



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

Tuesday, July 21, 2009

7:00 PM

Room 205, City Hall

- A. Call To Order**
- B. Pledge of Allegiance To The Flag**
- Proclamation**
- C. Approval of Journal of Council Proceedings (Minutes)**
- D. Public Comments**
- E. Communications**

[09-3868](#) **Subject:** Monthly Building Report, June, 2009.

Refer to Finance and Personnel Committee, by Ald. Spangenberg

[09-3875](#) **Subject:** Communication from the City Attorney submitting the claim of Kathy Bergquist for consideration.

[09-3879](#) **Subject:** Communication from the City Attorney submitting the claim of Anthony & Nicole Tempesta for consideration.

[09-3901](#) **Subject:** Communication from the City Attorney submitting the claim of Al & Cynthia Noehl for consideration.

[09-3902](#) **Subject:** Communication from the City Attorney submitting the claim of Joel Thierfelder for consideration.

[09-3894](#) **Subject:** Communication from the Fire Chief requesting permission to waive formal bidding in order to purchase an AreaRAE Rapid Deployment Chemical Detection and Monitoring system.

- [09-3896](#) **Subject:** Communication from the Grant Facilitator requesting permission to submit a proposal and accept JAG Recovery Act - Youthful Offender Prevention Initiative 2009 Grant from the Wisconsin Office of Justice Assistance (Grant Control No. 2009-030) in the amount of \$450,000 over a three year period.
- [09-3898](#) **Subject:** Communication from the Grant Facilitator requesting permission to apply for the CPS/International Public Management Association for Human Resources Grant for Government Agencies (Grant Control No. 2009-031) in the amount of \$25,000.
- [09-3899](#) **Subject:** Communication from the Grant Facilitator requesting permission to apply and accept pass through funding from University of Wisconsin, 2010 VITA Grant through IRS, Grant Control No. 2009-032. If funded, Racine will receive \$5,000 to support VITA sites at City of Racine Community Centers.
- [09-3900](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to accept a donation of \$360.75 from the Kiwanis Club of West Racine for the Zero-G Chair for the Lockwood Park playground project.

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

- [09-3890](#) **Subject:** Communication from Vulcan Lands, Inc. proposing to donate 3.59 acres of real property to the City of Racine.
- [09-3923](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering submitting the State/Municipal Agreement for Stage 2 Local ARRA 2010, State ID: 2703-02-03/73, Spring Street.
- [09-3924](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering submitting the State/Municipal Agreement for Stage 2 Local ARRA 2010, State ID: 2703-02-02/72, N. Main Street.
- [09-3925](#) **Subject:** Request to establish a home weatherization and energy efficiency loan pilot program.

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

- [09-3870](#) **Subject: (New)** Application of Tommy's Den, Tommy Daniels, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 901 S. Memorial Drive. (3rd District)

- [09-3871](#) **Subject: (New)** Application of Dynamite 1 Enterprise (Gerald's), Gerald Bester, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1501 Washington Avenue. (3rd District)
- [09-3872](#) **Subject: (New)** Application of Grumpy's Grub, LLC (Grumpy's Grub), Karlessa Barcalow, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2011 Lathrop Avenue. (11th District)
- [09-3877](#) **Subject: (New)** Application of Rosa Vargas, Agent (La Kermes) for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 522 Sixth Street. (1st District)
- [09-3897](#) **Subject: (New)** Application of Rosalies LLC, (Dino's), Rosalie Ferderer, Agent "Class B" Fermented Malt Beverage & Intoxicating Liquor License for 1816 16th Street. (3rd District)

Refer to City Plan Commission, by Ald. Holding

- [09-3903](#) **Subject:** Communication from the Director of the Racine County Planning and Development Department and the Principal Planner for the Southeastern Wisconsin Regional Planning Commission transmitting to the City of Racine for formal consideration of the Draft Multi-Jurisdictional Comprehensive Plan For Racine County.

Refer to Committee of the Whole, by Ald. Q. A. Shakoor, II

- [09-3783](#) **Subject:** Communication from the President of the Council wishing to discuss filling the vacancy in the 10th District.
- [09-3926](#) **Subject:** Request from Racine County Economic Development Corporation (RCEDC) to discuss their 2008 Annual Report.

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Spangenberg

- [09-3607](#) **Subject:** Presentation of the 2008 Audit from Clifton-Gunderson

Recommendation: (Direct Referral) Recommendation of the Wastewater Commission on 06/30/09: Wastewater Commission approved and further recommends to refer to the Finance and Personnel Committee for adoption

Recommendation of the Finance & Personnel Committee on 07-13-09: To receive and file the 2008 Wastewater Utility audit from Clifton-Gunderson.

Fiscal Note: The Wastewater Utility statements will be integrated into the City Wide financial statements.

09-3610

Subject: Presentation of the 2008 Audit from Clifton-Gunderson

Recommendation: (Direct Referral) Recommendation of the Waterworks Commission on 06/30/09: Waterworks Commission approved and further recommends to refer to the Finance and Personnel Committee for adoption

Recommendation of the Finance & Personnel Committee on 07-13-09: To receive and file the 2008 Water Utility audit from Clifton-Gunderson.

Fiscal Note: The Water Utility statements will be integrated into the City Wide financial statements.

09-3728

Subject: Communication from Iglesia Canaan, Templo de Restauracion requesting to waive the fee for the use of Horlick Athletic Field or Douglas Park for an event focusing on youth in the community. (Res.09-1514)

Recommendation of the Finance & Personnel Committee on 07-13-09: That the use of Horlick Athletic Field by Iglesia Canaan, Templo de Restauracion for a free community event on August 21-22, 2009 be approved at half the normal charge of \$1271.00 per day.

Fiscal Note: \$1,271.00 which is half of the fee for the entire event would be waived.

09-3761

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to recommend Fees & Charges for the Mound Cemetery New Crypt Addition. (Res.09-1516)

Recommendation of the Finance & Personnel Committee on 07-13-09: To approve the fees and charges for the Mound Cemetery new crypt addition.

Fiscal Note: N/A

09-3795

Subject: Communication from the Racine Arts Council requesting to waive the fee for the use of Samuel Myers Park for their Sandcastles event on August 9, 2009. (Res.09-1513)

Recommendation of the Finance & Personnel Committee on

07-13-09: That the fee in the amount of \$318.00 for the use of Samuel Myers Park for the Racine Arts Council's Sandcastles event on August 9, 2009 be waived, that there be a \$300.00 deposit refundable upon cleanup.

Fiscal Note: The \$318.00 fee would be waived.

09-3801

Subject: Communication from the City Attorney submitting the claim of United States Postal Service for consideration.

Recommendation of the Finance & Personnel Committee on

07-13-09: The claim of the United States Postal Service requesting reimbursement in the amount of \$250.01 for damages to a vehicle that was allegedly sideswiped by a DPW vehicle traveling the same direction on Douglas Avenue near the intersection with Marquette Street on July 29, 2008 be denied.

Fiscal Note: N/A

09-3802

Subject: Communication from the City Attorney submitting the claim of Paul Chernouski and Diane Chernouski for consideration.

Recommendation of the Finance & Personnel Committee on

07-13-09: The claim of Paul Chernouski, 433 Romaine Avenue, and Diane Chernouski, 3219 North Wisconsin Street, requesting reimbursement in the amount of \$204.31 for damages to a vehicle that allegedly bottomed out on the driveway apron at 3219 North Wisconsin Street on January 13, 2009 be denied.

Fiscal Note: N/A

09-3803

Subject: Communication from the Police Chief, requesting to discuss extension of the lease agreement with Racine Harley Davidson for two motorcycles. (Res.09-1517)

Recommendation of the Finance & Personnel Committee on

07-13-09: The Mayor and City Clerk be authorized and directed to extend the lease agreement with Racine Harley Davidson for two motorcycles in the amount of \$1.00 each, for the period of two years.

Fiscal Note: \$1.00 each, for the period of two years.

09-3838

Subject: A communication from the Fire Chief requesting the Mayor and City Clerk be authorized to extend the two-year contract for the Wisconsin Emergency Management/State Regional Hazardous

Materials Response Team. The two-year contract will cover the period from July 1, 2009, through June 30, 2011. (Res.09-1519)

Recommendation of the Finance & Personnel Committee on

07-13-09: The Mayor and City Clerk be authorized to enter into an agreement to extend the two-year contract for the Wisconsin Emergency Management/State Regional Hazardous Materials Response Team for the period of July 1, 2009 through June 30, 2011.

Fiscal Note: The City will receive \$121,268 annually for its' efforts with no match required.

09-3841

Subject: Communication from the Police Chief, requesting to use a surplus balance of Capital Outlay funds for the purchase of replacement Glock handguns. (Res.09-1518)

Recommendation of the Finance & Personnel Committee on

07-13-09: To approve the use of a surplus balance of Capital Outlay funds for the purchase of replacement Glock handguns.

Fiscal Note: \$14,280 from Capital Outlay account 241.311.5770 Machinery & Equipment.

09-3855

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to transfer funds of \$34,000.00 from Dr. ML King Community Center (988-660-5010) to Playground Improvements (988-700-5150). (Res.09-1515)

Recommendation of the Finance & Personnel Committee on

07-13-09: To approve the transfer of funds in the amount of \$34,000.00 from Dr. ML King Community Center (988-660-5010) to Playground Improvements (988-700-5150).

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

Public Works and Services Committee Report, by Ald. Holding

09-3784

Subject: Communication from Pentecost Lutheran Church requesting permission to close Jerome Boulevard, from Coolidge Avenue to Case Avenue, on Saturday, August 15, 2009 for a church block party. (Res.09-1520)

Recommendation of the Public Works and Services Committee on

7-14-09: That the Pentecost Lutheran Church be granted permission to close Jerome Boulevard, between Coolidge Avenue and Case Avenue, for an event on Saturday, August 15, 2009, from 7:00 a.m. to 9:00 p.m.,

in accordance with their request.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.

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

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

09-3810

Subject: Communication from Ann Berka, 3433 Victorian Drive, requesting to place retaining walls within city right-of-way. (Res.09-1522)

Recommendation of the Public Works and Services Committee on 7-14-09: That the request of the property owner of 3433 Victorian Drive to place retaining walls within the City right-of-way be approved in accordance to Wisconsin SS 66.0425, Privileges in Streets, with the following stipulations.

- A. That a Hold Harmless Agreement be executed;
- B. That a Certificate of Liability Insurance be filed with the City Attorney's office; and
- C. That the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

Fiscal Note: N/A

09-3833

Subject: Request by the Uptown Improvement Organization that the City study options for the intersection of 14th Street and Washington Avenue.

Recommendation of the Public Works and Services Committee on 7-14-09: The communication be received and filed.

Further recommend that the Police Chief be requested to place the

Police Department speed trailer within the Uptown area to monitor traffic speeds.

Fiscal Note: N/A

09-3845

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 1 on Contract 53-09 (K9-054), Professional Services - Generator Replacement at Radio Tower and City Hall Annex, David L. Hanson & Associates, Inc., consultant. (Res.09-1530)

Recommendation of the Public Works and Services Committee on 7-14-09: That Amendment No. 1 on Contract 53-09 (K9-054), Professional Services - Generator Replacement at Radio Tower and City Hall Annex, David L. Hanson & Associates, Inc., consultant, be approved in the amount of \$800.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 989.310.5040, Annex-Generator Replacement.

Fiscal Note: Funds are available as herein delineated.

09-3846

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 1 on Contract 3-09 (K9-003), Professional Services-Window Replacement Design for City Hall Annex, ARC Architectural Group, LLC, consultant. (Res.09-1529)

Recommendation of the Public Works and Services Committee on 7-14-09: That Amendment No. 1 on Contract 3-09 (K9-003), Professional Services-Window Replacement Design for City Hall Annex, ARC Architectural Group, LLC, consultant, be approved in the amount of \$1,900.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 989.200.5020, Annex-Stairwell Windows.

Fiscal Note: Funds are available as herein delineated.

09-3853

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer regarding underpayment of wages by Wayside Concrete Construction, Inc. on Contract 10-09 (K9-010), 2009 Sidewalk Construction, Phase I. (Res.09-1524)

Recommendation of the Public Works and Services Committee on

7-14-09: That the wage complaint registered against Wayside Concrete Construction, Inc. on Contract 10-09 (K9-010), 2009 Sidewalk Construction, Phase I, be resolved in accordance with the following stipulations:

- A. Wayside to make employees whole for lost wages. No penalties are to be applied;
- B. Wayside provides lien waiver from Ken-Crete Concrete, Inc;
- C. City agrees to release funds equal to underpayment plus penalty from Contract 10-09; and
- D. Wayside agrees not to bid any City of Racine projects until January, 2011.

Fiscal Note: N/A

[09-3854](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer regarding underpayment of wages by John's Concrete, Inc. on Contract 45-07 (K7-053), 2007 Sidewalk Replacement, Phase II.

Recommendation of the Public Works and Services Committee on

7-14-09: That the City proceed to hold a due process hearing on the potential debarment of John's Concrete, Inc. from bidding on public works contracts in accordance with Section 46-40, Debarment, of the Municipal Code.

Fiscal Note: N/A

[09-3869](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal from Industrial Roofing Services, Inc. to provide design services and administration for repair of the remaining precast panels at the Safety Building. (Res.09-1528)

Recommendation of the Public Works and Services Committee on

7-14-09: The Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Industrial Roofing Services, Inc., Butler, WI, to provide design services and administration of repairs to the remaining precast panels at the Safety Building, at a price not-to-exceed \$4,900.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 987.210.5010, Safety Building-Precast Panel Replacement.

Fiscal Note: Funds are available as herein delineated.

[09-3856](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II (R1). (Res.09-1527)

Recommendation of the Public Works and Services Committee on 7-14-09: That Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II (R1), be awarded to AZAR, LLC, Racine, WI, at their bid price of \$496,725.00, they being the lowest responsible bidder.

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

\$485,973.00 - Account 906.000.5520, Sidewalk Replacement
\$ 352.00 - Account 989.908.5530, Crosswalk Ramps
\$ 10,400.00 - Account 989.908.5320, Replacement Curb & Gutter
\$496,725.00 - Total

Fiscal Note: Funds are available as herein delineated.

[09-3858](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer requesting to discuss the award of Contract 43-09 (K9-044), Solid Waste Garage - Interior Wall Insulation. (Res.09-1526)

Recommendation of the Public Works and Services Committee on 7-14-09: That Bane-Nelson, Inc., the low bidder on Contract 43-09 (K9-044), Solid Waste Garage-Interior Wall Insulation, be released from their bid and that their bid bond be returned without prejudice.

Further recommends that Resolution 09-1449, of June 16, 2009, be rescinded.

Further recommends that Contract 43-09 (K9-044), Solid Waste Garage-Interior Wall Insulation, be awarded to Absolute Construction Enterprises, Inc., Racine, WI, at their base bid price of \$59,000.00, plus Alternate Bid #1 in the amount of \$32,000.00, for a total contract of \$91,000.00, they being the second lowest bidder.

Further recommends that funds to defray the cost of this public works project be appropriated from Account 989.410.5010, Solid Waste Garage.

Fiscal Note: Funds are available as herein delineated.

[09-3859](#)

Subject: Communication from the Pastor of Wayman A.M.E. Church requesting permission to close the alleys behind 424 N. Memorial Drive for their annual Wayman Fest on July 25, 2009 and July 26, 2009.

(Res.09-1521)

Recommendation of the Public Works and Services Committee on 7-14-09: Wayman African Methodist Episcopal Church be granted permission to close the north-south alley behind 424 N. Memorial Drive, for their annual festival on Saturday and Sunday, July 25 and 26, 2009, in accordance with their request.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.

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

Fiscal Note: There will be nominal costs incurred on a regular shift basis to implement this event.

[09-3862](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner/Engineering submitting a request for Change Order No. 1 on Contract 9-09 (K9-009), 2009 Concrete Street Reconstruction (R1), LaLonde Contractors, contractor. (Res.09-1531)

Recommendation of the Public Works and Services Committee on 7-14-09: That Change Order No. 1 on Contract 9-09 (K9-009), 2009 Concrete Street Reconstruction (R1), LaLonde Contractors, contractor, be approved in the amount of \$16,811.80.

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

\$ 4,906.30 - Account 989.600.5010, Traffic Signal Replacements
\$11,905.50 - Account 287.989.5310, Sanitary Sewer, Var. Loc.
\$16,811.80 - Total

Fiscal Note: Funds are available as herein delineated.

[09-3864](#)

Subject: Resolution 09-1508, of July 7, 2009, relating to street improvements:

PORTLAND CEMENT CONCRETE PAVING

Chatham Street from Hamilton Street to Hubbard Street

Chatham Street from Hubbard Street to Barker Street

Erie Street from St. Patrick Street to High Street

Alley from West Sixth Street, Horlick Drive; Parkview, Root River

Alley from Linden Avenue, 11th Street; Harbridge Avenue, S. Memorial Drive

Riverview Terrace from N. Memorial Drive to dead end

Kentucky Street from Shadow Lane to Maryland Avenue

Pritchard Drive from Maryland Avenue to +/- 450' north of Pritchard Drive

SEWER AND WATER

Erie Street from St. Patrick Street to High Street

Riverview Terrace from N. Memorial Drive to the dead end

CURB AND GUTTER

Riverview Terrace from N. Memorial Drive to the dead end

Pritchard Drive from Maryland Avenue to +/- 450' north of Pritchard Drive

Recommendation of the Public Works and Services Committee on

7-14-09: That Resolution No. 09-1508, of July 7, 2009, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

Chatham Street from Hubbard Street to Barker Street

Erie Street from St. Patrick Street to High Street

Alley from West Sixth Street, Horlick Drive; Parkview, Root River

Alley from Linden Avenue, 11th Street; Harbridge Avenue, S. Memorial Drive

Pritchard Drive from Maryland Avenue to +/- 450' north of Pritchard Drive

SEWER AND WATER

Erie Street from St. Patrick Street to High Street

CURB AND GUTTER

Pritchard Drive from Maryland Avenue to +/- 450' north of Pritchard Drive

and, as amended , Resolution No. 09-1508, of July 7, 2009, be adopted.

Fiscal Note: Funds will be appropriated in the 2010 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

[09-3865](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer regarding the purchase of crushed concrete from Globe Contractors, Inc. to be used as backfill. (Res.09-1525)

Recommendation of the Public Works and Services Committee on 7-14-09: That the proposal of Globe Contractors, Inc. to sell crushed concrete currently stored on the Walker Site to the City be approved in the amount of \$18,000.00.

Further recommend that funding necessary for this purchase is available in Account 287.989.5310, Sanitary Sewer Various Locations.

Fiscal Note: The purchase of this crushed concrete will result in future cost savings to the City of approximately \$82,000.00.

09-3876

Subject: (Direct Referral) Communication from the Downtown Racine Corporation requesting permission to use the sidewalk in the 200 block of Fifth Street for a public art making project on August 7, 2009. (Res.09-1523)

Recommendation of the Public Works and Services Committee on 7-14-09: That permission be granted to the Downtown Racine Corporation, in accordance with Wisconsin SS 66.0425, Privileges in Streets, to construction three dimensional artwork on City sidewalk on 5th Street, between Main Street and Wisconsin Avenue, on August 7, 2009 from 1:00 p.m. to 8:00 p.m., with the following stipulations:

- A. That a Hold Harmless Agreement be executed;
- B. That a Certificate of Liability Insurance be filed with the City Attorney's office; and
- C. That a 5' sidewalk area be maintained at all times.

Fiscal Note: N/A

Public Safety and Licensing Committee Report, by Ald. Wisneski

09-3816

Subject: Communication from Joey Legath, 1863 Taylor Avenue, requesting to amend his premise description to include the back parking lot of his establishment for their 25th Anniversary event to be held on August 22, 2009.

Recommendation of the Public Safety and Licensing Committee on 7-13-09: That the premise description be amended for August 22, 2009 in celebration of the 25th Anniversary of the business.

Fiscal Note: N/A

09-3843

Subject: (Direct Referral): Bids for Contract 50-09 (K9-051) Parks and Parking System Improvements Project (R1) (Res.09-1510)

Recommendation of the Public Safety and Licensing Committee on

7-13-09: That the base bid of O&M Excavation & Grading, Inc. of Union Grove, WI be accepted for a total bid amount of \$409,906.98.

Fiscal Note: Funding is available from the following accounts:

988.700.5020, Lincoln Parking Lot Asphalt, \$10,854.90

988.700.5030, Lockwood Parking Lot Asphalt, \$158,394.50

988.740.5020, Blacktop Paths through Zoo, \$12,326.00

106.989.5750, Land Improvements, Parking Lot Repairs, \$15,519.70

107.000.5750, Golf Land Improvements-Johnson Parking Lot,
\$109,905.18

207.000.5750, Cemetery Land Improvement - Roads and Walks 2008,
\$24,399.00

207.000.5750, Cemetery Land Improvement - Roads and Walks 2009,
\$29,785.30

989.690.5010, Lakeview Basketball Court, \$19,055.40

989.740.5010, Blacktop Paths through Zoo, \$11,755.35

786.000.5900, Lockwood Basketball Court, \$17,911.65

[09-3844](#)

Subject: (Direct Referral): Bids for Contract 49-09 (K9-050) HVAC Upgrades at Wustum Museum. (Res.09-1511)

Recommendation of the Public Safety and Licensing Committee on

7-13-09: That the base bid of United Mechanical Inc. of Racine, WI be accepted for a total bid amount \$38,445.00

Fiscal Note: Funds are available in account 655.988.5010, Wustum HVAC System Replacement, \$12,400.00 and account 655.000.5980, Wustum Classroom Building HVAC for \$26,045.00.

[09-3848](#)

Subject: (Direct Referral): Change Order #1 Contract 55-08 (K8-065), Garden Crypts and Niche Addition at Mound Cemetery by Bane-Nelson Inc. (Res.09-1512)

Recommendation of the Public Safety and Licensing Committee on

7-13-09: That change order #1 in the decreased amount of \$589.72 be accepted for a total contract amount of \$1,352,410.28.

Fiscal Note: Contract amount has decreased by \$589.72

[09-3867](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the sale of abandoned vehicles for July 8, 2009.

Recommendation of the Public Safety and Licensing Committee on

7-13-09: That the sale of abandoned vehicles for July 8, 2009 be received and filed.

Fiscal Note: This will generate \$4,111.01 in revenues.

Traffic Commission Report, by Ald. Holding

09-3851 **Subject:** (Ordinance No. 13-09) To amend Section 94-93 of the Municipal Code of the City of Racine, Wisconsin relating to Mandatory left turn. (16th St & Taylor Ave)

Recommendation: Receive and file.

Fiscal Note: N/A

City Plan Commission Report, by Ald. Holding

09-3850 **Subject:** (Direct Referral) Request from Eddie Evans to re-establish a car wash at 1614 Douglas Avenue. (Res.09-1532)

Recommendation of the City Plan Commission on 7-15-09: That this item be approved subject to the amended staff recommendations.

Fiscal Note: N/A

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

09-3749 **Subject:** Communication from Professional Women's Network for Service, Inc. requesting approval and assistance in site development in the area surrounding the Underground Railroad/Maritime Memorial at Gaslight Point.

Recommendation of the Board of Parks, Recreation & Cultural Services 7-8-09: that the request be approved.

Fiscal note: Minimal cost to the city to implement in the interest of public safety.

G. Consent Agenda - Resolutions

Res.09-1510 Bid for Contract 50-09 (K9-051), Parks and Parking System Improvement Project (R1), be awarded to O&M Excavation & Grading, Inc., of Union Grove, WI

Resolved, that the base bid of O&M Excavation & Grading, Inc. of Union Grove, WI for Contract 5-09 (K9-051), Parks and Parking System Improvements Project (R1), be accepted for a total bid amount of \$409,906.98.

Fiscal Note: Funding is available from the following accounts:

988.700.5020, Lincoln Parking Lot Asphalt, \$10, 854.90
988.700.5030, Lockwood Parking Lot Asphalt, \$158,394.50
988.740.5020, Blacktop Paths through Zoo, \$12,326.00
106.989.5750, Land Improvements, Parking Lot Repairs, \$15,519.70
107.000.5750, Golf Land Improvements-Johnson Parking Lot, \$109,905.18
207.000.5750, Cemetery Land Improvement - Roads and Walks 2008,
\$24,399.00
207.000.5750, Cemetery Land Improvement - Roads and Walks 2009,
\$29,785.30
989.690.5010, Lakeview Basketball Court, \$19,055.40
989.740.5010, Blacktop Paths through Zoo, \$11,755.35
786.000.5900, Lockwood Basketball Court, \$17,911.65

Sponsors: Aron Wisneski

Res.09-1511 Contract 49-09 (K9-050), HVAC Upgrades at Wustum Museum, be awarded to United Mechanical Inc.

Resolved, that the base bid of United Mechanical Inc. of Racine, WI for Contract 49-09 (K9-050), HVAC Upgrades at Wustum Museum, be accepted for a total bid amount \$38,445.00.

Fiscal Note: Funds are available in Account 655.988.5010, Wustum HVAC System Replacement, \$12,400.00, and Account 655.000.5980, Wustum Classroom Building HVAC for \$26,045.00.

Sponsors: Aron Wisneski

Res.09-1512 Change Order No. 1 on Contract 55-08 (K8-065), Garden Crypts and Niche Addition at Mound Cemetery, Bane-Nelson, Inc., contractor, be accepted

Resolved, that Change Order No. 1 in the decreased amount of \$589.72 for Contract 55-08 (K8-065), Garden Crypts and Niche Addition at Mound Cemetery, Bane-Nelson, Inc., contractor, be accepted for a total contract amount of \$1,352,410.28.

Fiscal Note: Contract amount has decreased by \$589.72.

Sponsors: Aron Wisneski

Res.09-1513 Permission to waive rental fee for use of Samuel Meyers Park on August 9 for the Sandcastles Festival

Resolved, that permission be granted to waive the fee in the amount of \$318.00 for use of Samuel Meyers Park for the Racine Arts Council Sandcastles Festival event on August 9, 2009, and that a \$300.00 deposit be refunded upon cleanup.

Fiscal Note: The \$318.00 fee be waived.

Sponsors: James T. Spangenberg

Res.09-1514 Fee for use of Horlick Athletic Field on August 21-23, 2009 by Iglesia

Canaan, Templo de Restauracion be reduced

Resolved, that the use of Horlick Athletic Field by Iglesia Canaan, Templo de Restauracion for a free community event on August 21-23, 2009, be approved at half the normal charge of \$1271.00 per day.

Fiscal Note: \$1,271.00, which is half of the fee for the entire event, would be waived.

Sponsors: James T. Spangenberg

Res.09-1515 Transfer of funds for Parks Department be approved

Resolved, that the transfer of funds in the amount of \$34,000.00 from Dr. ML King Community Center (988-660-5010) to Playground Improvements (988-700-5150) be approved.

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

Sponsors: James T. Spangenberg

Res.09-1516 Approve fees and charges for Mound Cemetery New Crypt Addition

Resolved, that the schedule of fees and charges presented to the Finance and Personnel Committee on July 13, 2009 for the Mound Cemetery New Crypt Addition be approved.

Fiscal Note: The new fee structure has been approved by the Cemetery Board.

Sponsors: James T. Spangenberg

Res.09-1517 Permission to extend lease agreement for two years with Racine Harley Davidson for two motorcycles

Resolved, that the Mayor and City Clerk be authorized and directed to extend the lease agreement with Racine Harley Davidson for two motorcycles in the amount of \$1.00 each, for the period of two years.

Fiscal Note: \$1.00 each, for the period of two years.

Sponsors: James T. Spangenberg

Res.09-1518 Permission for Police Department to use surplus balance for purchase of replacement handguns

Resolved, that permission be granted to the Police Department to use a surplus balance of Capital Outlay funds for the purchase of replacement Glock handguns.

Fiscal Note: \$14,280 from Capital Outlay Account 241.311.5770, Machinery & Equipment.

Sponsors: James T. Spangenberg

Res.09-1519 Permission to extend the contract for two years with Wisconsin Emergency Management/State Regional Hazardous Materials Response Team and Mayor and City Clerk be authorized and directed to enter into the contract

Resolved, that permission be granted to extend the contract for two years with Wisconsin Emergency Management/State Regional Hazardous Materials Response Team, and that the Mayor and City Clerk be authorized and directed to enter into an agreement to extend the two-year contract for the Wisconsin Emergency Management/State Regional Hazardous Materials Response Team for the period of July 1, 2009 through June 30, 2011.

Fiscal Note: The City will receive \$121,268 annually for its' efforts with no match required.

Sponsors: James T. Spangenberg

Res.09-1520 Permission for Pentecost Lutheran Church to close streets on August 15, 2009 for church block party

Resolved, that Pentecost Lutheran Church be granted permission to close Jerome Boulevard, between Coolidge Avenue and Case Avenue, for an event on Saturday, August 15, 2009, from 7:00 a.m. to 9:00 p.m., in accordance with their request.

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

- A. A hold harmless agreement be executed.
- B. Proof of liability insurance be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.

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

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

Sponsors: Gregory Holding

Res.09-1521 Permission to close alley for Wayman Fest on July 25-26, 2009

Resolved, that Wayman African Methodist Episcopal Church be granted permission to close the north-south alley behind 424 N. Memorial Drive, for their annual festival on Saturday and Sunday, July 25 and 26, 2009, in accordance with their request.

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

- A. A hold harmless agreement be executed.
- B. Proof of liability insurance be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.

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

Fiscal Note: There will be nominal costs incurred on a regular shift basis to implement this event.

Sponsors: Gregory Holding

[Res.09-1522](#) Permission for property owner of 3433 Victorian Drive to place retaining walls within City right-of-way

Resolved, that the request of the property owner of 3433 Victorian Drive to place retaining walls within the City right-of-way be approved in accordance to Wis. Stat. sec. 66.0425, Privileges in Streets, with the following stipulations.

- A. That a Hold Harmless Agreement be executed;
- B. Proof of Liability Insurance be filed with the City Attorney's office; and
- C. The property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

Fiscal Note: N/A

Sponsors: Gregory Holding

[Res.09-1523](#) Permission granted to DRC to use City sidewalk in 200 block of Fifth Street on August 7, 2009 for public art making project

Resolved, that permission be granted to the Downtown Racine Corporation, in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets, to construction three dimensional artwork on City sidewalk on 5th Street, between Main Street and Wisconsin Avenue, on August 7, 2009 from 1:00 p.m. to 8:00 p.m., with the following stipulations:

- A. That a Hold Harmless Agreement be executed;
- B. Proof of Liability Insurance be filed with the City Attorney's office; and
- C. A 5' sidewalk area be maintained at all times.

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.09-1524 Wage Complaint against Wayside Concrete Construction on Contract 10-09 (K9-010), 2009 Sidewalk Construction, Phase I, be resolved in accordance with stipulations

Resolved, that the wage complaint registered against Wayside Concrete Construction, Inc. on Contract 10-09 (K9-010), 2009 Sidewalk Construction, Phase I, be resolved in accordance with the following stipulations:

- A. Wayside to make employees whole for lost wages. No penalties are to be applied;
- B. Wayside provides lien waiver from Ken-Crete Concrete, Inc;
- C. City agrees to release funds equal to underpayment plus penalty from Contract 10-09; and
- D. Wayside agrees not to bid any City of Racine projects until January, 2011.

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.09-1525 Proposal from Globe Contractors to sell crushed concrete to the City be approved

Resolved, that the proposal of Globe Contractors, Inc., to sell crushed concrete currently stored on the Walker Site to the City be approved in the amount of \$18,000.00.

Further resolved, that funding necessary for this purchase is available in Account 287.989.5310, Sanitary Sewer Various Locations.

Fiscal Note: The purchase of this crushed concrete will result in future cost savings to the City of approximately \$82,000.00.

Sponsors: Gregory Holding

Res.09-1526 Bane-Nelson be released from Contract 43-09 (K9-044), Solid Waste Garage - Interior Wall Insulation, rescind Resolution 09-1449, and award Contract 43-09 (K9-044) to Absolute Construction Enterprises

Resolved, that Bane-Nelson, Inc., the low bidder on Contract 43-09 (K9-044), Solid Waste Garage-Interior Wall Insulation, be released from their bid and that their bid bond be returned without prejudice.

Further resolved, that Resolution 09-1449, of June 16, 2009, be rescinded.

Further resolved, that Contract 43-09 (K9-044), Solid Waste Garage-Interior Wall Insulation, be awarded to Absolute Construction Enterprises, Inc., Racine, WI, at their base bid price of \$59,000.00, plus Alternate Bid #1 in the amount of \$32,000.00, for a total contract of \$91,000.00, they being the

second lowest bidder.

Further resolved, that funds to defray the cost of this public works project be appropriated from Account 989.410.5010, Solid Waste Garage.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1527 Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II (R1), be awarded to AZAR, LLC

Resolved, that Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II (R1), be awarded to AZAR, LLC, Racine, WI, at their bid price of \$496,725.00, they being the lowest responsible bidder.

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

\$ 485,973.00 - Account 906.000.5520, Sidewalk Replacement
\$ 352.00 - Account 989.908.5530, Crosswalk Ramps
\$ 10,400.00 - Account 989.908.5320, Replacement Curb & Gutter
\$ 496,725.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1528 Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Industrial Roofing Services for repair of remaining precast panels at Safety Building

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Industrial Roofing Services, Inc., Butler, WI, to provide design services and administration of repairs to the remaining precast panels at the Safety Building, at a price not-to-exceed \$4,900.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 987.210.5010, Safety Building-Precast Panel Replacement.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1529 Amendment No. 1 on Contract 3-09 (K9-003), Professional Services-Window Replacement Design for City Hall Annex, ARC Architectural Group, be approved

Resolved, that Amendment No. 1 on Contract 3-09 (K9-003), Professional Services-Window Replacement Design for City Hall Annex, ARC

Architectural Group, LLC, consultant, be approved in the amount of \$1,900.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 989.200.5020, Annex-Stairwell Windows.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1530 Amendment No. 1 on Contract 53-09 (K9-054), Professional Services-Generator Replacement at Radio Tower and City Hall Annex, David L. Hanson & Associates, be approved

Resolved, that Amendment No. 1 on Contract 53-09 (K9-054), Professional Services - Generator Replacement at Radio Tower and City Hall Annex, David L. Hanson & Associates, Inc., consultant, be approved in the amount of \$800.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 989.310.5040, Annex-Generator Replacement.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1531 Change Order No. 1 on Contract 9-09 (K9-009), 2009 Concrete Street Reconstruction (R1), LaLonde Contractors, be approved

Resolved, that Change Order No. 1 on Contract 9-09 (K9-009), 2009 Concrete Street Reconstruction (R1), LaLonde Contractors, contractor, be approved in the amount of \$16,811.80.

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

\$ 4,906.30 - Account 989.600.5010, Traffic Signal Replacements
\$11,905.50 - Account 287.989.5310, Sanitary Sewer, Var. Loc.
\$16,811.80 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1532 Conditional Use Permit to re-establish a car wash at 1614 Douglas Avenue be approved

Resolved, that a Conditional Use Permit to re-establish a car wash at 1614 Douglas Avenue, be approved subject to the following conditions:

- a. That the plans presented to the Plan Commission on July 15, 2009 be approved subject to the conditions contained herein. The plans were also presented to the ACDRC on June 25, 2009.
- b. That a revised site plan, drawn to scale, be submitted indicating all parking areas (striped and legal sized), ingress and egress areas, location of bumper stops, and plan for clearing and re-establishing landscaping and planters be submitted to the Department of City Development for review and approval prior to building occupancy.
- c. That the hours of operation be from 8:00 a.m. to 9:00 p.m. Monday through Saturday, and from 8:00 a.m. to 6:00 p.m. on Sunday
- d. That there be no pennants, banners, streamers, advertising flags, antenna sleeves, string lights, spot lights or other forms of attraction devices utilized. The existing sign shall be removed from the property. Any future signage requests will require the approval of the ACDRC and Community Development Department prior to installation.
- e. That no vehicles be allowed on the lot that are not licensed or are inoperable. Serviced vehicles may remain on the lot for no longer than working hours, and must be picked up the day they are washed and/or detailed.
- f. That all junk and junk vehicles currently stored on site be removed and may not be replaced with any junk or junk vehicles, trailers, or general buildup of trash in the future.
- g. That no vehicles for sale be allowed to be parked on the property.
- h. That only passenger vehicles or trucks be detailed. No commercial vehicles, off-road vehicles, animal trailers, or recreational vehicles may be serviced at this location due to area constrictions.
- i. That the parking lot shall be re-surfaced prior to occupancy.
- j. That the existing lights shall be shielded downward to only illuminate the property on which their located, and that light spillage onto other lots be contained.
- k. No vehicles will be parked on site overnight unless they are parked within the building.
- l. No more than three (3) vehicles at a time may be parked in the drying area in front of the building.
- m. A cash bond or letter of credit for the site plan improvements (landscaping, etc.) shall be submitted if the improvements are not done by August 30, 2009. If improvements are done prior to the occupancy request no bond or letter of credit will be required.

- n. That all codes and ordinances be complied with and required permits acquired.
- o. 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.
- p. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

H. Miscellaneous Business

Next Council Meeting - Monday, August 3, 2009 Due to National Night Out

I. 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.