



City of Racine

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

Meeting Minutes - Final Common Council

*Mayor John T. Dickert, President, Alderman Terry McCarthy
Alderman Dennis Wiser, Alderman Jim Kaplan
Alderman Q.A. Shakoor, II, Alderman Ronald D. Hart,
Alderman Sandy Weidner
Alderman Krystyna Sarrazin, Alderman Jeff Coe, Alderman
Michael Shields
Alderman Melissa Kaprelian-Becker, Alderman Raymond
DeHahn,
Alderman Gregory Holding, Alderman James Morgenroth
Alderman Edward E. Diehl, Alderman Henry Perez*

Tuesday, February 18, 2014

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, Wiser, Holding, Perez, Morgenroth, Hart and Diehl
EXCUSED: 1 - McCarthy

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 Shakoor.

D. Public Comments

*Sue Dekeuster
James Carlini*

E. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[14-9770](#)

Subject: Communication from the Police Chief, requesting to apply for and accept the Wisconsin DOT 2014 Bicycle Safety Enforcement Grant (grant control # 2014-007).

Referred to Finance and Personnel Committee

[14-9771](#)

Subject: Communication from the Police Chief, requesting to apply for and accept the Wisconsin DOT 2014 Pedestrian Enforcement

Grant (grant control # 2014-008).

Referred to Finance and Personnel Committee

[14-9801](#)

Subject: communication from the City Attorney submitting the claim of Sears Holding Corporation for 2013 Real Estate Taxes.

Referred to Finance and Personnel Committee

[14-9816](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for \$18,000.00 in grant funds from the Racine Dominican Mission Fund to support the Performing Arts Program at the Dr. John Bryant Community Center.

Referred to Finance and Personnel Committee

[14-9820](#)

Subject: Communication from the Purchasing Agent requesting to be authorized to contract with Miller & Associates for Official Notice #1, Supply of Play Equipment for the City of Racine Department of Parks, Recreation and Cultural Services Department.

Referred to Finance and Personnel Committee

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

[14-9775](#)

Subject: Communication from Racine Neighborhood Watch requesting to use the City Hall Annex parking lot for its plant sale fundraiser pickup on Saturday, May 17, 2014, from 5:00 A.M. to 3:00 P.M.

Referred to Public Works and Services Committee

[14-9817](#)

Subject: Communication from the Purchasing Agent submitting bid results for Official Notice #2, purchase of pre-cast concrete planks for boat launch improvements.

Referred to Public Works and Services Committee

Refer to Community Development Committee, by Ald. Shakoor

[14-9811](#)

Subject: Communication from the Director of City Development requesting approval of a revision to the 2014 Annual Housing and Community Development Action Plan.

Referred to Community Development Committee

Refer to Housing Loan Board, by Ald. Wiser

[14-9802](#)

Subject: Communication from the Director of City Development, requesting authorization to acquire the deteriorated residential property at 1116 Villa Street, and to authorize the Mayor, City Clerk,

and Director of City Development to execute any documents necessary to complete the acquisition.

Referred to Elderly Housing Authority

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

[14-9815](#)

Subject: Communication from Alderman Terry McCarthy to revise and amend Chapter 102 - Vegetation, Article II.-Trees, Division 4. Nuisances. (Ord. 04-14)

Referred to Board of Park, Recreation and Cultural Services

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor

[13-9101](#)

Subject: Communication from the Aldermen of the 9th and 11th Districts requesting that staff develop a cafeteria benefits plan including vacation and sick time, providing flexibility to employees and cost certainty to the City, for review by the Finance and Personnel Committee by March 2014 with implementation in the Employee Handbook and all contracts effective January 1, 2015.

Recommendation of the Finance & Personnel Committee on 2-10-14: To receive and file the item.

Fiscal Note: N/A

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

[14-9743](#)

Subject: Amendment to Household Hazardous Waste (HHW) Agreements (Res. No. 14-0065)

Recommendation of the Wastewater Commission on 1/28/14: That Mayor Dickert and the City Clerk be authorized to sign amendments to the Household Hazardous Waste Agreement with participating communities.

Recommendation of the Finance & Personnel Committee on 2-10-14: To authorize Mayor Dickert and the City Clerk to sign amendments to the Household Hazardous Waste Agreement with

participating communities.

Fiscal Note: N/A

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

14-9748

Subject: Communication from the Director of Parks, Recreation & Cultural Services, requesting to extend the agreement with Tuesday Optimist to provide food and beverage concession service to the public at various City park locations. (Res. No. 14-0066)

Recommendation of the Finance & Personnel Committee on 2-10-14: To authorize the Director of Parks, Recreation & Cultural Services, to extend the agreement with Tuesday Optimist to provide food and beverage concession service to the public at various City park locations.

Fiscal Note: N/A

Alderman Diehl requested separate consideration for this item. There were no objections. A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 13 - Coe, Sarrazin, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

ABSTENTIONS: 1 - Shields

14-9749

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to apply for and accept \$2,500.00 in grant funds from SC Johnson to support the GED program. (Res. No. 14-0067)

Recommendation of the Finance & Personnel Committee on 2-10-14: To authorize the Director of Parks, Recreation & Cultural Services, permission to apply for and accept \$2,500.00 in grant funds from SC Johnson to support the GED program.

Fiscal Note: N/A

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

14-9762

Subject: Communication submitting the claim of Racine Joint Venture II LLC, based on the alleged excessive 2013 real estate assessment and taxes for properties located at 5502 and 5700 Durand Avenue, for consideration.

Recommendation of the Finance & Personnel Committee on

2-10-14: The claim of Racine Joint Venture II LLC, based on the alleged excessive 2013 real estate assessment and taxes for properties 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.

[14-9766](#)

Subject: (Direct Referral) Review of the 2014 Brownfields Services Contract for the Racine County Economic Development Corporation (RCEDC). (Res. No. 14-0064)

Recommendation of the Redevelopment Authority on 2-4-14: That the Authority supports the use of \$66,650.00 from the Intergovernmental Revenue Sharing Fund for the renewal of the RCEDC brownfields initiative contract for 2014.

Further, that the Mayor and City Clerk be authorized and directed to enter into the agreement with RCEDC.

Fiscal Note: The funds are available in the city's 2014 capital budget under account 919.000.5611.

Recommendation of the Finance & Personnel Committee on 2-10-14: To authorize the Mayor and City Clerk to enter into the agreement with RCEDC.

Fiscal Note: The funds are available in the city's 2014 capital budget under account 919.000.5611.

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

[14-9767](#)

Subject: (Direct Referral) Review of the 2014 Launch Box Contract for the Racine County Economic Development Corporation (RCEDC). (Res. No. 14-0063)

Recommendation of the Redevelopment Authority on 2-3-14: That the Authority supports the use of \$99,930.00 from the Intergovernmental Revenue Sharing Fund for the Launch Box small business development initiative contract for 2014.

Further, that the Mayor and City Clerk be authorized and directed to enter into the agreement with Gateway Technical College.

Fiscal Note: Total cost is \$113,930.00. City's contribution is \$99,930.00 and funds are available in the City's 2014 capital budget under account 919.000.5612. Outside grant funds to Gateway total \$14,000.00 from Racine County.

Recommendation of the Finance & Personnel Committee on

2-10-14: To authorize the Mayor and City Clerk to enter into the agreement with Gateway Technical College for the Launch Box small business development initiative contract for 2014.

Fiscal Note: City's contribution is \$99,930.00 and funds are available in the City's 2014 capital budget under account 919.000.5612.

Alderman Diehl requested separate consideration for this item. There were no objections. A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

[14-9768](#)

Subject: Communication from the City Attorney submitting the claim of Mary Strong for consideration.

Recommendation of the Finance & Personnel Committee on

2-10-14: The claim of Mary Strong for alleged damages to her door arising from the execution of a search warrant at her residence on or about December 4, 2013, be denied.

Fiscal Note: N/A

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

[14-9781](#)

Subject: (Direct Referral) Communication from the Executive Director of the Racine County Economic Development Corporation (RCEDC) requesting approval of the 2014 general contract for economic development services. (Res. No. 14-0062)

Recommendation of the Finance & Personnel Committee on

2-10-14: To approve the 2014 general contract for economic development services with an amendment outlining goals for 2014.

Fiscal Note: \$69,000 is budgeted in 2014 in account 101.150.5630, Economic Development, to fund the contract.

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

Council Action

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

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

Public Works and Services Committee Report, by Ald. Weidner

14-9718

Subject: Communication from the Alderman of the 14th District, on behalf of Mike Sacotte (414 Luedtke Ave.), wishing to discuss problems with the City's alternate side parking ordinance.

Recommendation of the Public Works and Services Committee on 01-28-14: Defer

Recommendation of the Public Works and Services Committee on 02-11-14: Receive and file.

Fiscal Note: N/A

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

14-9773

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 38-13 (K3-043), Parking Lot Resurfacing, Parking Lot Maintenance, Inc., contractor. (Res. No. 14-0070)

Recommendation of the Public Works and Services Committee on 02-11-14: That Change Order No. 1 on Contract 38-13 (K3-043), Parking Lot Resurfacing, Parking Lot Maintenance, Inc., contractor, be approved in the amount of \$3,150.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 993.404.5020, Hampden Place - Resurface Lot.

Fiscal Note: Funds are available as herein delineated.

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

14-9774

Subject: (Direct Referral) Communication from the Commissioner of Public Works, submitting a request for final payment on Contract 38-13 (K3-043), Parking Lot Resurfacing, Parking Lot Maintenance, Inc., contractor. (Res. No. 14-0071)

Recommendation of the Public Works and Services Committee

on 02-11-14: That the work done by Parking Lot maintenance, Inc., under Contract 38-13 (K3-043), Parking Lot Resurfacing, be accepted and final payment authorized for a total contract amount of \$119,450.00.

Fiscal Note: Contract was authorized under Resolution No. 13-9135, dated August 5, 2013.

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

14-9782

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 10-13 (K3-010), PS - 2013 Parking Lot Repairs - Parking System & Hampden Place, Industrial Roofing Services, Inc., consultant. (Res. No. 14-0072)

Recommendation of the Public Works and Services Committee

on 02-11-14: That the professional services provided by Industrial Roofing Services, Inc., under Contract 10-13 (K3-010), PS - 2013 Parking Lot Repairs - Parking System & Hampden Place, be accepted and final payment authorized for a total contract amount of \$14,700.00.

Fiscal Note: Contract was authorized under Resolution 13-0051, dated February 5, 2013.

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

14-9792

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 01-14 (K4-001), Chiller Replacement - City Hall (R1). (Res. No. 14-0068)

Recommendation of the Public Works and Services Committee

on 02-11-14: That Contract 01-14 (K4-001), Chiller Replacement - City Hall (R1), be awarded to Mared Mechanical Contractors Corp., Milwaukee, WI, at their bid price of \$340,580.00, they being the lowest responsible bidder.

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

\$ 79,220.00 - Account 993.220.5010, Central Heating Plant & Steam Pipes

\$261,360.00 - Account 994.100.5010, City Hall Chiller Replacement

\$340,580.00 - Total

Fiscal Note: Funds are available as herein delineated.

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

[14-9793](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 02-14 (K4-002), HVAC Renovations - Street Maintenance Garage (R1). (Res. No. 14-0069)

Recommendation of the Public Works and Services Committee on 02-11-14: That Contract 02-14 (K4-002), HVAC Renovations - Street Maintenance Garage (R1), be awarded to Southport Heating Plumbing Geothermal, Kenosha, WI, at their base bid price of \$214,000.00 and Alternate #1 price of \$14,900.00 for a total price of \$228,900.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 994.550.5010, St. Maintenance Garage Boiler and Air Handlers.

Fiscal Note: Funds are available as herein delineated.

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

[14-9794](#)

Subject: (Direct Referral) Communication from Geosyntec Consultants submitting Amendment No. 1 to the Monitoring Well Agreement with the City.

Recommendation of the Public Works and Services Committee on 02-11-14: 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 that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoore, II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

Public Safety and Licensing Committee Report, by Ald. Holding

[14-9750](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services and Board of Cemetery Commissioners requesting approval of Section 23 for sale of cremation graves at Graceland Cemetery. (Res. No. 14-0073)

Recommendation of the Public Safety and Licensing Committee on 02-11-14: The communication from the Director of Parks, Recreation & Cultural Services and Board of Cemetery Commissioners requesting approval of Section 23 for sale of cremation graves at Graceland Cemetery be approved.

Fiscal Note: N/A

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

[14-9765](#)

Subject: (New) Application of Break & Run Billiards, Gregory Bowen, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2037 Lathrop Avenue. (13th District)

Recommendation of the Public Safety and Licensing Committee on 02-11-14: The application of Break & Run Billiards, Gregory Bowen, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2037 Lathrop Avenue be approved.

Fiscal Note: N/A

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

[14-9783](#)

Subject: (Direct Referral) Communication requesting Change of Agent for Speedway LLC, 4620 Washington Avenue- Steven Hill, Agent, Class "A" Fermented Malt Beverage license (12th District).

Recommendation of the Public Safety and Licensing Committee on 02-11-14: The communication requesting Change of Agent for Speedway LLC, 4620 Washington Avenue- Steven Hill, Agent, Class "A" Fermented Malt Beverage license be approved.

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

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

Committee of the Whole Report, by Ald. Shakoor

13-8666

Subject: (Direct Referral) communication from the City Administrator presenting a status report on the Intergovernmental Revenue Sharing Fund.

Recommendation of the Committee of the Whole on 02-13-2014:
the Item be Received and Filed.

Fiscal Note: N/A

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

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

G. Consent Agenda Resolutions

Res.14-0062

2014 General Contract for Economic Development Services

Resolved, that the 2014 general contract for economic development services with an amendment outlining goals for 2014 is approved.

Fiscal Note: \$69,000 is budgeted in 2014 in account 101.150.5630, Economic Development, to fund the contract.

Sponsors: Q.A. Shakoor, II

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

Res.14-0063

2014 Launch Box Contract for the Racine County Economic Development Corporation (RCEDC)

Resolved, that the Authority supports the use of \$99,930.00 from the Intergovernmental Revenue Sharing Fund for the Launch Box small business development initiative contract for 2014.

Further resolved, that the Mayor and City Clerk are authorized and directed to enter into the agreement with Gateway Technical College for the Launch Box small business development initiative contract for 2014.

Fiscal Note: Total cost is \$113,930.00. City's contribution is \$99,930.00 and funds are available in the City's 2014 capital budget under account 919.000.5612. Outside grant funds to Gateway total

Sponsors: Q.A. Shakoor, II

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

Res.14-0064

2014 Brownfields Services Contract for the Racine County Economic Development Corporation (RCEDC)

Resolved, that the Authority supports the use of \$66,650.00 from the Intergovernmental Revenue Sharing Fund for the renewal of the RCEDC brownfields initiative contract for 2014.

Further resolved, that the Mayor and City Clerk are authorized and directed to enter into the agreement with RCEDC.

Fiscal Note: The funds are available in the City's 2014 capital budget under account 919.000.5611.

Sponsors: Q.A. Shakoor, II

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

Res.14-0065

Amendment to Household Hazardous Waste (HHW) Agreements

Resolved, that the Mayor and the City Clerk are authorized to sign amendments to the Household Hazardous Waste Agreement with participating communities.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

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

Res.14-0066

Tuesday Optimist Concession Service

Resolved, that the Director of Parks, Recreation & Cultural Services is authorized to extend the agreement with Tuesday Optimist to provide food and beverage concession service to the public at various City park locations.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

A requested was made for separate consideration on this item. There were no objections. A motion was made by Alderman Shakoor, seconded by Alderman DeHahn, that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 13 - Coe, Sarrazin, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

ABSTENTIONS: 1 - Shields

Res.14-0067

Grant Funds from SC Johnson to Support GED Program

Resolved, that the Director of Parks, Recreation & Cultural Services, is authorized to apply for and accept \$2,500.00 in grant funds from SC Johnson to support the GED program.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

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

Res.14-0068

Contract 01-14 (K4-001), Chiller Replacement - City Hall (R1)

Resolved, that Contract 01-14 (K4-001), Chiller Replacement - City Hall (R1), is awarded to Mared Mechanical Contractors Corp., Milwaukee, WI, at their bid price of \$340,580.00, they being the lowest responsible bidder.

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

\$ 79,220.00 - Account 993.220.5010, Central Heating Plant & Steam Pipes

\$261,360.00 - Account 994.100.5010, City Hall Chiller Replacement

\$340,580.00 - Total

Sponsors: Sandy Weidner

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

Res.14-0069

Contract 02-14 (K4-002), HVAC Renovations - Street Maintenance Garage (R1)

Resolved, that Contract 02-14 (K4-002), HVAC Renovations - Street Maintenance Garage (R1), is awarded to Southport Heating Plumbing Geothermal, Kenosha, WI, at their base bid price of \$214,000.00 and Alternate #1 price of \$14,900.00 for a total price of \$228,900.00, they

being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 994.550.5010, St. Maintenance Garage Boiler and Air Handlers.

Sponsors: Sandy Weidner

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

Res.14-0070

Change Order No. 1 to Contract 38-13 (K3-043), Parking Lot Resurfacing

Resolved, that Change Order No. 1 on Contract 38-13 (K3-043), Parking Lot Resurfacing, Parking Lot Maintenance, Inc., contractor, is approved in the amount of \$3,150.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 993.404.5020, Hampden Place - Resurface Lot.

Sponsors: Sandy Weidner

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

Res.14-0071

Final payment on Contract 38-13 (K3-043), Parking Lot Resurfacing

Resolved, that the work done by Parking Lot maintenance, Inc., under Contract 38-13 (K3-043), Parking Lot Resurfacing, is accepted and final payment authorized for a total contract amount of \$119,450.00.

Fiscal Note: Contract was authorized under Resolution No. 13-9135, dated August 5, 2013.

Sponsors: Sandy Weidner

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

Res.14-0072

Final payment on Contract 10-13 (K3-010), PS - 2013 Parking Lot Repairs - Parking System & Hampden Place

Resolved, that the professional services provided by Industrial Roofing Services, Inc., under Contract 10-13 (K3-010), PS - 2013 Parking Lot Repairs - Parking System & Hampden Place, are accepted and final payment authorized for a total contract amount of \$14,700.00.

Fiscal Note: Contract was authorized under Resolution 13-0051, dated February 5, 2013.

Sponsors: Sandy Weidner

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

Res.14-0073

Section 23 - Sale of Cremation Graves at Graceland Cemetery

Resolved, that Section 23 is approved for sale of cremation graves at Graceland Cemetery.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Council Action

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

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

Ordinance

Ord.04-14

Ordinance 04-14

To recreate and amend Chapter 102 - Vegetation, Article II.-Trees, Division 4. Nuisances in the Municipal Code of Racine, Wisconsin.

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

Part 1: To repeal and recreate Sec. 102.76. Dutch elm disease as follows:

“Sec. 102.76. Elm trees infected with dutch elm disease or oak trees infected with oak wilt disease or ash trees infested with emerald ash borer a nuisance.

(1) Public Nuisances Declared.

a. The Common Council of the City of Racine having determined that the health of the elm trees within the City of Racine is threatened by a fatal disease known as Dutch elm disease Ceratocystis Ulmi

(Buisman) hereby declares the following to be a public nuisance.

- i. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles *Scolytus mulistriatus* (Marsh.) or *Hylargophinus rufipes* (Eichh.).
 - ii. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.
- b. The Common Council of the City of Racine having determined that the health of oak trees within the City of Racine is threatened by a fatal disease known as oak wilt disease (*Ceratocystis fagacearum*) hereby declares the following to be a public nuisance:
- i. Any living or standing oak tree or part thereof infected with the oak wilt disease fungus.
 - ii. Any dead oak tree or part thereof, including logs, branches, stumps, firewood or other oak material from which the bark has not been removed.
- c. The Common Council of the City of Racine having determined that the health of the ash trees within the City of Racine is threatened by Emerald Ash Borer (*Agrilus planipennis*), an exotic wood boring beetle that only feeds on ash trees, hereby declares the following to be a public nuisance:
- i. Any living or standing ash tree or part thereof infected with or which harbors any of the beetles Emerald Ash Borer (*Agrilus planipennis*).
 - ii. Any Emerald Ash Borer infested dead ash tree or part thereof, including logs, branches, stumps, firewood or other ash material from which the bark has not been removed and burned.

Part 2: To amend Sec. 102-77. Abatement by adding the following sentence in section (a) *Notice* after the words "or his agent,":

"or if neither is known and there is a tenant or operator occupying said property then to such tenant or operator"

Part 3: To amend Sec. 102-77. Abatement by adding the following sentence at the end of the last sentence of section (a) *Notice*:

"The notice shall be mailed via first class mail address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching to the entrance of any dwelling, building or other structure on the premises."

Part 4: In Sec. 107-79. Dangerous trees, repeal all instances of the phrase “the board of parks, recreation and cultural services commissioners” and replace with “the City Forester.”

Part 5: To create the following section:

“Sec. 102-80. Interference with City Forester Prohibited.

No person, firm or corporation shall prevent, delay or interfere with the City Forester, or designee, or any of his/her agents or employees while they are engaged in the performance of duties imposed by this ordinance.”

Part 6: To create the following section:

“Sec. 102-81. Penalty.

Any person, firm or corporation violating any of the provisions of this ordinance shall upon conviction thereof be subject to a forfeiture of not more than five hundred dollars (\$500.00). Each day such violation continues shall be considered a separate offense.

Part 7: 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: Terry McCarthy

Alderman Sarrazin moved to refer this ordinance to the Board of Park, Recreation and Cultural Services. Alderman DeHahn seconded the motion. There were no objections.

H. Adjourn

The meeting was adjourned at 7:50 p.m. by Alderman Shakoor. The next scheduled meeting of the Council is March 4, 2014.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK