



City of Racine

Meeting Minutes - Final

Common Council

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

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

Tuesday, January 15, 2008

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

B. Pledge of Allegiance To The Flag

Mayor Becker 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 Ald. Spangenberg.

D. Public Comments

Mercedes Dzindzeleta

E. Public Hearings

[ZOrd.0010-07](#) An Ordinance

To adopt an addendum to the comprehensive plan of the City of Racine, Wisconsin titled *Artist Relocation Program* as an addendum to the *Uptown Improvement Plan* adopted under the authority Wis. Stat. §§62.23 and 66.1001, and by the City of Racine Common Council through adoption on May 3, 2005 of An Ordinance To Amend The City's Comprehensive Plan.

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

Part 1:

The addendum to the *Uptown Improvement Plan*, said addendum referred to as the *Artist Relocation Program*, as recommended for adoption by the city plan commission on November 28, 2007, is adopted as part of the comprehensive plan of the City of Racine and is added to the list of comprehensive plan reports maintained by the director of city development.

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

No one appeared.

His Honor, the Mayor, declared the public hearing closed

F. Communications

07-1591 **Subject:** Monthly Building Report December 2007.

Received and Filed

Refer to Finance and Personnel Committee, by Ald. Friedel

08-1606 **Subject:** Communication from the Asst. Commissioner of Public Works/Engineering requesting permission to accept \$5,000 from the Wisconsin Waterways Commission to be utilized for the installation of a boat pump-out station on the north side of the Root River, west of the Main Street Bridge.

Referred to Finance and Personnel Committee

08-1607 **Subject:** Communication from the Asst. Commissioner of Public Works/Engineering requesting permission to accept \$70,000 from the Wisconsin Waterways Commission to be utilized for the installation of a floating dock on the north side of the Root River, west of the Main Street Bridge and request the local match be increased from \$28,000 to \$70,000 in the 2008 budget year.

Referred to Finance and Personnel Committee

08-1610 **Subject:** The Fire Chief is requesting permission to accept an Office of Justice Assistance check for \$89,085.59 to close out OJA Grant HS-05-IC-0399 for Interoperability Communications.

Referred to Finance and Personnel Committee

08-1611 **Subject:** A communications from the Fire Chief requesting permission to accept \$2,552.41 from Kenosha County Emergency Management for reimbursement of expenses associated with the Full-Scale Terrorism Drill that was conducted on June 19th, 2007.

(Also refer to Public Safety and Licensing Committee)

Referred to Finance and Personnel Committee

Referred to Public Safety and Licensing Committee

08-1612 **Subject:** Communication from the Director of City Development for an Agreement with Racine County Economic Development Corporation for Commercial Corridor Services.

Referred to Finance and Personnel Committee

08-1613 **Subject:** The Fire Chief is requesting a Release from Liability for First Evangelical Lutheran Church, located at 728 Villa Street . The purpose of this release is to allow our firefighters to use a house for training purposes that the church owns. This house is located at 608 - 8th Street.

(Also refer to Public Safety and Licensing Committee)

Referred to Finance and Personnel Committee

Referred to Public Safety and Licensing Committee

08-1618 **Subject:** Communication from Chief of Police Wahlen, requesting to waive formal bidding for the purchase of additional Panasonic Toughbook Arbitrator in-squad video cameras.

Referred to Finance and Personnel Committee

08-1619 **Subject:** communication from the City Attorney submitting the claim of Kelvin Jackson for consideration.

Referred to Finance and Personnel Committee

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

08-1608 **Subject:** Communication from the Downtown Racine Corporation

requesting permission to use city right-of-way on Saturday, March 15, 2008, for a St. Patrick's Day Parade.

Referred to Public Works and Services Committee

[08-1609](#)

Subject: Communication from the Recreational Leadership Co., LLC, requesting permission to close the Christopher Columbus Causeway for the Racine Boat & RV Show on August 4-10, 2008.

Referred to Public Works and Services Committee

[08-1616](#)

Subject: Communication from Redline Tavern Corporation requesting to close North Wisconsin Street, between Hamilton and Hubbard, on July 19, 2008, for the 5th Annual "Cruz in for the Cause" benefit for the non-profit organization "SafeHaven of Racine".

