



City of Racine

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

Meeting Minutes - Final Common Council

Mayor John T. Dickert, Alderman Q.A. Shakoor, II, Alderman Michael Shields, Alderman Ronald D. Hart, Alderman Jim Kaplan, Alderman Dennis Wisner, Alderman Sandy Weidner, Alderman Terry McCarthy, Alderman Raymond DeHahn, Alderman Gregory Holding, Alderman Robert Mozol, Alderman O. Keith Fair, Alderman Melissa Kaprelian-Becker, Alderman James Morgenroth, Alderman Krystyna Sarrazin, Alderman Molly Hall

Wednesday, April 3, 2013

7:00 PM

Room 205, City Hall

Due to Election

A. Call To Order

PRESENT: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

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 Kaplan.

D. Public Comments

*Lou D'Abbraccio
Kate Remington
Karl Fuller
Mary Schiro
Sue DeKeuster
Wayne Clingman
Norb DeKeuster
Mark Balwinski
Jennifer Bucholz
Gary Dulek
Darrel Macemon
Noel Latus
Tamra Varebrook
Colin McKenna*

E. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[13-8757](#) **Subject:** communication from the City Attorney submitting the claim of Kathleen Heisler for consideration.

Referred to Finance and Personnel Committee

[13-8771](#) **Subject:** communication from the City Attorney submitting the claim of Jermaine Weatherspoon for consideration.

Referred to Finance and Personnel Committee

[13-8778](#) **Subject:** Communication from Purchasing Agent submitting bid results on Official Notice #5 for nine (9) cases of Tree-age.

Referred to Finance and Personnel Committee

[13-8786](#) **Subject:** Communication from Kingdom Builders Fellowship Center & Outreach Ministries requesting the donation of the Stage on Wheels for their first annual "Kingdom Fest".

Referred to Finance and Personnel Committee

[13-8789](#) **Subject:** Communication from the Fire Chief requesting permission to accept \$1,950.71 from CHS, Incorporated, to be used for EMS equipment acquisition.

Referred to Finance and Personnel Committee

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

[13-8784](#) **Subject:** Communication from the Alderman of the 9th District requesting a preliminary resolution for portland cement concrete paving and sewer and water on Spring Valley Drive, Spring Street to Harrington Drive.

Referred to Public Works and Services Committee

[13-8791](#) **Subject:** Communication from Gethsemane Lutheran Church requesting to close Blaine Avenue from Washington Avenue north to the alley on Sunday, May 19, 2013, for a church carnival.

Referred to Public Works and Services Committee

[13-8796](#) **Subject:** Communication from Walden III requesting to paint the intersection of 10th and Center Streets.

Referred to Public Works and Services Committee

Refer to Public Safety & Licensing Committee, by Ald. Holding

[13-8802](#) **Subject:** Communication requesting Change of Agent for Michigan Pub, LLC, 1300 Michigan Blvd.- Scott A. Jensen, Agent, "Class B"

Fermented Malt Beverage and Intoxicating Liquor license (4th District).

Referred to the Public Safety and Licensing Committee

[13-8803](#)

Subject: Communication requesting Change of Agent for Beachside Oasis, LLC, 100 Kewaunee Street.- Scott A. Jensen, Agent, Class "B" and "Class C" Fermented Malt Beverage and Wine license (4th District).

Referred to the Public Safety and Licensing Committee

Refer to Transit and Parking Commission, by Ald. DeHahn

[13-8777](#)

Subject: Communication from the Monument Square Art Festival Board of Directors requesting permission to rent Lakefront Lot No. 5 for the Monument Square Art Festival on Saturday, June 1, 2013 and Sunday, June 2, 2013 to provide parking for the participating artists.

Referred to Transit and Parking Commission

Refer to Housing Loan Board, by Ald. Wisner

[13-8773](#)

Subject: Request by the Racine Urban Garden Network (RUGN) to renew its lease of 1125 Villa Street for use as a community garden.

Referred to Loan Board of Review

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor

[13-8717](#)

Subject: (Direct Referral) Communication from Debra Karp, Director of Community Engagement, University of Wisconsin-Parkside, seeking reauthorization of matching funds for VISTA volunteers from the intergovernmental revenue sharing funds for the Launch Box initiative and the Department of City Development, and the Sustainable Edible Economic Development initiative. (Res. No. 13-0142)

Recommendation of the Redevelopment Authority on 3-4-13: That the Authority supports the use of \$22,000.00 from the Intergovernmental Sewer Revenue Sharing fund for matching funds for VISTA volunteers for business development programs.

Further recommends that this item be referred to the Finance and Personnel Committee for its review and approval.

Recommendation of the Finance & Personnel Committee on 3-25-13: That the Mayor and City Clerk be authorized and directed to

enter into the agreement with the University of Wisconsin-Parkside for two VISTA volunteers to help staff economic development efforts.

Fiscal Note: The city has the opportunity to again obtain two VISTA volunteers. The volunteers would be utilized to support activities related to economic development initiatives. During this grant cycle, activities of the Launch Box business development initiative, the Department of City Development, and Sustainable Edible Economic Development (SEED) would be assisted. The VISTA program requires a local match/stipend of \$11,000.00 per volunteer. Funds are available in the Intergovernmental Revenue Sharing (919) Account.

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

13-8749

Subject: Communication from the Director of City Development requesting the termination of Tax Incremental District No. 6 (Main - Lake). (Res. No. 13-0143)

Recommendation of the Finance & Personnel Committee on 3-25-13: Permission be granted to close Tax Incremental District No. 6 (Main - Lake). That the Mayor and City Clerk be authorized and directed to submit the necessary forms and reports to the Wisconsin Department of Revenue.

Fiscal Note: N/A

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

13-8750

Subject: Communication from the Director of City Development requesting the termination of Tax Incremental District No. 7 (Gaslight Drive). (Res. No. 13-0144)

Recommendation of the Finance & Personnel Committee on 3-25-13: Permission be granted to close Tax Incremental District No. 7 (Gaslight Drive). That the Mayor and City Clerk be authorized and directed to submit the necessary forms and reports to the Wisconsin Department of Revenue.

Fiscal Note: N/A

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

13-8755

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to apply and accept the Wal-Mart Foundation's Local Community Contribution/Hunger Outreach Grant Program in the amount of \$2,500.00 for Back to School fest. No match is required. (Grant Control #2013-009). (Res.

No. 13-0145)

Recommendation of the Finance & Personnel Committee on

3-25-13: Permission be granted for the Director of Parks, Recreation & Cultural Services to apply and accept the Wal-Mart Foundation's Local Community Contribution/Hunger Outreach Grant Program in the amount of \$2,500.00 for Back to School fest. (Grant Control #2013-009)

Fiscal Note: There is no City match required.

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

[13-8753](#)

Subject: Communication submitting the claim of Target Corporation, based on the alleged excessive 2012 real estate assessment and taxes for property located at 5300 Durand Avenue, for consideration.

Recommendation of the Finance & Personnel Committee on

3-25-13: The claim for excessive 2012 real estate assessment and taxes filed by Target Corporation for property located at 5300 Durand Avenue be denied.

Fiscal Note: N/A

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

[13-8754](#)

Subject: Communication submitting the claim of Racine Joint Venture II LLC, based on the alleged excessive 2012 real estate assessment and taxes for properties located at 5502 and 5700 Durand Avenue, for consideration.

Recommendation of the Finance & Personnel Committee on

3-25-13: The claim for excessive 2012 real estate assessment and taxes filed by Racine Joint Venture II LLC, for property located at 5502 and 5700 Durand Avenue be denied.

Fiscal Note: N/A

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

Council Action

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

AYES: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

Public Works and Services Committee Report, by Ald. Weidner

13-8732

Subject: Communication from Junior Achievement requesting permission to close a portion of the 300 block of Main Street for a car show in conjunction with their "Entrepreneur Extravaganza" fundraiser.

Recommendation of the Public Works and Services Committee on 3-26-13: That the communication 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.

13-8743

Subject: (Direct Referral) Communication from the Purchasing Agent submitting Change Orders 1 and 2 for Official Notice #18 for Razing and Removal of Commercial Structure at 1516 Washington Avenue. (Res. No. 13-0130)

Recommendation of the Public Works and Services Committee on 3-12-13 and 3-26-13: That Change Orders No. 1 and No. 2 on Official Notice No. 18, Razing and Removal of Commercial Structure at 1516 Washington Avenue, Azarian Wrecking, contractor, be approved in the amount of \$26,144.16.

Fiscal Note: Funding to defray the cost of these change orders be appropriated from Account 101.370.5990, Boarding Up Buildings, and will be invoiced to the current property owner.

Alderman Weidner requested that item 13-8743 be considered separately.

A motion was made that this Communication be Referred to the Public Works and Services Committee, . The motion was DEFEATED by the following vote:

AYES: 4 - Fair, Shields, McCarthy and Sarrazin

NOES: 11 - Kaprelian-Becker, DeHahn, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Weidner and Hall

A motion was made by Alderman Sandy Weidner, seconded by Alderman Raymond DeHahn, that this be Received and Filed as Reported. The motion PASSED by the following vote:

AYES: 13 - Fair, Shields, Kaprelian-Becker, DeHahn, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Weidner and Hall

NOES: 2 - McCarthy and Sarrazin

13-8759

Subject: (Direct Referral) Communication from the Assistant

Commissioner of Public Works/City Engineer requesting a preliminary resolution for sidewalk on Seventeenth Street between Indiana Street and Kentucky Street. (Res. No. 13-0149)

Recommendation of the Public Works and Services Committee on 3-26-13: That a preliminary resolution be introduced for sidewalk on 17th Street between Indiana Street and Kentucky Street.

Fiscal Note: N/A

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

[13-8763](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 1 to Contract 2-13 (K3-002), IS Server Room AC Upgrade, Harwood Engineering Consultants, Ltd., consultant. (Res. No. 13-0150)

Recommendation of the Public Works and Services Committee on 3-26-13: That Amendment No. 1 to Contract 2-13 (K3-002), Professional Services - IS Server Room AC Upgrade, Harwood Engineering Consultants, Ltd., consultant, as submitted, be approved in the not-to-exceed amount of \$1,500.00.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 993.100.5030, City Hall-IS Server Room AC Update.

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

[13-8764](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 8-13 (K3-008), 2013 CDBG Concrete Reconstruction. (Res. No. 13-0147)

Recommendation of the Public Works and Services Committee on 3-26-13: That Contract 8-13 (K3-008), 2013 CDBG Concrete Reconstruction, be awarded to LaLonde Contractors, Inc., Milwaukee, WI, at their bid price of \$550,022.39, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 141,779.97 - Account 893.030.5540, CDBG Paving
\$ 320,342.42 - Account 993.908.5020, Concrete Pvmt. Repl. Misc.
\$ 49,369.00 - Account 104.993.5420, Storm Sewers, Misc.
\$ 38,531.00 - Account 287.993.5310, Sanitary Sewers, Var. Loc.
\$ 550,022.39 - Total

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

[13-8765](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 14-13 (K3-014), 2013 Alley Paving Assessable, Phase I (R1). (Res. No. 13-0148)

Recommendation of the Public Works and Services Committee on 3-26-13: That Contract 14-13 (K3-014), 2013 Alley Paving Assessable, Phase I (R1), be awarded to LaLonde Contractors, Inc., Milwaukee, WI, at their bid price of \$422,289.79, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 59,046.00 - Account 104.993.5420, Storm Sewer, Misc. Loc. (2013)
\$ 19,156.00 - Account 287.993.5310, Sanitary Sewer, Var. Loc. (2013)
\$ 34,074.78 - Account 993.908.5030, Concrete Alley Paving (2013)
\$ 310,013.01 - Account 906.000.5030, Concrete Alley Paving (2013)
\$ 422,289.79 - Total

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

[13-8767](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal for Contract 27-13 (K3-028), Professional Services - Safety Building Parking Deck Repairs, Arnold & O'Sheridan, Inc., consultant. (Res. No. 13-0151)

Recommendation of the Public Works and Services Committee on 3-26-13: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Arnold & O'Sheridan, Inc. for Contract 27-13 (K3-028), Professional Services - Safety Building Parking Deck Repairs, in the not-to-exceed amount of \$6,000.00.

Fiscal Note: Funds to defray the cost of these professional services be appropriated from Account 993.210.5010, Safety Building-Structural Leak Repairs.

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

[13-8779](#)

Subject: (Direct Referral) Communication from the Assistant

Commissioner of Public Works/Operations requesting to waive formal bidding for the purchase of manhole covers. (Res. No. 13-0146)

Recommendation of the Public Works and Services Committee on 3-26-13: That the request of the Purchasing Agent to waive formal bidding procedures be approved in accordance with State Statutes that allow for the waiving of public bids for the purpose of maintaining uniformity of equipment and services.

Further recommends that the Purchasing Agent be authorized and directed to negotiate with Neenah Foundry for the purchase Neenah Foundry materials.

Fiscal Note: These negotiations will be done on an as-needed basis.

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

Council Action

A motion was made by Alderman Sandy Weidner, seconded by Alderman Raymond DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

Public Safety and Licensing Committee Report, by Ald. Holding

[13-8628](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting formal bidding be waived and the Purchasing Agent be authorized to negotiate with Absolute Mechanical & Plumbing, LLC for a 3 year mechanical service contract, beginning May 2013 & ending November 2016 for the Laurel Clark Fountain. (Res. No. 13-0153)

Recommendation of the Public Safety & Licensing Committee on 2-25-13: That the requesting formal bidding be waived and the Purchasing Agent be authorized to negotiate with Absolute Mechanical & Plumbing, LLC for a 3 year mechanical service contract, beginning May 2013 & ending November 2016 for the Laurel Clark Fountain be deferred.

Recommendation of the Public Safety & Licensing Committee on 3-25-13: That formal bidding be waived and the Purchasing Agent be authorized to negotiate with Absolute Mechanical & Plumbing, LLC for a 3 year mechanical service contract, beginning May 2013 & ending November 2016 for the Laurel Clark Fountain be approved.

Fiscal Note: Funds are available in account 101-700-5630, Major Maintenance Replacement - Parks.

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

[13-8702](#)

Subject: (New) Application of Marina's, Marina Vela, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 309 Main Street. (1st District)

Recommendation of the Public Safety & Licensing Committee on 3-25-13: That the **(New)** Application of Marina's, Marina Vela, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 309 Main Street be approved.

Fiscal Note: N/A

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

[13-8713](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Island Park, North Softball Diamond Lighting upgrades. (Res. No. 13-0154)

Recommendation of the Public Safety & Licensing Committee on 3-25-13: That the request for the Director of Parks, Recreation & Cultural Services to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Island Park, North Softball Diamond Lighting upgrades be approved.

Fiscal Note: Funds are available in account 993-710-5040, Replace Island Park North Ball Lights.

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

[13-8714](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Dr. M.L. King Community Center Gym Lighting upgrades. (Res. No. 13-0155)

Recommendation of the Public Safety & Licensing Committee on

3-25-13: That the request of the Director of Parks, Recreation & Cultural Services to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Dr. M.L. King Community Center Gym Lighting upgrades be approved.

Fiscal Note: Funds are available in account 993-660-5010, King LED Light Replacement.

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

13-8715

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to enter into a Professional Services Agreement with Mattes Architects & Designers, LLC., to provide architectural design and details for Mound Cemetery ADA Restroom Project. (Res. No. 13-0156)

Recommendation of the Public Safety & Licensing Committee on

3-25-13: That the request of the Director of Parks, Recreation & Cultural Services to enter into a Professional Services Agreement with Mattes Architects & Designers, LLC., to provide architectural design and details for Mound Cemetery ADA Restroom Project be approved.

Fiscal Note: Funds are available in account 207-993-5210, Mound Cemetery ADA Restroom.

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

13-8716

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to enter into a Professional Services Agreement with Mattes Architects & Designers, LLC., to provide architectural design and details for Graceland Cemetery Section 23 Cremation Area Project. (Res. No. 13-0157)

Recommendation of the Public Safety & Licensing Committee on

3-25-13: That the request of the Director of Parks, Recreation & Cultural Services to enter into a Professional Services Agreement with Mattes Architects & Designers, LLC., to provide architectural design and details for Graceland Cemetery Section 23 Cremation Area Project be approved.

Fiscal Note: Funds are available in account 207-993-5520.

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

13-8731

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting formal bidding be waived and the Purchasing Agent be authorized to negotiate with The Davey Tree Expert Company for GIS-Based Tree Inventory Services. (Res. No. 13-0158)

Recommendation of the Public Safety & Licensing Committee on 3-25-13: That the request from the Director of Parks, Recreation & Cultural Services requesting formal bidding be waived and the Purchasing Agent be authorized to negotiate with The Davey Tree Expert Company for GIS-Based Tree Inventory Services be approved.

Fiscal Note: Funds are available in account 786-020-5850, Urban Forestry Grant Program(\$25,000) and 992-700-5150 CIP Budget (\$45,000).

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

13-8752

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting bidding be waived to purchase a 2012 Case Farmall 94, 4wd Tractor with Cab, and to authorize the Purchasing Agent to negotiate with Otter Sales and Service. (Res. No. 13-0159)

Recommendation of the Public Safety & Licensing Committee on 3-25-13: That the request of the Director of Parks, Recreation & Cultural Services requesting bidding be waived to purchase a 2012 Case Farmall 94, 4wd Tractor with Cab, and to authorize the Purchasing Agent to negotiate with Otter Sales and Service be approved.

Fiscal Note: Funds are available in account 943-700-5030 Parks - JX95 Tractor Urban (\$62,000.00).

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

Council Action

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

AYES: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

Traffic Commission Report, by Ald. Weidner

13-8725

Subject: Communication from George Oates, President, Racine Curling Club (1914 Melvin Ave.), requesting the removal of two "No Parking" signs located on the south side of Melvin Avenue directly across from the Curling Club.

Recommendation of the Traffic Commission on 03-18-13: The request to remove the "No parking from 7:00 A.M. to 6:00 P.M. except on Saturdays, Sundays and holidays" be approved.

Fiscal Note: N/A

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

13-8758

Subject: In accordance with Section 2-95 of the Municipal Code of the General Ordinances of the City of Racine, recommends that the following requests for changes in traffic code be granted:

A. Recommends that Section 94-141 (6) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking from 7:00 A.M. to 6:00 P.M. except on Saturdays, Sundays and holidays" be amended:

By Deleting:

1. Melvin Avenue, south side, from 220 feet east of Mt. Pleasant Street east 220 feet.

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

Council Action

A motion was made by Alderman Sandy Weidner, seconded by Alderman Raymond DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

Transit and Parking Commission Report, by Ald. DeHahn13-8554

Subject: (Direct Referral) Communication from Sherry Trentadue-Forman (231 Wickham Blvd.) wishing to discuss additional bus stops at Menards, Wal-Mart and Goodwill.

Recommendation of the Transit and Parking Commission on 02-20-13: Defer

**Recommendation of the Transit and Parking Commission on
03-27-13: Receive and File.**

Fiscal Note: N/A

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

[13-8555](#)

Subject: (Direct Referral) Communication from Mary Newbold wishing to discuss reduced fare BUS policy.

**Recommendation of the Transit and Parking Commission on
02-20-13: Defer**

**Recommendation of the Transit and Parking Commission on
03-27-13: Receive and File.**

Fiscal Note: N/A

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

[13-8768](#)

Subject: Communication from the Transit and Parking System Manager wishing to review Parking Utility operation issues including: 1) Surface Lot #5 operational issue impacts, 2) Five minute grace period meter demonstration project and 3) Ramp equipment maintenance options.

**Recommendation of the Transit and Parking Commission on
03-27-13: Receive and File.**

Fiscal Note: N/A

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

[13-8769](#)

Subject: Communication from the Transit and Parking System Manager wishing to review Transit Utility operation issues including: 1) Disposal/sale of fourteen 1997 NOVA buses and related parts, 2) Review of Public Comments from the Transit Development Plan public outreach meetings, 3) Six month evaluation of Route 27 change, 4) Six month evaluation of UW/Parkside service, 5) BUS General Manager's February Operations Reports, and 6) Change of April and May Commission meeting dates.

**Recommendation of the Transit and Parking Commission on
03-27-13: Receive and File.**

Fiscal Note: N/A

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

[13-8770](#)

Subject: Communication from the Transit and Parking Commission Manager requesting to extend the existing BUS exterior advertising contract to allow for a smooth transition from existing parameters to revised parameters calling for potential limited "shrink-wraps" of the 10 oldest buses.

Recommendation of the Transit and Parking Commission on 03-27-13: Receive and File.

Fiscal Note: N/A

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

Council Action

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

AYES: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

City Plan Commission Report, by Ald. Wiser

[13-8790](#)

Subject: (Res.13-0138) Preliminary Resolution - Street Dedication for the Southwest Corner of State and Spring Street.

Recommendation of the City Plan Commission on 3-27-13: That the dedication is consistent with City plans and programs and that the resolution be adopted.

Fiscal Note: N/A

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

Housing Loan Board Report, by Ald. Wiser

[13-8549](#)

Subject: (Direct Referral) Request from the Director of City Development to transfer 2423 & 2429 Jacato Drive to Racine Community Outpost. (Res. No. 13-0160)

Recommendation of the Loan Board of Review on March 21, 2013: To approve dividing the lot at 2429 Jacato Drive (parcel no. 19223004) and transfer a part (as necessary) to the Community

Outpost house at 2437 Jacato Drive (parcel no. 19223005) to make it a conforming lot. The remaining part of 2429 and 2423 Jacato Drive will be joined into one lot and continue to be City property. Further recommends that the property retained by the City be leased for community gardens as an interim use.

Fiscal Note: Transferring and leasing the properties as recommended will reduce the cost of property maintenance (grass cutting, snow shoveling) to the City.

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

[13-8760](#)

Subject: Request from the Director of City Development to accept the proposal of Land Quest Realty, LLC to acquire 2036 Grand Avenue (an NSP-3 property). (Res. No. 13-0161)

Recommendation of the Loan Board of Review on March 21, 2013: to accept the proposal of Land Quest, LLC to purchase 2036 Grand Avenue for \$44,000 subject to the conditions in the City's request for proposals, and that the Mayor, City Clerk and Director of City Development be authorized to execute any documents necessary to complete the sale.

Fiscal Note: The property was acquired and rehabilitated through the NSP-3 program. The City will receive \$44,000 in proceeds, minus closing costs.

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

Council Action

A motion was made by Alderman Dennis Wiser , seconded by Alderman Raymond DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Fair, Shields, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

NON VOTING: 1 - Kaprelian-Becker

Committee of the Whole Report, by Ald. Kaplan.

[12-7248](#)

Subject: Ord. 6-13, relating to prohibiting weapons in the City of Racine and City of Racine municipal buildings. (Ord. 06-13)

Recommendation of the Committee of the Whole on 03-19-2013: that Ord. 6-13, as amended, be approved.

Fiscal Note: N/A

Alderman Kaplan requested that item 12-7248 be considered separately.

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

AYES: 9 - McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart and Weidner

NOES: 5 - Fair, Shields, DeHahn, Sarrazin and Hall

NON VOTING: 1 - Kaprelian-Becker

13-8695

Subject: Communication from Bryan D. Albrecht, President and CEO of Gateway Technical College wishing to discuss the referendum that will be on the April 2, 2013 ballot.

Recommendation of the Committee of the Whole on 03-19-2013:
the Item be received and filed.

Fiscal Note: N/A

Alderman Kaplan requested that item 13-8695 be considered separately.

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

AYES: 14 - Fair, Shields, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

NON VOTING: 1 - Kaprelian-Becker

G. Consent Agenda - Resolutions**Res.13-0130**

Razing and Removal of Commercial Structure at 1516 Washington Avenue

Resolved, that Change Orders No. 1 and No. 2 on Official Notice No. 18, Razing and Removal of Commercial Structure at 1516 Washington Avenue, Azarian Wrecking, contractor, is approved in the amount of \$26,144.16.

Fiscal Note: Funding to defray the cost of these change orders be appropriated from Account 101.370.5990, Boarding Up Buildings, and will be invoiced to the current property owner.

Sponsors: Sandy Weidner

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

Res.13-0146

Purchase of Manhole Covers

Resolved, that the request of the Purchasing Agent to waive formal bidding procedures is approved in accordance with State Statutes that allow for the waiving of public bids for the purpose of maintaining uniformity of equipment and services.

Further resolved, that the Purchasing Agent is authorized and directed to negotiate with Neenah Foundry for the purchase of Neenah Foundry materials.

Fiscal Note: These negotiations will be done on an as-needed basis.

Sponsors: Sandy Weidner

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

Res.13-0147

2013 CDBG Concrete Reconstruction

Resolved, that Contract 8-13 (K3-008), 2013 CDBG Concrete Reconstruction, is awarded to LaLonde Contractors, Inc., Milwaukee, WI, at their bid price of \$550,022.39, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$141,779.97 - Account 893.030.5540, CDBG Paving
\$320,342.42 - Account 993.908.5020, Concrete Pvmnt. Repl. Misc.
\$ 49,369.00 - Account 104.993.5420, Storm Sewers, Misc.
\$ 38,531.00 - Account 287.993.5310, Sanitary Sewers, Var. Loc.
\$550,022.39 - Total

Sponsors: Sandy Weidner

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

Res.13-0148

2013 Alley Paving Assessable, Phase I (R1)

Resolved, that Contract 14-13 (K3-014), 2013 Alley Paving Assessable, Phase I (R1), is awarded to LaLonde Contractors, Inc., Milwaukee, WI, at their bid price of \$422,289.79, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 59,046.00 - Account 104.993.5420, Storm Sewer, Misc. Loc. (2013)
\$ 19,156.00 - Account 287.993.5310, Sanitary Sewer, Var. Loc. (2013)

\$ 34,074.78 - Account 993.908.5030, Concrete Alley Paving (2013)
\$310,013.01 - Account 906.000.5030, Concrete Alley Paving (2013)
\$422,289.79 - Total

Sponsors: Sandy Weidner

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

Res.13-0149

Preliminary - Ten (10) Year
Benefits and Damages

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

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

All property fronting upon both sides:

SIDEWALK

Seventeenth Street between Indiana Street and Kentucky Street

2. Said public improvement shall consist of **PORTLAND CEMENT CONCRETE PAVING**.

3. The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall not be greater than the benefits accruing thereto from said improvements.

4. The assessments against any parcel may be paid in cash or in ten (10) annual installments.

5. The Commissioner of Public Works is directed to prepare a report consisting of:

a. Preliminary or final plans and specifications for said improvement.

b. An estimate of the entire cost of the proposed work or improvement.

c. An estimate, as to each parcel of property within the assessment district, of:

(1) The assessment of benefits to be levied.

(2) The damages to be awarded for property taken or damaged.

(3) The net amount of such benefits over damages or the net amount of such damages over benefits.

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

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

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

Fiscal Note: N/A

Sponsors: Sandy Weidner

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

Res.13-0150

Amendment No. 1 to Contract 2-13 (K3-002), IS Server Room AC Upgrade

Resolved, that Amendment No. 1 to Contract 2-13 (K3-002), Professional Services - IS Server Room AC Upgrade, Harwood Engineering Consultants, Ltd., consultant, as submitted, is approved in the not-to-exceed amount of \$1,500.00.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 993.100.5030, City Hall-IS Server Room AC Update.

Sponsors: Sandy Weidner

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

Res.13-0151

Contract 27-13 (K3-028), Professional Services - Safety Building Parking Deck Repairs

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a professional services agreement with Arnold & O'Sheridan, Inc. for Contract 27-13 (K3-028), Professional Services - Safety Building Parking Deck Repairs, in the not-to-exceed amount of \$6,000.00.

Fiscal Note: Funds to defray the cost of these professional services be appropriated from Account 993.210.5010, Safety Building-Structural Leak Repairs.

Sponsors: Sandy Weidner

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

Res.13-0142

Funds for VISTA Volunteers from the Intergovernmental Revenue Sharing Funds for the Launch Box Initiative and the Department of City Development, and the Sustainable Edible Economic Development Initiative

Resolved, that the Authority supports the use of \$22,000.00 from the Intergovernmental Sewer Revenue Sharing fund for matching funds for VISTA volunteers for business development programs.

Further resolved, that the Mayor and City Clerk are authorized and directed to enter into the agreement with the University of Wisconsin-Parkside for two VISTA volunteers to help staff economic development efforts.

Fiscal Note: The City has the opportunity to again obtain two VISTA volunteers. The volunteers would be utilized to support activities related to economic development initiatives. During this grant cycle, activities of the Launch Box business development initiative, the Department of City Development, and Sustainable Edible Economic Development (SEED) would be assisted. The VISTA program requires a local match/stipend of \$11,000.00 per volunteer. Funds are available in the Intergovernmental Revenue Sharing (919) Account.

Sponsors: Q.A. Shakoor, II

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

Res.13-0143

Termination of Tax Incremental District No. 6 (Main - Lake)

Resolved, that permission is granted to close Tax Incremental District No. 6 (Main - Lake). That the Mayor and City Clerk are authorized and directed to submit the necessary forms and reports to the Wisconsin Department of Revenue.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

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

Res.13-0144 Termination of Tax Incremental District No. 7 (Gaslight Drive)

Resolved, that permission is granted to close Tax Incremental District No. 7 (Gaslight Drive). That the Mayor and City Clerk are authorized and directed to submit the necessary forms and reports to the Wisconsin Department of Revenue.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

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

Res.13-0145 Wal-Mart Foundation's Local Community Contribution / Hunger Outreach Grant Program

Resolved, that permission is granted for the Director of Parks, Recreation & Cultural Services to apply and accept the Wal-Mart Foundation's Local Community Contribution / Hunger Outreach Grant Program in the amount of \$2,500.00 for Back to School fest. (Grant Control #2013-009)

Fiscal Note: There is no City match required.

Sponsors: Q.A. Shakoor, II

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

Res.13-0153 Laurel Clark Fountain Mechanical Service Contract

Resolved, that formal bidding is waived and the Purchasing Agent is authorized to negotiate with Absolute Mechanical & Plumbing, LLC for a 3 year mechanical service contract, beginning May 2013 & ending November 2016 for the Laurel Clark Fountain is approved.

Fiscal Note: Funds are available in account 101-700-5630, Major Maintenance Replacement - Parks.

Sponsors: Gregory Holding

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

Res.13-0154 Island Park, North Softball Diamond Lighting Upgrades

Resolved, that the request for the Director of Parks, Recreation & Cultural Services to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Island Park, North Softball Diamond

Lighting upgrades is approved.

Fiscal Note: Funds are available in account 993-710-5040, Replace Island Park North Ball Lights.

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

Res.13-0155

Dr. M.L. King Community Center Gym Lighting Upgrades

Resolved, that the request of the Director of Parks, Recreation & Cultural Services to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Dr. M.L. King Community Center Gym Lighting upgrades is approved.

Fiscal Note: Funds are available in account 993-660-5010, King LED Light Replacement.

Sponsors: Gregory Holding

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

Res.13-0156

Mound Cemetery ADA Restroom Project

Resolved, that the request of the Director of Parks, Recreation & Cultural Services to enter into a Professional Services Agreement with Mattes Architects & Designers, LLC., to provide architectural design and details for Mound Cemetery ADA Restroom Project is approved.

Fiscal Note: Funds are available in account 207-993-5210, Mound Cemetery ADA Restroom.

Sponsors: Gregory Holding

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

Res.13-0157

Graceland Cemetery Section 23 Cremation Area Project

Resolved, that the request of the Director of Parks, Recreation & Cultural Services to enter into a Professional Services Agreement with Mattes Architects & Designers, LLC., to provide architectural design and details for Graceland Cemetery Section 23 Cremation Area Project is approved.

Fiscal Note: Funds are available in account 207-993-5520.

Sponsors: Gregory Holding

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

APPROVED.**Res.13-0158**

GIS-Based Tree Inventory Services

Resolved, that the request from the Director of Parks, Recreation & Cultural Services requesting formal bidding be waived and the Purchasing Agent be authorized to negotiate with The Davey Tree Expert Company for GIS-Based Tree Inventory Services is approved.

Fiscal Note: Funds are available in account 786-020-5850, Urban Forestry Grant Program (\$25,000.00) and 992-700-5150 CIP Budget (\$45,000.00).

Sponsors: Gregory Holding

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

Res.13-0159

2012 Case Farmall 94 Tractor

Resolved, that the request of the Director of Parks, Recreation & Cultural Services requesting bidding be waived to purchase a 2012 Case Farmall 94, 4wd tractor with cab, and to authorize the Purchasing Agent to negotiate with Otter Sales and Service is approved.

Fiscal Note: Funds are available in account 943-700-5030 Parks - JX95 Tractor Urban (\$62,000.00).

Sponsors: Gregory Holding

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

Res.13-0160

Transfer 2423 & 2429 Jacato Drive to Racine Community Outpost

Resolved, that it is approved to divide the lot at 2429 Jacato Drive (Parcel No. 19223004) and transfer a part (as necessary) to the Community Outpost house at 2437 Jacato Drive (Parcel No. 19223005) to make it a conforming lot. The remaining part of 2429 and 2423 Jacato Drive will be joined into one lot and continue to be City property.

Further resolved, that the property retained by the City be leased for community gardens as an interim use.

Fiscal Note: Transferring and leasing the properties as recommended will reduce the cost of property maintenance (grass cutting, snow shoveling) to the City.

Sponsors: Dennis Wiser

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

Res.13-0161

Acquire 2036 Grand Avenue

Resolved, that the proposal of Land Quest, LLC to purchase 2036 Grand Avenue (an NSP-3 property) for \$44,000.00 subject to the conditions in the City's request for proposals is approved; and the Mayor, City Clerk and Director of City Development are authorized to execute any documents necessary to complete the sale.

Fiscal Note: The property was acquired and rehabilitated through the NSP-3 program. The City will receive \$44,000.00 in proceeds, minus closing costs.

Sponsors: Dennis Wiser

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

Council Action

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

AYES: 14 - Fair, Shields, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

NON VOTING: 1 - Kaprelian-Becker

H. Resolutions

Res.13-0152

FINAL RESOLUTION - STREET PAVING

Final - Ten (10) Year
Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 26th day of March, 2013 for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

PORTLAND CEMENT CONCRETE PAVING

DeKoven Avenue - Clark Street to Holborn Street
Foxwood Road - City Limits (E) to City Limits (W)
Kentucky Street - Taylor Avenue to the Cul-de-sac (N)

Monarch Drive - Emstan Hills Road to Biscayne Avenue
Monarch Drive - Maryland Avenue to Regal Court
Oakwood Drive - Maryland Avenue to Kings Circle
Oakwood Drive - Kings Circle to Emstan Hills Road
Princess Place - Admiralty Avenue to Biscayne Avenue

CURB & GUTTER

Monarch Drive - Emstan Hills Road to Biscayne Avenue
Monarch Drive - Maryland Avenue to Regal Court
Oakwood Drive - Maryland Avenue to Kings Circle
Oakwood Drive - Kings Circle to Emstan Hills Road
Princess Place - Admiralty Avenue to Biscayne Avenue

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

1. That the report of the Commissioner of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.
2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner of Public Works.
3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.
4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.
5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.
6. That the assessments may be paid in cash or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per annum.

7. The City Clerk is directed to publish this resolution in the official newspaper of the City of Racine as a Class I notice in the assessment district.

8. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll, whose post office address is known or can with reasonable diligence be ascertained.

Dated

Signed

Mayor

Published

Attest

Sponsors: Sandy Weidner

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

I. Ordinances

[Ord.07-13](#)

Ordinance 07-13

An ordinance creating Chapter 3, Sections 3.1 - 3.9, of the general ordinances of the City of Racine, Racine County, Wisconsin relating to sexual offender residency restrictions.

WHEREAS, the Wisconsin State Statutes provide for the punishment, treatment and supervision of persons convicted or otherwise responsible for sex crimes against children, including their release into the community; and

WHEREAS, Chapter 980 of the Wisconsin Statutes provides for the civil commitment of sexually violent persons, a more dangerous type of sex offender, and specifically, at Sec. 980.08, Stats., following such commitment, under certain conditions, provides for the supervised release of such persons into the community; and

WHEREAS, the City of Racine Common Council places a high priority on maintaining public safety through highly skilled and trained law enforcement as well as dependency upon laws that deter and punish criminal behavior; and

WHEREAS, the Common Council having considered the community's responsibility to provide residency for sexual offenders, but also restrictions on that residence to further protect children, and upon all of the records, files, reports and proceedings pertaining to the subject matter, and all of the prior actions and experience of the City of Racine in protecting the community from sexually violent persons, finds this ordinance will serve to protect the health, safety and welfare of the community.

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

Part 1: Chapter 3, Sections 3.1 - 3.12 of the City of Racine ordinances relating to Residency Restrictions for Sexual Offenders is hereby created to read as follows:

"Section 3.1. - Sexual offender residency restrictions.

(1) Finding and intent.

(a) Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to public safety. Sexual offenders are likely to use physical violence; and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. Thus, the cost of sexual offenders to society at large is difficult to calculate.

(b) It is the intent of this ordinance not to impose a criminal penalty, but instead to serve the City's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by creating areas around the locations where children regularly congregate in concentrated numbers wherein certain sex offenders and sex predators are prohibited from entering or residing.

(2) **Definitions.** The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(a) "Child" or "Children" means person(s) under the age of eighteen (18) years for purposes of this ordinance.

(b) "Designated Offender" means any person who is or was required to register under Section 301.45, Wisconsin Statutes, for any sexual offense against a child, or any person who is or was required to

register under Section 301.45, Wisconsin Statutes, and who has been designated a Special Bulletin (SBN) sex offender pursuant to Sections 301.46(2) and (2m), Wisconsin Statutes.

(c) "Minor" means a person under the age of seventeen (17) years.

(d) "Permanent Residence" means a place where the Designated Offender lodges or resides for fourteen (14) or more consecutive days.

(e) "Temporary Residence" means either: (1) a place where the person abides, lodges or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address; or, (b) a place where the person routinely abides, lodges or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's Permanent Residence.

Section 3.2. - Prohibited location of residence for designated sex offenders.

(1) **Child Safety Zones.** No designated sex offender shall establish a permanent residence or temporary residence on property that is within 1,000 feet of real property consisting of any of the following:

(a) A "public school" as defined by Wis. Stat. § 115.01(1); a "private school" as defined by Wis. Stat. § 115.001(3); a "charter school" as defined by Wis. Stat. § 115.001(1); a "specialty school," meaning any specialized school for children, including, but not limited to, a gymnastics academy, dance academy, or music school.

(b) A "day care center" means a facility that has been licensed under Wis. Stat. § 48.65 to provide care and supervision of children and includes "before-and-after-school daycare," which has the meaning as defined by Wis. Stat. § 120.125(1).

(c) A "library" means any library that is held open for use by the public where such library includes a collection of material specifically intended for use by children.

(d) A "park" means any area held open for use by the public for active or passive leisure purposes, including, but not limited to, any park, recreation area or beach.

(e) A "playground" means any public outdoor area set aside for recreation and play and includes any area with playground equipment including, but not limited to, swings, slides, sandboxes, seesaws, and

any area where athletics may be played and is public property.

(f) "House of Worship" means a church, synagogue, mosque, temple or any other building where congregations gather for prayer.

(g) "Swimming pool" means any swimming pool, wading pool, or other aquatic facility held open for use by the public.

(2) **Original Domicile Restriction.** *In addition to and not the exclusion or prejudice of the foregoing,* no designated sex offender shall be permitted to reside in the City of Racine unless the person was domiciled in the City of Racine at the time of the offense resulting in the person's most recent conviction or a designated sex offender crime.

(3) **Distances.** For purposes of this section, distances shall be measured from the closest boundary line of the real property supporting the residence of a person to the closest real property boundary lien of the applicable above enumerated use(s). A map depicting the above-enumerated uses and the resulting residency restriction distances, as amended from time-to-time, is on file at the Office of the City Clerk for public inspection pursuant to Section 3.6 of this ordinance.

(4) **Exceptions.** A designated sex offender residing within a prohibited area as described in Section 3.2(1) or 3.2(2) does not commit a violation of Section 3.2 if any of the following apply:

(a) The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wisconsin Statute § 301.45 before the effective date of this Ordinance.

(b) The person was a minor at the time of the offense and is not required to register under Wisconsin Statute § 301.45 or § 301.46.

(c) The applicable use described in Section 3.2(1) began after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wisconsin Statutes § 301.45.

(d) The residence is also the primary residence of the designated sex offender's parents, grandparents, siblings, spouse or child(ren), provided that such person established the residence at least one (1) year before the designated sex offender established residence at the location.

(5) This ordinance is not intended to limit any persons from exercising their right to assemble or engage in any other constitutionally protected activity. The ordinance only applies to individuals with the requisite intent to induce or lure a child away from a child's location within a child safety zone.

Section 3.3. - Child Safety Zones.

No designated sex offender shall enter, loiter or otherwise be present upon any real property designated as a child safety zone.

Section 3.4. - Child Safety Zone Exceptions.

A person does not commit a violation of Sec. 3.3 and the enumerated uses may allow such person on the property supporting such use if any of the following apply:

(1) The property supporting an enumerated use under Section 3.2 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:

(a) Entrance and presence upon the property occurs only during hours of worship or other religious program / services as posted to the public; and

(b) Written advance notice is made from the person to an individual in charge of the property and approval from an individual in charge of the property as designated by the property is made in return, of the attendance by the person; and

(c) The person shall not participate in any religious education programs which include individuals under the age of 18.

(2) The property supporting an enumerated use under Section 3.2 also supports a use lawfully attended by a person's natural or adopted child(ren), which child's use reasonably requires the attendance of the person as the child's parent upon the property, subject to the following conditions:

(a) Entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public; and

(b) Written advance notice is made from the person to an individual in charge of the use upon the property, and approval from an individual in charge of the use upon the property as designated by the owner of

the use upon the property is made in return, of the attendance by the person; and

(3) The property surrounding an enumerated use under Section 3.2 also supports a polling location in a local, state or federal election, subject to the following conditions:

(a) The person is eligible to vote;

(b) The designated polling place for the person is an enumerated use; and

(c) The person enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and the designated sex offender vacates the property immediately after voting; and

(4) The attendance is authorized by the designated sex offender's conditions of supervision, if on parole.

Section 3.5. - Other prohibited activity.

It is unlawful for any designated sex offender to participate in a holiday event in the City of Racine involving one or more child by means of: distributing candy or other items to such child or children on Halloween; wearing a Santa Claus costume on, or during any of the thirty days preceding Christmas; wearing an Easter Bunny costume on or during any of the thirty days preceding Easter; or by engaging in any other similar type(s) of activity that may, under the circumstances then present, tend to entice a child to have contact with a designated sex offender. Holiday events in which the designated sex offender is the parent or legal guardian of the child or children involved, and no other children are present, are exempt from this paragraph.

Section 3.6. - Child safety zone map.

The City Clerk shall maintain an official map showing locations identified in 3.2(1) of this ordinance. The City Clerk shall cause such map to be updated at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as "child safety zones." The map is to be displayed in the office of the City Clerk in the event of a conflict, the written terms of this ordinance shall control.

Section 3.7. - Penalties.

(1) Any violation of this section shall be subject to a forfeiture not exceeding \$1,000.00. Each day of each violation shall constitute a separate offense.

(2) Violation of this ordinance shall constitute a public nuisance, which, in addition to monetary forfeitures shall be subject to action by the City to abate and enjoin such nuisance.

Section 3.8. - Injunctive relief.

If a person violates any provision of this section listed above, without any exception(s) as also set forth above, the City Attorney, upon referral from the Chief of Police and the written determination by the Chief of Police that upon all of the facts and circumstances and the purpose of this section, such residence occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others, shall bring an action in the name of the City in the Circuit Court for Racine County to permanently enjoin such residence as a public nuisance.

Section 3.9. - Property owners prohibited from renting real property to sexual offenders.

It is unlawful to let or rent any place, structure or part thereof, manufactured home, trailer, or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this ordinance, if such place, structure or part thereof, manufactured home, trailer, or other conveyance, is located within 2,000 feet of any prohibited locations.

Section 3.10. - Notification.

Consistent with State requirements, the State agency working with the sex offender must notify the Alderman of the District and the Racine Police Chief a minimum of fourteen (14) days prior to establishing either a permanent residence or temporary residence within the City of Racine.

Section 3.11. - Appeal of designated offender status.

(1) Request for exception to restrictions under subsections 3.2 and 3.3.

(a) The 1,000 foot residence requirements set forth above may be waived or modified upon approval of the Public Safety and Licensing Committee (PS&L Committee) through appeal by the State or the affected party. Such appeal shall be made in writing to the City Clerk's office, who shall forward the request to the Common Council for referral to the PS&L Committee, which shall receive reports from the Racine Police Department on such appeal.

(b) The PS&L Committee shall convene within 15 days of the clerk-treasurer's receipt of the request for exemption.

The PS&L Committee shall consider the public interest as well as the affected party's presentation and concerns. In making its determination under this provision, the appeal board may consider any or all of the following factors that may be applicable in the particular request:

i. The circumstances of the case(s) that have led to the designated offender status including:

- a. Relationship of offender and victim.
- b. Presence of use of force
- c. Presence of enticement.
- d. Proximity in time.
- e. Time out of incarceration.

ii. Credibility of offender.

iii. Remorse.

iv. Proximity of proposed residence to a child safety zone under subsection 3.2(1).

v. Support network of offender.

vi. Counseling and treatment.

(2) **Decision of PS&L Committee.** After deliberation, the PS&L Committee shall issue its decision in writing and forward the same to the police department for their information and action. A written copy of the decision shall be provided to the affected party. The decision of the PS&L Committee shall be final.

3.12. - Severability.

The provisions of any part of this chapter are severable. If any

provisions or subsection hereof or the application thereof to any person or circumstances, is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this chapter that the same would have been adopted had such invalid provisions, if any, not been included herein.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Molly Hall

Referred to Public Safety and Licensing Committee

[13-8800](#)

Subject: REPORT OF THE SPRING ELECTION HELD ON 4-2-2013

STATE OF WISCONSIN)
) SS
COUNTY OF RACINE)

Resolved, that the following named persons be and they are hereby declared elected to the office of Alderperson for the City of Racine for the ensuing term of two years.

- JEFF COE FIRST DISTRICT
MICHAEL SHIELDS THIRD DISTRICT
MELISSA KAPRELIAN-BECKER FIFTH DISTRICT
RAYMOND DEHAHN SEVENTH DISTRICT
TERRY MCCARTHY NINTH DISTRICT
GREG HELDING ELEVENTH DISTRICT
JIM MORGENROTH THIRTEENTH DISTRICT
EDWARD E. DIEHL FIFTEENTH DISTRICT

Resolved, that the following named person be and they are hereby

declared elected to the office of Alderperson for the City of Racine for the ensuing term of one year.

HENRY PEREZ TWELFTH DISTRICT

CITY REFERENDUM

Yes -1737 NO - 5745

THESE ARE UNOFFICIAL RESULTS - SEE ATTACHED LIST TO LEGISTAR FILE FOR BREAKDOWN BY DISTRICT AND WARD

Dated this 3rd day of April, 2013

Janice M. Johnson-Martin
CITY CLERK

Received and Filed as Reported

J. Adjourn

The meeting was adjourned at 8:50p.m. by Alderman Shakoor. The next scheduled meeting of the Council is Monday, April 15, 2013.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK