



# City of Racine

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

## Meeting Minutes - Final Common Council

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

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Tuesday, October 19, 2010

7:00 PM

Room 205, City Hall

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### A. Call To Order

*Mayor Dickert called the meeting to order at 7:00 P.M.*

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

**EXCUSED:** 1 - Spangenberg

### B. Pledge of Allegiance To The Flag

*Mayor Dickert led the Council in the Pledge of Allegiance to the Flag.*

### C. Approval of Journal of Council Proceedings (Minutes)

*Minutes of the previous meeting were approved as printed on motion of Alderman Coe.*

### D. Public Comments

*Susan DeKeuster*  
*David Ferderer*  
*Florence Boyer*  
*Norb DeKeuster*  
*James Cape*  
*Mark Madson*  
*Wayne Clingman*  
*Kerry Adamski*  
*George Meyers*  
*Micheal Lerner*  
*Dan Oakes*

### E. PRESENTATION OF THE 2011 PROPOSED BUDGET BY MAYOR DICKERT

*Mayor Dickert presented the budget to Council.*

*2011 Budget Address*

*President Coe, Aldermen and residents of the great City of Racine. I am proud to introduce the 2011 City Budget.*

*In this budget we are proposing aggressive measures to secure the resources to meet short term needs while laying the groundwork for our future; a future where Racine can be held as a standard of economy, environment and innovation. To set these standards we must diligently implement our plans to make the city more efficient, cost effective and a valuable partner to our businesses and residents.*

*We started this budget process by requesting our department heads come in with no increase in their operations budgets, which they did. For the second year in a row I promised a budget with no layoffs, no furloughs and no cuts in services. And for the second year in a row I am proud to say that we have delivered on that promise. We should all be proud of our staff and the department heads.*

*We are introducing a lean budget that maintains quality services to our taxpayers and does not add one more person to the unemployment lines. I want to thank Chairman Jim Spangenberg and the Finance Committee who worked to hold the line on spending and keep the city's finances in check.*

*As we began working on the budget we were immediately faced with a mandated increase in our retirement costs coupled with a cut in the shared revenue by the state. Both of which we had no control over, however, we remained fiscally responsible. Even with these cuts we were able to keep our levy increase to 1%.*

*While no one, including myself, is comfortable with an increase, we started this process much higher than we ended and that was due in part to good fiscal management, long term planning and no gimmicks. We have a responsibility to you the taxpayers and the future of Racine and I will not play politics with this or any other budget. We will remain fiscally responsible and loyal to the future of Racine.*

*As we prepare for the future we consistently find new ways to be leaner while providing quality services. I also want to thank the Unions and our workers who are partnering with us in these difficult economic times that our residents are facing, thank you for working with us. Department heads & Union reps. please stand.*

*I also want to thank the three Racine legislators who sit on the State's Joint Finance Committee. Especially, Senator Lehman and Representative Mason who worked hand in hand with the City to bring millions of dollars back to Racine for infrastructure projects that rebuilt Racine streets. These are your tax dollars working to improve your community.*

*I don't want the taxpayers or anyone to underestimate the difficulties we still face. There are going to be tough times ahead and we need to be vigilant and transparent in addressing them. One example is our health care costs. Ten years ago the city spent \$6 million for healthcare and now we are spending over \$17 million. We need to find a remedy to halt this growth.*

*Because of unfunded mandates and other cost which are out of our control, I look forward to working as a partner with the State Legislature to work through the State*

*budget I will be meeting with the next Governor in December to begin talks on how we can create a balanced budget without decimating city services.*

*I will be as blunt with you as I will be with the Governor - this budget is lean, there is no fat left to cut. This budget is introduced with no salary increases, no reductions in personnel and still meets the city's needs. I encourage the council to review the expenditures in search of any efficiency that we might have missed, but there is no room in the levy for additions without an offsetting decrease to match. The taxpayers cannot afford any more spending and I will not support it. I will veto any changes that result in an additional increase in the levy.*

*As difficult as this budget was, you can rest assured that we are already preparing for the future. First: The new Park Pride Committee, a Public/Private group has already met three times working towards making our parks the best in the country while not adding to the tax burden. I want to thank Alderman McCarthy and the entire Parks Committee for their creative thinking while working towards a greater Racine.*

*Second; our purchasing of LED lights for our street lighting was expected to save 40% of our electricity costs. We have exceeded that expectation and are looking at up to a 60% savings in electricity for our taxpayers. We are working harder and smarter with every dollar we have. We are also installing LED lights in our parking ramps - transforming dimly lit areas into a daylight experience!*

*In response to your requests, our Information Systems department has designed a new Website for residents, tourists and those seeking to locate in Racine. We continue to provide more information in an easy to use format.*

*To build a great city requires difficult and sometimes unpopular decisions. But we make those decisions, because it is the right thing to do for ours and future generations. One of the toughest decisions I had to make in my first year's budget was to introduce the recycling cart program. I reluctantly agreed to impose a \$10 fee to fund the purchase, which was the responsible thing to do! I would like to thank Alderman Holding and the Public Works Committee for their support on this initiative, as well as the council who bravely backed this decision.*

*I and many of the council stated clearly that if the people helped us by recycling more, any financial gain would be given back. Well, I am here to tell you that we are keeping our promise to you. You, the residents worked so hard to recycle that instead of paying the \$10 fee this year, we are cutting it in half to five dollars. Thank you for your efforts and please keep it up. The more you save the environment, the more you save yourselves.*

*While money is tight and our patience is thin, we must never forget those things that make us great and enhance our quality of life. So we are expanding on what we are doing in our parks, on our beach and along our bike paths. We are creating better playgrounds for our children and more entertainment for our adults to enjoy. We partnered with the State and Federal Governments to make our rivers better, cleaner and more attractive to tourists. Finally, we are working on an international level to protect the very water that makes us a destination city.*

*I want to thank President Coe and the Executive Committee, as well as the Aldermen that voted to approve the Joint Dispatch agreement last week, thank you. We have tackled the tough issues and we were able to bring the people of this county together to form a partnership that brings efficient services to our residents while allowing us to save taxpayer dollars at a time it is needed most. Joint Dispatch in Racine will soon be a reality.*

*I want to sincerely thank the officials from Caledonia, Mount Pleasant, Sturtevant, and the County that joined us at the table to finish a goal that was started 30 years ago. I also want to give special thanks to Administrators Tom Friedel, Mike Andreasan, Mark Janiak, and Tom Leback as well as Chiefs Whalen and Hansen and the other chiefs who made this happen. This was a historical team WIN and I am proud to sign the agreement.*

*This is just the beginning of the cooperation between our neighboring municipalities, we can and will continue to explore ways to save taxpayers' money while working together to create a better region for everyone.*

*In order for us to continue growth in this area, we need to bring jobs and opportunities to Racine. I have toured over 20 local companies and worked with them as a partner in their progress, finding ways to help them grow. Our efforts have led to an expansion of no less than three companies which has helped in our reduction of unemployment from 17.5 to 14% in just over a year. Working with our local industries, not getting in their way, is how businesses will continue to find opportunities for growth.*

*This is also true in our efforts to restructure our housing program. With 165 contracts recently let out and 350-400 workers on the job, we are aggressively taking back the south-side historic district by rehabbing and rebuilding homes, as well as stabilizing the neighborhood and putting Racinians back to work. It is an ambitious plan and cannot thank our Development Department enough for their efforts. We have received over \$3 million in federal funds to help us achieve these goals and we have also set up a structure of sustainability to reinvest the funds and keep our efforts going for years to come.*

*A big part of any future in Racine is the support of you the residents. Our coordinated efforts with the police and our local nonprofit groups have led to one of the lowest part 1 crime rates in over 30 years. We used federal funds and wise budgeting by our finance team to put 3 more patrol officers on the street fighting crime in some of the toughest areas of town. We now have beat officers and a new COP house at 16th & Phillips to serve the Uptown area and soon will have one on Jacato Drive giving the neighborhood back to the residents who deserve the right to live in peace with their neighbors. I want to thank Alderman Wisneski and the License and Safety Committee who are working hard to improve the quality of life in Racine.*

*We also look to prevent problems and that's why the work of The Mayor's Office or Strategic Partnerships has been building relationships and helping Racine's non-profit's to find capital sources of funding and become self-sustainable, all in an effort to serve more people with less city resources and greater efficiency. Thanks to Debby Embry and her staff.*

*Together, we are moving into a brighter future together. With new partners, hope, and a dedication to a better community for our citizens, we worked with SC Johnson Wax to rebuild our Fountain downtown and double the number of back packs we handed out to our children this fall.*

*I have been blessed with great people around me and a new enthusiasm in this city. We have had our wins and a few challenges, but every challenge is just another opportunity to get better and re-examine the old ways of doing things. We will always strive forward, always work for the betterment of the city and never give up, because that is what you have hired us to do. And when people say it's luck, I respond with a quote from Thomas Jefferson who said "I'm a great believer in luck, and I find the harder I work, the more I have of it!"*

*I am presenting a budget that may not seem exciting and has no frills; but continues to provide the necessary services without significantly increasing cost to the taxpayers*

*Finally, I want to extend a sincere and heartfelt thank you to the Firefighters, Police Officers and DPW workers who, a couple of weeks ago risked their lives to save 17 people trapped on a Ferris Wheel in Downtown. Faced with a situation which could have ended tragically, the Fire Department, Police and DPW Workers displayed the kind of quick response and bravery which makes us incredibly proud as a city. Tonight we are honored to have a few of the individuals involved here, please stand to be recognized. We have with us the Battalion Chief, the Division Chief, as well as the A Shift Commander, also Chiefs Wahlen and Hansen. I would also like to thank Pvt. Andrew Stein who risked his life to secure the wheel hub. We owe all of you our thanks and gratitude. I would also ask everyone in attendance to join me in saying thank you.*

*God Bless you and good night.*

**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.

**Referred to Committee of the Whole**

[10-5689](#)

**Subject:** Communication from Mayor Dickert submitting the 2011-2015 proposed Capital Improvement Plan.

**Referred to Committee of the Whole**

**F. Communications**

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

[10-5663](#)

**Subject:** Communication from the City Attorney submitting the claim of Bobbie Schommer for consideration.

**Staff Recommendation to the Finance & Personnel Committee on 10-25-10:** The claim of Bobbie Schommer, 4715 Westway Ave., 53406, requesting reimbursement in the amount of \$84.03 for an allegedly missing cell phone arising from an altercation at her home on September 3, 2010 be denied.

**Fiscal Note:** N/A

**Referred to Finance and Personnel Committee**

[10-5675](#)

**Subject:** Communication from the City Attorney submitting the claim of Irineo James for consideration.

**Staff Recommendation to the Finance & Personnel Committee on**

**10-25-10:** The claim of Irineo James, 1600 St. Clair St., 53402, requesting reimbursement in the amount of \$245.00 for a window at 1204 Bluff Avenue broken by a stone that was allegedly kicked up by a DPW vehicle on July 14, 2010 be denied.

**Fiscal Note:** N/A

Referred to Finance and Personnel Committee

**10-5682**

**Subject:** Communication from the City Attorney submitting the claim of Derek Vega for consideration.

**Staff Recommendation to the Finance & Personnel Committee on**

**10-25-10:** The claim of Derek Vega, 1658 N. Main St. #3, 53402, requesting reimbursement in the amount of \$100.00 arising from his car allegedly being towed from the 1600 block of Main Street due to the Triathlon event on July 18, 2010 be denied.

**Fiscal Note:** N/A

Referred to Finance and Personnel Committee

**10-5683**

**Subject:** Communication from the City Attorney submitting the claim of Sharolynn Roche for consideration.

**Staff Recommendation to the Finance & Personnel Committee on**

**10-25-10:** The claim of Sharolynn Roche, 2125 Superior St., 53402, requesting reimbursement in the amount of \$2000.00 for alleged repairs to the water service line for her home on or about June 15, 2010 be denied.

**Fiscal Note:** N/A

Referred to Finance and Personnel Committee

**10-5690**

**Subject:** Communication from the City Attorney submitting the claim of Progressive Insurance (Stephen Broad) for consideration.

**Staff Recommendation to the Finance & Personnel Committee on**

**10-25-10:** The claim of Progressive Insurance, 1700 S. 108th St., West Allis, 53214, requesting reimbursement in the amount of \$1000.00 for repairs to their insured's (Stephen Broad) vehicle which was allegedly damaged while it was parked in the McMynn Ramp on or about July 13, 2010 be denied.

**Fiscal Note:** N/A

Referred to Finance and Personnel Committee

[10-5691](#)

**Subject:** Communication from the City Attorney submitting the claim of Patricia Oertel for consideration.

**Staff Recommendation to the Finance & Personnel Committee on**

**10-25-10:** The claim of Patricia Oertel, 2205 St. Clair St., 53402, requesting reimbursement in the amount of \$1000.00 for repairs after a street tree allegedly fell onto her house on or about June 21, 2010 be denied.

**Fiscal Note:** N/A

**Referred to Finance and Personnel Committee**

[10-5662](#)

**Subject:** Communication from the City Attorney submitting the claim of Lucia Lemke for consideration.

**Staff Recommendation to the Finance & Personnel Committee on**

**10-25-10:** The claim of Lucia Lemke, 4830 Hampton Ct., 53403, requesting reimbursement in the amount of \$428.47 for auto repairs after a parking sign allegedly fell on her car while she was parked on Cliff Avenue on September 9, 2010 be denied.

**Fiscal Note:** N/A

**Referred to Finance and Personnel Committee**

[10-5660](#)

**Subject:** Communication from the Police Chief, requesting to apply for the 2010 AAA Grant (grant control # 2010-37).

**Staff Recommendation to the Finance & Personnel Committee on**

**10-25-10:** Permission granted for the Police Chief to apply for the 2010 AAA Grant (grant control #2010-37).

**Fiscal Note:** There is no City match required.

**Referred to Finance and Personnel Committee**

[10-5670](#)

**Subject:** Communication from the Commissioner of Public Works/City Engineer requesting to begin the process of hiring a Transportation Planner.

**Staff Recommendation to the Finance & Personnel Committee on**

**10-25-10:** None at this time.

**Fiscal Note:** The position is budgeted in the 2011 budget.

**Referred to Finance and Personnel Committee**

[10-5676](#)

**Subject:** Communication from the Police Chief, requesting to accept

the 2010 Bulletproof Vest Partnership Grant (grant control# 2010-020).

**Staff Recommendation to the Finance & Personnel Committee on 10-25-10:** Permission granted to accept the 2010 Bulletproof Vest Partnership Grant (grant control #2010-020).

**Fiscal Note:** The grant application is for \$17,050.00 and will fund 50% of the cost of vests purchased in 2010. The City's portion of the purchase is budgeted in 101.311.5430.

**Referred to Finance and Personnel 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.

**Staff Recommendation to the Finance & Personnel Committee on 10-25-10:** None at this time.

**Fiscal Note:**

**Referred to Finance and Personnel Committee**

[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.

**Staff Recommendation to the Finance & Personnel Committee on 10-25-10:** To award the bid for Official Notice #14 to StageRight Corporation at their bid price of \$91,198.00 they being the low responsive, responsible bidder.

**Fiscal Note:** Funds for this purchase are available in account 108.989.5020.

**Referred to Finance and Personnel Committee**

[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.

**Staff Recommendation to the Finance & Personnel Committee on 10-25-10:** None at this time.

**Fiscal Note:** N/A



**Referred to Finance and Personnel Committee**[10-5709](#)

**Subject:** Communication from the Police Chief, requesting a waiver of formal bidding and sole-source procurement for 34 Fingerprint Scanners.

**Staff Recommendation to the Finance & Personnel Committee on 10-25-10:** None at this time.

**Fiscal Note:** Funding for this purchase is budgeted in account 273.000.5950.

**Referred to Finance and Personnel 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.

**Staff Recommendation to the Finance & Personnel Committee on 10-25-10:** None at this time.

**Fiscal Note:** N/A

**Referred to Finance and Personnel Committee****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.

**Referred to Public Works and Services Committee**[10-5717](#)

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

**Referred to Public Works and Services Committee**[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.

*Alderman Holding requested suspension of the rules and the item be considered for action.*

**A motion was made by Gregory Holding Received and Filed as ReportedThe motion was Approvedby the following vote:**

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

**EXCUSED:** 1 - Spangenberg

### **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)

**Referred to Public Safety and Licensing Committee**

[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.

**Referred to Public Safety and Licensing Committee**

### **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.**

**Referred to Traffic Commission**

[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.

**Referred to Traffic Commission**

### **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.

**Referred to Transit and Parking Commission**

[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).  
**Referred to the Transit and Parking Commission**

**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.  
**Referred to Committee of the Whole**

[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.  
**Referred to Committee of the Whole**

**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.  
**Referred to Board of Park, Recreation and Cultural Services**

[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.  
**Referred to Board of Park, Recreation and Cultural Services**

[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.  
*Alderman Weidner requested the item be referred only to Public Safety and Licensing.*  
**Referred to Public Safety and Licensing Committee**

## **G. Committee Reports**

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

[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.

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

[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.

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

[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.

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

[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.

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

[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

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

## Council Action

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

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

**EXCUSED:** 1 - Spangenberg

**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 \$36,500.00.

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.

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

**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.

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

Reported. The motion was **APPROVED**.

**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.

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

**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.

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

**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.

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

#### Council Action

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

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

**EXCUSED:** 1 - Spangenberg

#### Attorney Frank Gimbel - Representing AD Petroleum

*Attorney Frank Gimbel spoke on behalf of A & D Petroleum, 1917 Sixteenth Street, Racine.*

#### 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

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

**AYES:** 8 - Coe, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski and Holding

**NOES:** 6 - Shakoor, II, Marcus, Shields, McCarthy, DeHahn and Mozol



**EXCUSED:** 1 - Spangenberg

[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

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

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

**EXCUSED:** 1 - Spangenberg

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

[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

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

[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

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

#### **Council Action**

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

**AYES:** 13 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, McCarthy, DeHahn, Holding and Mozol

**EXCUSED:** 1 - Spangenberg

**NON VOTING:** 1 - Wisneski

**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

*Alderman Shakoor made a motion to defer 10-5562. Motion failed.*

*Ayes: Wisneski, Coe, and Shakoor*

*Noes: Weidner, Wisner, DeHahn, Hart, Holding, Kaplan, Maack, Marcus, McCarthy, Mozol, Shakoor and Shields*

*Excused: Spangenberg*

*Following the vote on the recommendation of the City Plan Commission which failed, Alderman Holding made a motion requesting approval subject to the conditions as stated in the Conditional Use Permit for 2300 Loni Lane. Motion carried.*

*Ayes: Weidner, DeHahn, Hart, Holding, Kaplan, Maack, Marcus, Mozol, Shakoor and Shields.*

*Noes: Wisner, Wisneski, Coe, and McCarthy*

*Excused: Spangenberg*

**THAT THE 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 BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:**

- a. *That the plans presented to the Plan Commission on October 13, 2010 be approved subject to the conditions contained herein.*
- b. *That this proposal and the supporting materials have been submitted in sufficient detail to grant a simultaneous preliminary and final approval as provided for in Section 114-173 Preliminary Plans, of the Municipal Code.*
- c. *That the following shall be accomplished prior to the issuance of building permits:*
  1. *Submit the following materials to the director of City Development for review and approval:*
    - *Detailed revised site, building, lighting, landscaping plans.*
    - *Copies of all appropriate documents as outlined by Section 114-181 of the City of Racine Municipal Code.*
    - *Project specific open space designation documents.*

- Detailed site management and maintenance plan.
  - 2. Resolve technical requirements and discrepancies, and obtain all applicable approval and permits as indicated by the City Departments and staff.
  - 3. Comply with applicable State and Federal guidelines and permits.
- d. That all improvements as depicted in the approved plans shall be fully implemented prior to occupancy for any building at 2300 Loni Lane. If the applicant or owner fails to implement the required improvements prior to the issuance of an occupancy permit for any use at 2300 Loni Lane, the City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on a letter of credit for the cost of implementation. The letter of credit shall be equal to 100% of the value of the improvements and be submitted for the review and approval of the Director of City Development. Any costs incurred in excess of the value of the letter of credit shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute. By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for this purpose.
- e. That prior to the issuance of a building permit the following shall be accomplished:
- 1. That a Developer's Agreement shall be executed with the City proper to the issuance of building permits.
  - 2. That the developer submit for the review and approval of the Director of City Development all required planned development documents as required by Sec 114-175 of the Municipal Code. Following such review and approval, the developer, at their expense, shall record all planned development document with the Racine County Register of Deeds.
  - 3. (New condition for 10-13-10) That a Storm Water Management Practices Maintenance Agreement be executed prior to the issuance of building permits.
- f. 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.
- g. That this permit is subject to Plan Commission review for compliance with the listed conditions.

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

**AYES:** 11 - Shakoar, II, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, DeHahn, Holding and Mozol

**NOES:** 3 - Coe, Wisneski and McCarthy

**EXCUSED:** 1 - Spangenberg

[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

*After discussion Alderman Maack made a motion to defer 10-5666 until October 21st at a special meeting of the Committee of the Whole. Motion was withdrawn.*

*Alderman Marcus made a motion to amend the 15 page City of Racine Developers Agreement /Contract for Road, Utility and Other Public Improvements by adding item G which states - The parties agree that the site building, lighting, landscaping, and related plans are subject to review and approval of the Department of City Development and the Planning Commission.*

*Attorney Weber then asked Mr. Lerner if this amendment was acceptable to him and he verbally agreed.*

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

**AYES:** 3 - Shakoor, II, Coe and Holding

**NOES:** 11 - Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn and Mozol

**EXCUSED:** 1 - Spangenberg

### **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

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

**AYES:** 8 - Shakoor, II, Coe, Kaplan, Wisner, Maack, Wisneski, DeHahn and Holding

**NOES:** 6 - Marcus, Shields, Hart, Weidner, McCarthy and Mozol

**EXCUSED:** 1 - Spangenberg

#### **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

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

**AYES:** 13 - Shakoor, II, Coe, Marcus, Shields, Hart, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding and Mozol

**NOES:** 1 - Kaplan

**EXCUSED:** 1 - Spangenberg

**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

*Mayor Dickert cast an aye vote. Motion carried.*

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

**AYES:** 7 - Shakoor, II, Shields, Hart, Kaplan, Wisner, Maack and Holding

**NOES:** 7 - Coe, Marcus, Weidner, Wisneski, McCarthy, DeHahn and Mozol

**EXCUSED:** 1 - Spangenberg

**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

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

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

**EXCUSED:** 1 - Spangenberg

### **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

*Alderman Maack made a motion to defer 10-5654. Motion failed by the following vote:*

*Ayes: Holding and Maack*

*Noes: Weidner, Wisner, Wisneski, Coe, DeHahn, Hart, Kaplan, Marcus, McCarthy, Mozol, Shakoor and Shields.*

*Excused: Spangenberg*

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

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

**NOES:** 2 - Maack and Holding

**EXCUSED:** 1 - Spangenberg

## **H. Consent Agenda - Resolutions**

#### 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 it's 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

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

**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

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

**APPROVED.****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

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

**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 \$36,500.00.

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

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

**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



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

**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

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

**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

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

**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 of 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

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

**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

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

**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

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

**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

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

Council Action

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

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

**EXCUSED:** 1 - Spangenberg

## 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

**Referred to Public Safety and Licensing Committee**

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 statues 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

**Referred to Public Safety and Licensing Committee**

## **J. Adjourn**

*The meeting was adjourned at 10:45 P.M. by Alderman Shakoor. The next scheduled meeting of the Council is November 3rd, 2010.*

ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK