount of \$18,180.00.

Fiscal Note: Contract was authorized under Resolution No. 10-2092, dated July 6, 2010.

Sponsors: Gregory Holding

[Res.10-2227](#) Mayor and City Clerk be authorized to enter into a Professional Services Agreement with Butterfield, Rudie & Seitz, Inc., to Design Stage Renovations for Memorial Hall

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Butterfield, Rudie & Seitz, Inc., Racine, WI, to design stage renovations for Memorial Hall, in the not-to-exceed amount of \$34,500.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 108.990.5530, Memorial Hall Stage Updates.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

[Res.10-2228](#) Mayor and City Clerk be authorized to enter into a 2-party agreement with the Wisconsin Department of Transportation for rerouting of STH 32 to Douglas Avenue

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for the rerouting of STH 32 to Douglas Avenue (Goold Street to Hamilton Street) and Hamilton Street (Douglas Avenue to N. Main Street), State Project ID: 2350-00-00/70.

Fiscal Note: This agreement approves the route change for STH 32.

Sponsors: Gregory Holding

Res.10-2229 Mayor and City Clerk be authorized to enter into a 2-party agreement with the Wisconsin Department of Transportation for a connecting Highway Change-Hamilton Street/Douglas Avenue (STH32), Main Street to Goold Street

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for a connecting Highway Change-Hamilton Street/Douglas Avenue (STH32), Main Street to Goold Street, State Project ID: 2350-00-00/70, be approved in the amount of \$7,320,000.00 with the City's share being 50%, or \$3,660,000.00 and the State's share being 50%, or \$3,660,000.00.

Further resolved, that funding to defray the City's share of this project will be provided in the 2011-2015 Capital Improvement Program.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-2230 City Attorney's Office be authorized to take necessary steps to acquire the property at 1201 Douglas Avenue for the rerouting of STH 32

Resolved, that the City Attorney's Office be authorized and directed to take the necessary steps to acquire the property at 1201 Douglas Avenue for State Project ID: 2350-00-00/70 Hamilton St./Douglas Ave. - Main Street to Goold Street.

Fiscal Note: The acquisition of this property will facilitate the rerouting of STH 32.

Sponsors: Gregory Holding

Res.10-2231 Approval granted to the State of Wisconsin, Department of Corrections, for a Conditional Use Permit to demolish and replace a portion of the maintenance/warehousing building at 1414 Albert Street

Resolved, that request for a Conditional Use Permit to raze and rebuild a portion f the building located at 1414 Albert Street, be approved subject to the following conditions:

1. That the plans presented to the Plan Commission on October 13, 2010, be approved subject to the conditions contained herein.
2. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
3. That all codes and ordinances be complied with and required permits acquired.
4. That the hours of operation be 6:00 a.m. - 3:30 p.m., Monday through Friday.

5. That the entire building be painted as proposed prior to issuance of an occupancy permit.
6. That the parking lot be striped and bumper stops installed in accordance with the approved Site Plan prior to issuance of an occupancy permit.
7. The dumpster area shall be enclosed by a 6-foot privacy fence, either chain link with slats or cedar planks.
8. Any trailers or equipment formerly used for the computer repair shall be removed from the premises within 60 days of occupancy.
9. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
10. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

[Res.10-2232](#) Permission granted for approval of a Conditional Use Permit to operate an indoor Motocross Training and Event Center at 526 Marquette Street subject to conditions

Resolved, that a Conditional Use Permit request to operate an indoor Motocross Training/Riding/Event Facility located at 526 Marquette Street, be approved subject to the following conditions:

1. That the plans presented to the Plan Commission on October 13, 2010, be approved subject to the conditions contained herein.
2. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
3. That all concerns expressed by the Racine Fire Department be resolved prior to the issuance of an occupancy permit.
4. That the parking lot at 526 Marquette Street be resurfaced, striped, and bumper stops added prior to issuance of an occupancy permit.
5. That all paved parking areas shall be kept free of debris and weeds, and the grass lot shall be mowed and trimmed as appropriate. If snow removal from the unpaved lot results in damage to the ground/grass, the applicant shall re-seed no later than May to prevent soil erosion and runoff. If this problem occurs in 2 consecutive years, the lot will require paving and striping.

6. That the hours of operation shall be Wednesday through Friday, 2:00 p.m. - 9:30 p.m.; Saturday & Sunday, 9:00 a.m. - 9:00 p.m.
7. That the Plan Commission shall review this application within one (1) year of final approval to analyze the success of the business. If found appropriate, Staff shall outline and require improvements to the building façade and other site improvements (including paving, re-surfacing, and landscaping)
8. That the current property owner and successive properties owners shall, at no cost, provide to the City of Racine un-obstructed access to lands directly adjacent to the Root River, at a minimum continual width of 10 feet along the entirety of the subject properties river bank frontage, for the purpose of implementing public amenities such as a public pedestrian river walk and/or bike path along the south bank of the Root River, extending from the Main Street bridge West to the Sixth Street Bridge, including all necessary appurtenances therein. Such a provision shall be recorded with the Racine County Register of deeds and shall run with the land in perpetuity or until vacated by the City the City of Racine.
9. That signage is not approved with this review and shall be reviewed separately.
10. That lighting shall be provided for as outlined on the Site Plan, and all lighting shall be shielded to prevent spillage over property lines.
11. That the dumpster shall be enclosed by fencing with slats a minimum 6-feet in height.
12. That all codes and ordinances be complied with and required permits acquired.
13. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
14. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

[Res.10-2233](#) City of Racine Landmarks Preservation Commission nomination of items to be placed on the City of Racine Inventory of Historic Artifacts be approved

Whereas, by authority granted in Sec. 58-80 of the Municipal Code of the City of Racine, the City of Racine Landmarks Preservation Commission (the Commission) has nominated certain objects of cultural or historical significance to be listed on the City of Racine Inventory of Historic Artifacts; and

Whereas, as required by Sec. 58-80, the Commission has provided notice to certain elected officials and department heads; and

Whereas, as required by Sec. 58-80 on October 4, 2010, the Commission conducted a public hearing during which certain objects proposed to be placed on the Inventory of Historic Artifacts were presented and discussed.

Now, Therefore, Be It Resolved, that the City of Racine Landmarks Preservation Commission nominates and recommends the following objects to be placed on the City of Racine Inventory of Historic Artifacts:

- City Hall Bell
- Mayor pictures (formerly in "The Aldermen's Room, the former Room 209")
- Cannons at Monument Square
- Cannons at Memorial Hall
- Lincoln statue at State Street and Summit Avenue
- Karel Jonas statue at Douglas Avenue and High Street
- Soldiers Monument at Monument Square
- Gilbert Knapp painting/portrait in Common Council Chambers Room 205
- J.I. Case painting/portrait in Room 209.
- Concrete Bubbler at Zoo
- Soldier Statue at Mound Cemetery
- Cannon by Mound Cemetery (Washington & West Blvd.)
- Cannon at Washington and 12th Street
- Grieving Mothers/Harriet Lathrop statue in Mound Cemetery

Further resolved, as required by Sec. 58-80, written notification of this nomination and recommendation has been provided to certain elected officials, department heads and organizations.

Fiscal Note: N/A

Sponsors: Eric Marcus

Res.10-2234 Mayor and City Clerk be authorized to enter into an agreement with Zenith Tech, Inc., Waukesha, Wisconsin for use of the former Walker site for storage of construction materials for the State Street Bridge Repair project

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Zenith Tech, Inc., Waukesha, Wisconsin for the use of the Walker site for the storage of construction materials for the State Street Bridge Repair Project, for the duration of the project, with the following stipulations:

- A. A Hold Harmless Agreement be executed;
- B. Proof of Liability Insurance be filed; and
- C. Zenith Tech, Inc., restores the property to its original condition.

Fiscal Note: N/A

Sponsors: Gregory Holding

I. Ordinances

Ord.16-10 ORDINANCE NO. 16-10

To amend Sec. 30-121 of the Municipal Code of the City of Racine, Wisconsin relating to Cemeteries-Lots; Sale; numbering of burial spaces.

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

Part 1:

Sec. 30-121 of the Municipal Code of the City of Racine is hereby amended in the first sentence by deleting "20" and inserting "10" in its place.

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: Sandy Weidner

Ord.17-10 ORDINANCE NO. 17-10

To repeal Secs. 66-616, 66-617, 66-618 and 66-619 and to recreate Secs. 66-616 and 66-617 of the Municipal Code of the City of Racine, Wisconsin relating to Smoking - Prohibited.

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

Part 1:

Sections 66-616, 66-617, 66-618 and 66-619 are hereby repealed, and

Sections 66-616 and 66-617 of the Municipal Code of the City of Racine are hereby recreated to read as follows:

“66-616. Smoking Prohibited.

1. Adoption of State Law.

The city adopts the provisions of s. 101.123, Wis. Stats., regulating smoking except as otherwise provided in city provisions not in conflict with s. 101.123, Wis. Stats., or other statutes or administrative rules.

2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City building as referenced in s. 101.123(2) (a) 8r, Wis. Stats., including the buildings' porches, exterior stairways, patios, entrances/exits and landings.

a. *City building* as referenced in s. 101.123(2) (a) 8r, Wis. Stats., means a building, or portion of any building, owned or leased by the city including any enclosed walkway connecting city buildings or structures.

b. *Enclosed place* means all space between a floor and ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

3. Exceptions.

Prohibitions against smoking shall not apply to any of the following:

a. A private residence.

b. A room used by only one person in an assisted living facility as his or her residence.

c. A room in an assisted living facility in which 2 or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

d. A retail tobacco store that has been in existence since June 3, 2009, and in which the smoking of cigars and pipes has been allowed.

e. A tobacco bar that has been in existence since June 3, 2009, and in which the smoking of cigars and pipes has been allowed.

4. Penalties.

a. Any person violating the state prohibition against smoking in enclosed places or upon those unenclosed spaces identified in s. 101.123(d) and (e), Wis. Stats., shall be subject to a forfeiture of not less than \$100 nor more than \$250, and upon failure to pay the forfeiture, may be subject to not less than 2 nor more than 5 days of confinement in the county jail or house of correction.

b. Any person in charge of property as defined in s. 101.123(1) (d), Wis. Stats., who violates the provisions of s. 101.123(2m) (b) to (d), Wis. Stats., shall be subject to a forfeiture of \$100 and, upon failure to pay the forfeiture, may be confined in the county jail or house of correction for a period of 2 days. No person may be held subject to more than \$100 total forfeiture for violations occurring on the same calendar day. For violations subject to the forfeiture provided in this paragraph, no citation shall be issued to a person in charge who has not received a prior written warning notice.

Sec.66-617. Smoking prohibited on city property.

1. Smoking prohibited upon unenclosed city property.

The commissioner of public works may designate unenclosed properties owned or leased by the city as areas where smoking is prohibited for the purpose of protecting and preserving the health and comfort of the public. However, the commissioner may not use this authority to place signs prohibiting smoking in unenclosed areas within any specific distance from the entrances to city-owned or leased buildings.

2. State signage requirements.

Signs setting forth the prohibition against smoking shall comply with requirements established by the State of Wisconsin Department of Commerce, if any, and shall include information reasonably sufficient to inform individuals of the physical area within which smoking shall not be permitted. It is a violation of this section for an individual, following warning by any city employee or by any member of the public, to continue smoking within the posted area.

3. Designation of outside smoking areas.

Notwithstanding any other provision of this section, any person in charge of a restaurant, tavern, private club or retail establishment may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club or retail establishment may smoke as provided in s. 101.123(4m), Wis. Stats. governing local authority to regulate smoking on public property. Any person in charge of a restaurant, tavern, private club or retail establishment that designates an area for smoking which is a reasonable distance from any entrance to a restaurant, tavern, private club or retail establishment shall assure that the designated area is kept free of litter including cigarette butts or

other tobacco products.”

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: Aron Wisneski

J. Adjourn

Office of The City Clerk

If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 636-9171 at least 48 hours prior to this meeting.