Referred to Public Works and Services Committee

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

[08-1614](#)

Subject: Application of CEC Entertainment, Inc., Christopher S. Mrozek, Agent, for a Change of Agent for a Class "B" and "Class C" Wine license for 5612 Durand Avenue. (14th District)

Referred to Public Safety and Licensing Committee

[08-1617](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to enter in an agreement with David L. Hanson and Associates, Inc. to prepare plans and specifications to replace the softball lights at Island Park South Diamond.

Referred to Public Safety and Licensing Committee

Refer to Transit and Parking Commission, by Ald. DeHahn

[08-1601](#)

Subject: Communication from the Transit Planner submitting the November 2007 operating and financial report for the Belle Urban System.

Referred to Transit and Parking Commission

[08-1605](#)

Subject: Communication from the Transit Planner submitting the December 2007 operating and financial report for the Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service.

Referred to Transit and Parking Commission

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Friedel

07-1501

Subject: Communication from the Public Health Administrator requesting permission to apply for grant funds in the amount of \$29,563 from Wisconsin Coastal Management. (Grant Control #2007-052)

Recommendation of the Finance and Personnel Committee on

01-07-08: The item to 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.

07-1502

Subject: Communication from the Public Health Administrator requesting permission to accept funds in the amount of \$63,045 from the State of Wisconsin Department of Health and Family Services for the CDC Preparedness contract. (Grant Control #2007-050)

Recommendation of the Finance & Personnel Committee on

01-07-08: The Mayor and City Clerk be authorized and directed to enter into a \$63,045 agreement with the State of Wisconsin Department of Health and Family Services (Grant Control No. 2007-050) for the CDC Preparedness contract.

Fiscal Note: No match required on the part of the City.

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

07-1504

Subject: Communication from the Public Health Administrator requesting permission to accept funds in the amount of \$39,834 from Wisconsin Department of Health and Family Services for the Cities Readiness Initiative contract. (Grant Control #2007-051)

Recommendation of the Finance & Personnel Committee on

01-07-08: The Mayor and City Clerk be authorized and directed to enter into a \$39,834 agreement with the State of Wisconsin Department of Health and Family Services (Grant Control No. 2007-051) to be utilized for the Cities Readiness Initiative contract.

Fiscal Note: No match required on the part of the City.

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

07-1505

Subject: Communication from the Public Health Administrator requesting permission to accept funds in the amount of \$216,356 from Wisconsin Department of Health and Family Services for the Women, Infants and

Children Program. (Grant Control #2006-049)

Recommendation of the Finance & Personnel Committee on

01-07-08: The Mayor and City Clerk be authorized and directed to enter into an amended contract with the Department of Health and Family Services for the Division of Public Health Contract for the Women, Infants and Children Program (GAC #16359) (Grant Control No. 2006-049).

Fiscal Note: No match required on the part of the City.

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

[07-1536](#)

Subject: Communication from the City Attorney submitting the claim of Grace English Evangelical Lutheran Congregation for consideration.

Recommendation of the Finance & Personnel Committee on

01-07-08: The claim of Grace English Evangelical Lutheran Congregation for sanitary sewer wye connection failure adjacent to 1129 Monroe Ave. be settled in the amount of \$24,754.58.

Fiscal Note: There are sufficient funds available in Account 101.160.5910, Judgment and Claims for the settlement.

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

[07-1555](#)

Subject: Communication from the City Attorney submitting the claim of William Pier for consideration.

Recommendation of the Finance & Personnel Committee on

01-07-08: The claim of William Pier, of 4919 Beacon Lane, requesting a reimbursement of \$259.03 from the City of Racine for tire damaged by a pothole 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 Thomas Friedel to Adopt the Report. Adopted by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

[07-1556](#)

Subject: Communication from the City Attorney submitting the claim of

Clara Bridgeman for consideration.

Recommendation of the Finance & Personnel Committee on

01-07-08: The claim of Clara Bridgeman, of 1406 W. 6th Street #104, requesting a reimbursement of \$149,300 from the City of Racine for injuries and expenses arising from an accident involving a squad car be denied.

Fiscal Note: N/A

Ald. Shakoor requested that item 07-1556 be considered separately.

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

NOES: 1 - Shakoor II

Public Works and Services Committee Report, by Ald. Hart

07-1103

Subject: Communication from the Alderman of the 9th District wishing to discuss the reconfiguration of the intersection of Grange Avenue, Washington Avenue and Wright Avenue.

Recommendation: The communication be received and filed.

Fiscal Note: Not applicable.

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

07-1432

Subject: Communication from the Joe Friso, 1020 Ostergaard Avenue, requesting a street light in the 1000 block of Ostergaard Avenue.

Recommendation: The communication be received and filed.

Fiscal Note: Not applicable.

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

07-1493

Subject: Communication from a representative of Thoughts for Foods requesting permission to close the 300 block of Hamilton Street on March 1, 2008 for their annual event.

Recommendation: The owner of George's Tavern be granted permission to close Hamilton Street from Main Street to Chatham Street, from 6:00 p.m., Saturday, March 1, 2008 to 2:00 a.m., Sunday, March 2, 2008, in

conjunction with the Thoughts for Food Fundraiser, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way;
- F. In the event of snow, the sponsor shall remove all barricades from the street.
- G. Sponsor shall be responsible for all detour signage during the event.
- H. The sponsor shall pay a \$250.00 special event fee.

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

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

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

07-1543

Subject: Communication from the Assistant Commissioner of Public Works/Operations submitting specifications for Janitorial Services for the Building Complex Division.

Recommendation: The Purchasing Agent be authorized and directed to advertise and receive bids for the janitorial services contract for the Building Complex Division.

Fiscal Note: The specifications include requirements for all cleaning products to obtain Green Seal Certification.

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

07-1544

Subject: Communication from the Assistant Commissioner of Public Works/Operations requesting that the City Attorney be authorized and directed to take the necessary steps to recover damages caused to the aluminum windows and doors on the east facade of City Hall due to the recent cleaning of the limestone walls.

Recommendation: The City Attorney be authorized and directed to take such action as is deemed necessary for the City of Racine to recover the

estimated \$74,500.00 in damages to replace the majority of the windows on the east facade of City Hall damaged during recent cleaning of the exterior limestone.

Fiscal Note: Funds received as damages will be used to purchase replacement windows.

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

[07-1550](#)

Subject: Communication from Police Chief Wahlen, requesting that building permit fees for the construction of the new C.O.P. houses at 1146 Villa Street and 915 Hamilton Street be waived.

Recommendation of the Finance & Personnel Committee on 01-07-08: Item to be received and filed.

Recommendation of the Public Works and Services Committee on 1-8-08: The communication be received and filed.

Fiscal Note: Not applicable.

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

[07-1551](#)

Subject: Communication from the Commissioner of Public Works/City Engineer requesting authorization to submit a Focus on Energy Grant application to WE Energies for the installation of energy efficient lighting at the Civic Center Parking Ramp.

Recommendation: The communication be received and filed.

Fiscal Note: Not applicable.

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

[07-1552](#)

Subject: Communication from the Commissioner of Public Works/City Engineer requesting authorization to submit a Focus on Energy Grant application to WE Energies for the installation of energy efficient lighting at the Festival Hall.

Recommendation: The communication be received and filed.

Fiscal Note: Not applicable.

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

07-1553

Subject: Communication from the Commissioner of Public Works/City Engineer requesting to amend Resolution No. 07-0420, of September 18, 2007, relating to the installation of sidewalk along West Boulevard.

Recommendation: Resolution No. 07-0420, of September 18, 2007, which was previously amended under Communication No. 07-1193, be further amended to delete:

SIDEWALK

West Boulevard from 15th Street to Wright Avenue

and, as amended, Resolution 07-0420, of September 18, 2007, be adopted.

Fiscal Note: All costs associated with this project will be assessed to the abutting property owners.

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

07-1562

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting assessment rates for the 2009 construction season.

Recommendation: The proposed special assessment rates for public hearings in 2008 (2009 construction) for portland cement concrete paving and curb and gutter be as follows:

Portland Cement Concrete Paving

Residential Paving (7 inch) - 26' Flange to Flange	\$47.00/Front Foot
Residential Paving (7 inch) - 32' Flange to Flange	\$57.00/Front Foot
Commercial Paving (8 inch) - 32' Flange to Flange	\$62.00/Front Foot
Industrial Paving (9 inch) - 32' Flange to Flange	\$67.00/Front Foot
Industrial Paving (9 inch) - 44' Flange to Flange	\$97.00/Front Foot
Industrial Paving (10 inch) - 44' Flange to Flange	\$112.00/Front Foot

Portland Cement Concrete Curb and Gutter (30 inch)

7" Pavement	\$18.00/Front Foot
8" Pavement	\$19.00/Front Foot
9" Pavement	\$20.00/Front Foot
10" Pavement	\$21.00/Front Foot

Sewer and Water Services

\$8,500.00/Each

Further recommend that these special assessment rates become effective upon passage of the Common Council for all preliminary resolutions.

These rates apply to all streets, regardless of width, unless the actual construction cost is less, then the front foot cost shall be reduced accordingly.

Fiscal Note: These rates are established so that the abutting property owner pays 100% of the cost of such street improvements.

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

07-1563

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 2 to Contract 41-06 (K6-043), PS - Const. Mgmt. Southside Industrial Park Infrastructure, Earth Tech, Inc., consultant.

Recommendation: That Amendment No. 2 on Contract 41-06 (K6-043), Professional Services - Construction Management of Southside Industrial Park Infrastructure, Earth Tech, Inc., consultant, as submitted, be approved in the amount of \$31,500.00.

Further recommends that funding to defray the cost of these professional services are available in Account 970.000.5060, TID #10, Planning.

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.

07-1564

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering, submitting Amendment No. 2 to Contract 42-06 (K6-044), Professional Services - Construction Management Services for Pritchard/Reservoir Parks, Earth Tech, Inc., consultant.

Recommendation: That Amendment No. 2 on Contract 42-06 (K6-044), Professional Services - Construction Management Services for Pritchard/Reservoir Parks, Earth Tech, Inc., consultant, as submitted, be approved in the not-to-exceed amount of \$10,000.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 104.988.5420, Storm Sewers, Misc. Loc.

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.**

07-1565

Subject: Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 22-07 (K7-026), PS - Digital Color Orthophotographs, Aero-Metric, Inc., contractor.

Recommendation: The work of Aero-Metric, Inc., under Contract 22-07 (K7-026), Professional Services - Digital Color Orthophotographs, be accepted and final payment authorized for a total contract amount of \$62,228.05, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 07-0042 of February 6, 2007.

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

07-1566

Subject: Request of the Director of Parks, Recreation & Cultural Services for permission to enter into an agreement with Mekus Studios to prepare plans and specifications for Mound Cemetery New Fountain and Crypts.

Recommendation: Refer to the Public Safety and Licensing Committee.

Fiscal Note: Not applicable.

This Communication was Referred to the Public Safety and Licensing Committee

07-1583

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 3 on Contract 11-06 (K6-012), Southside Industrial Park Infrastructure, Phase I, The Wanasek Corporation, contractor.

Recommendation: That Change Order No. 3 on Contract 11-06 (K6-012), Southside Industrial Park Infrastructure, Phase I, The Wanasek Corporation, contractor, as submitted, be approved in the amount of \$29,703.16.

Further recommends that funding to defray the cost of this change order be appropriated from Account 970.012.5810, EDA Grant.

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.**

07-1584

Subject: Direct Referral. Communication from the Assistant

Commissioner of Public Works/Engineering submitting Change Order No. 2 on Contract 10-07 (K7-010), Gaslight Drive Renovations, Cornerstone Pavers, Inc., contractor.

Recommendation: That Change Order No. 2 on Contract 10-07 (K7-010), Gaslight Drive Renovations, Cornerstone Pavers, Inc., contractor, as submitted, be approved in the amount of \$5,768.09.

Further recommends that funding to defray the cost of this change order be appropriated from Account 973.000.5960, TIF #13, State & Main.

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.

07-1585

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 2 on Contract 12-07 (K7-012), Asphalt Paving, C.D.B.G., Payne & Dolan, Inc., contractor.

Recommendation: That Change Order No. 2 on Contract 12-07 (K7-012), Asphalt Paving, C.D.B.G., Payne & Dolan, Inc., contractor, as submitted, be approved in the amount of \$4,249.75.

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

\$2,449.75 - Account 104.988.5420, Storm Sewers, Misc. Loc.
\$1,800.00 - Account 987.908.5130, Asphalt Resurfacing
\$4,249.75 - 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.

07-1586

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 3 on Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Pavers, Inc., contractor.

Recommendation: That Change Order No. 3 on Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Pavers, Inc, contractor, as submitted, be approved in the amount of \$13,954.21.

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

\$ 5,023.45 - Account 987.908.5020, Concrete Pavement, Misc.
\$ 8,930.76 - Account 104.988.5020, Storm Sewer, Misc. Loc.
\$13,954.21 - 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.**

07-1587

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 31-07 (K7-035), Transit Center Parking Lot, Black Diamond Group, Inc., contractor.

Recommendation: That Change Order No. 1 on Contract 31-07 (K7-035), Transit Center Parking Lot, Black Diamond Group, Inc., contractor, as submitted, be approved in the amount of \$19,556.00.

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

\$15,461.00 - Account 104.988.5420, Storm Sewer, Misc. Loc.
\$ 3,629.72 - Account 987.590.5010, Replace City Circuits
\$ 465.28 - Account 987.908.5020, Concrete Pavement, Misc.
\$19,556.00 - 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.**

07-1588

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 45-07 (K7-053), 2007 Sidewalk Replacement, Phase II, John's Concrete, contractor.

Recommendation: That Change Order No. 1 on Contract 45-07 (K7-053), 2007 Sidewalk Replacement, Phase II, John's Concrete, contractor, as submitted, be approved in the amount of \$150.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 987.908.5020, Concrete Pavement Replacement, Misc.

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.**

07-1589

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a professional services agreement from Earth Tech, Inc., for the Construction Management of the Sixth Street Sanitary Sewer Construction.

Recommendation: That Amendment No. 2 on Contract 30-06 (K6-031), Professional Services - Sixth Street Sanitary Sewer, Earth Tech, Inc., consultant, as submitted, be approved in the amount of \$118,630.00.

Further recommends that funding to defray the cost of these professional services be appropriated from the following accounts:

\$ 93,196.00 - Account 987.907.5330, Sanitary Sewer Const., 6th Street
\$ 25,434.00 - Water Utility
\$118,630.00 - 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.**

07-1590

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a professional services agreement from Earth Tech, Inc., for Construction Management of the DeKoven Avenue Storm Sewer.

Recommendation: That Amendment No. 1 on Contract 49-07 (K7-057), Professional Services - Storm Sewer Design for DeKoven and Hickory Grove Avenues, Earth Tech, Inc., consultant, as submitted, be approved in the amount of \$34,235.00.

Further recommends that funding to defray the cost of these professional services be appropriated from the following accounts:

\$29,675.00 - Account 104.988.5420, Storm Sewer, Misc. Loc.
\$ 4,560.00 - Water Utility
\$34,235.00 - 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.**

07-1592

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 2

to the Three-Party State Contract Project ID: 2440-08-00, Sixth Street Reconstruction from Grand Avenue to Main Street, HNTB, consultant.

Recommendation: That Amendment No. 2 to State Contract ID: 2440-08-00, Sixth Street, Grand Avenue to Main Street, HNTB Corporation, consultant, be approved in the amount of \$52,035.92, with the City's share being \$13,008.98.

Further recommend that funding to defray the cost of the City's share of these professional services be appropriated from the following accounts:

\$ 9,450.00 - Account 987.908.5090, 6th St., Main to Grand
\$ 3,075.00 - Account 987.908.5080, 6th St., Main to Grand
\$ 483.98 - Account 987.907.5330, 6th St., Sanitary Sewer
\$13,008.98 - 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.

Council Action

A motion was made by Alderman Ronald D. Hart to Adopt the Report. Adopted by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Public Safety and Licensing Committee Report, by Ald. Shakoor

07-1490

Subject: Application for a Class "B" and "Class C" Beer and Wine License for Willing & Willing Corp., Benard Willing II, (Agent) (Bernie's Pizzeria), for 1238 Lathrop Avenue. (13th District)

Recommendation of the Public Safety & Licensing Committee on 12-10-07: That the item be deferred to the next Public Safety & Licensing Committee Meeting on January 7, 2008.

Recommendation of the Public Safety & Licensing Committee on 1-7-08: That the application for a Class "B" and "Class C" Beer and Wine License for Willing & Willing Corp., for 1238 Lathrop Avenue be granted.

Fiscal Note: N/A

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

07-1500

Subject:(Direct Referral) Communication from the Purchasing Agent submitting the monthly report for the sale of abandoned vehicles for December 17, 2007.

Recommendation of the Public Safety & Licensing Committee on

1-07-08: That the item be received and filed.

Fiscal Note: This will generate \$13,348.01 in revenues.

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

07-1540

Subject: (Direct Referral) Application of Maurice Colbert for a Public Passenger Vehicle Driver's License.

Recommendation of the Public Safety & Licensing Committee of

1-7-08: That the application of Maurice Colbert for a Public Passenger Vehicle Driver's License be denied due to his record.

Fiscal Note: N/A

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

07-1578

Subject:Communication from the Puchasing Agent wishing to discuss award recommendations for Official Notice #14, Emergency Medical Supplies for the Racine Fire Department.

Recommendation of the Public Safety & Licensing Committee on

1-7-08: That the separate award recommendations presented by the Purchasing Agent be approved.

Fiscal Note: Funds are available in account 101-300-5690, Emergency Medical Supplies

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 Q.A. Shakoor II to Adopt the Report. Adopted by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

07-1582

Subject: (Direct Referral) Request of the Committee for the appearance of Mohammad O. Al-Abed(Agent) to discuss incidents at the Sunshine

Supermarket located at 1559 Taylor Avenue.

Recommendation of the Public Safety & Licensing Committee of

1-07-08: That the matter of Sunshine Supermarket located at 1559 Taylor Avenue , be referred to a due process hearing to determine whether the license should be revoked or suspended.

Ald. Shakoor requested that item 07-1582 be considered separately.

This Communication was Referred to the Public Safety and Licensing Committee

City Plan Commission Report, by Ald. Holding

07-1354

Subject: (Direct Referral) Review of operational deficiencies, police records, and enforcement options related to the inability of Lydia Group Home to control resident behavior at their 3131 Taylor Avenue facility.

Recommendation of City Plan Commission on 10-31-07: That this item be deferred.

Recommendation of City Plan Commission on 11-28-07: That this item be deferred.

Recommendation of City Plan Commission on 1-9-08: That the item be received and filed.

Fiscal Note: N/A

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

07-1358

Subject: (Direct Referral) Request by Pam Kaleka seeking a conditional use permit for a mixed use development at 600 Three Mile Road.

Recommendation of City Plan Commission on 10-31-07: That this item be deferred.

Recommendation of City Plan Commission on 1-9-08: That the request by Pam Kaleka seeking a conditional use permit for a mixed use development at 600 Three Mile Road be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on January 9, 2008 be approved, subject to the following conditions.
- b. That all applicable building and occupancy permits be applied for.
- c. That the maximum hours of commercial operations be 5:00 a.m. to

11:00 p.m. daily. These maximum hours shall also apply to the operation of any ATM, vacuum, carpet shampooer, fuel pump, and car wash.

d. That the northern carwash overhead door shall remained closed during the washing and drying cycle of the car wash.

e. That only one ATM, vacuum, and carpet shampooer is permitted and shall not be installed within 25 feet of street property lines. Such installations shall be appropriately screened and/or landscaped.

f. That there shall be no outside storage or display of products, equipment or materials.

g. That there shall be no vehicle repair or sales.

h. That prior to the issuance of a building permit, the property owner shall:

1. Submit a detailed landscape plan to the Director of City Development for review and approval. Said plan shall also include a landscaping maintenance plan. Landscaping shall be installed in accordance with the approved plans and prior to the issuance of an occupancy permit, or a letter of credit shall be required that is equal to the value of the landscaping improvement and shall be submitted for the review and approval of the Director of City Development prior to the issuance of an occupancy permit. Said letter of credit shall be valid through the year 2009.

2. Submit details on the types of exterior lighting fixtures to be used in the canopy and remote locations. Canopy light fixtures shall be flush mounted and provide no side casting of light. Remote light fixtures shall be cut-off fixtures.

i. That fencing be installed along the western property lines. The style of fence is to be submitted to the Director of City development for review and approval. All fencing shall be installed prior to the issuance of any occupancy permit.

j. That all signage be in substantial conformance to the concept plans with regard to location and size. No box-type signs shall be permitted on the building. Final plans shall be submitted to the Director of City Development for review and approval.

k. That all trash and recyclables be stored in closed containers and screen from view.

- l. That all loose trash garbage and debris be picked up and properly disposed of on a daily basis.

- m. That the building, grounds, and landscaping be maintained in a professional manner and on a daily basis.

- n. That all codes and ordinances be complied with and required permits acquired.

- o. That no minor changes be made from the conditions of this permit without approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.

- p. That this approval is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

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

07-1594

Subject: (Direct Referral) Review of a four-lot Certified Survey Map for KHK Holdings, Ltd. at 3037 Mount Pleasant Street.

Recommendation of City Plan Commission on 1-9-08: That the Certified Survey Map (CSM) for Koos Kryger for a four lot CSM at 3037 Mt. Pleasant Street be approved, subject to the following conditions:

- a. That the CSM presented to the Plan Commission on January 9, 2008 be approved subject to the conditions contained herein.

- b. That all technical discrepancies and conditions as identified by City staff be addressed as follows:
 - 1. The "MTL BLDG" on the south line of Lot 3 needs to be zero or 10 ft from the lot line.
 - 2. Illustrate a setback line of 35 feet on all frontages along Mt. Pleasant Street and along South Street.
 - 3. Illustrate a 40 foot turn radius at the southwest corner of Lot 4. The lands outside the radius are to be noted as dedicated for public right-of-way.
 - 4. Add a note indicating 50 foot "No Vehicular Access" restriction at the southwest corner of Lot 4 and the northwest corner of Lot 2. The 50 foot access restriction is to start at the points of intersection of the arc of the corner radius with the point of tangency of the extended right-of-way line.

5. Clarify or correct discrepancy between what is illustrated on the CSM and what is recorded at the register of deeds in regards to the illustrated 15 foot wide strip of land giving Lot 1 access to Melvin Avenue, and the currently recorded 38 feet wide strip of land. This strip shall be no less than 30 feet in width.
6. Illustrate all cross access easements between properties, including proper fire access.
7. Provide proper fire separation where the common lot line of Lots 2 and 3 bisects the "Block Building".

Fiscal Note: N/A

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

[07-1595](#)

Subject: (Direct Referral) Request by Carolyn Seeger of Lincoln Lutheran of Racine seeking a rezoning from R-1 Single Family Residence District to R-3 General Residence District for a mini-planned development at 3720 North Main Street.

Recommendation of City Plan Commission on 1-9-08: That an ordinance be prepared and a public hearing scheduled.

Fiscal Note: N/A

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

[07-1596](#)

Subject:(Direct Referral) Request by Doug Wurl of Toys "R" Us seeking consideration of a request to amend a conditional use permit for a facade update and Babies "R" Us store facade at 2433 South Green Bay Road.

Recommendation of the City Plan Commission on 1-9-08: That the request from Doug Wurl, representing Toys "R" Us seeking to amend the conditional use permit at 2433 South Green Bay Road for a façade update be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on January 9, 2008 be approved, subject to the following conditions.
- b. That all conditions of approval as they relate to the original plans and subsequent amendments associated with the Highridge Shopping Centre and the Toys "R" Us at 2433 South Green Bay Road be complied with unless otherwise approved herein.

- c. That all applicable building and occupancy permits be applied for.
- d. That prior to the issuance of a building permit, the property owner shall:
 - 1. Submit to the Director of City Development an agreement between Toys “R” Us and all affected property owners with respect to implementing the cross-access drive between the Regency Mall Development and the High Ridge Centre Development. The cross access drive shall be constructed by October 1, 2008.
 - 2. Submit a detailed landscape update/refreshing plan to the Director of City Development for review and approval. Landscaping shall be installed in accordance with the approved plans and prior to the issuance of an occupancy permit, or a letter of credit shall be required that is equal to the value of the landscaping improvements and shall be submitted for the review and approval of the Director of City Development. Landscaping shall be installed by October 1, 2008.
 - 3. Submit a detailed and dimensioned sign plan indicating existing and proposed sign locations and method(s) of illumination.
- e. That all storage occur indoors and trailers and containers not be used for storage.
- f. That all trash and recyclables be stored in closed containers and screen from view.
- g. That all loose trash garbage and debris be picked up and properly disposed of on a daily basis.
- h. That the building, grounds and landscaping be maintained in a professional manner and on a daily basis.
- i. That all codes and ordinances be complied with and required permits acquired, except that EIFS will be permitted above four feet from grade.
- j. That no minor changes be made from the conditions of this permit without approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- k. That this approval is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

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

07-1597

Subject: (Direct Referral) Request by Ken Rohan seeking to rezone the property at 3625-16th Street from R-3 General Residence District to B-2 Community Shopping District to facilitate a conditional use permit for an automotive repair facility.

Recommendation of City Plan Commission on 1-9-08: That this item be denied.

Fiscal Note: N/A

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

07-1598

Subject: (Direct Referral) Request by Terry Ehiorobo representing Lydia Group Home, LLC seeking a conditional use permit to regularize a temporary occupancy permit for a group home at 3131 Taylor Avenue, Building #1.

Recommendation of City Plan Commission on 1-9-08: That the request by Lydia Group Home, LLC. for a conditional use permit for an eight bed group home facility for females at 3131 Taylor Avenue be approved, subject to the following conditions:

- a. That the plans submitted to the Plan Commission on January 9, 2008 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That this residential facility be confined to Building #1 of the campus, and that no more than eight residents be permitted to occupy Building #1.
- d. That Lydia Group Home, LLC be in full compliance with the provisions of its contract with the state.
- e. That the facility be professionally staffed 24 hours per day, seven days per week.
- f. That all staff and visitor parking be contained on site.
- g. That no resident shall be allowed to have personal vehicles on site during their treatment stay.
- h. That all trash and recyclables be stored in closed containers and screened from view.

- i. That if a sign is installed, that it be professionally made, comply with zoning ordinance requirements, and be approved by the Director of City Development.
- j. That visitation for residents be limited from 8:00 a.m. to 7:00 p.m., daily.
- k. That visitor screening policies for the facility be submitted to the Director of City Development for review and approval.
- l. That a telephone number be established, disseminated, and maintained on a 24 hour basis so that municipal staff and neighborhood residents can contact the facility.
- m. That alarms be installed on all facility egress doors to monitor access to and from the building.
- n. That all codes and ordinances be complied with and required permits acquired.
- o. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- p. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

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

[08-1615](#)

Subject: ZOrd.0010-07 is an addendum to the Uptown Improvement Plan for the Artist Relocation Program.

Recommendation of City Plan Commission on 1-9-08: That the ordinance be adopted.

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 Gregory Holding to Adopt the Report. Adopted by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Economic Development Committee Report, by Ald. Maack

07-1462

Subject: (Direct Referral) Approval of the 2007 Industrial/Commercial Building Revolving Loan Fund (I/CB-RLF) Plan Certification.

Recommendation of the Economic Development Committee on 12-11-07: That the IC/CB RLF Plan Certification be approved.

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, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

07-1463

Subject: (Direct Referral) Requesting that the City enter into an agreement with RCEDC for 2008 economic development services.

Recommendation of the Economic Development Committee on 12-11-07: The agreement with RCEDC for 2008 economic development services be approved.

Fiscal Note: Contract Amount: \$66,339. Funding has been provided in the 2008 budget.

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

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Office of the Mayor Report, by Ald. Spangenberg

08-1602

Subject: Communication from Mayor Becker nominating appointments/reappointments to the following committees and commissions for the City of Racine:

Business Improvement District No. 1 (Downtown):
Reappoint Brian Lucareli, 555 Main Street, for a 3-year term ending in December 2010.

Redevelopment Authority:
Appoint Peter Karas, 821 Blaine Avenue, as a citizen member to fill an unexpired term ending in April 2008.

Access Corridor Development Review Committee:

Appoint Linda Messersmidt, 3219 Washington Avenue, to fill an unexpired term (replacing Michael Clementi) ending in April 2008.
Appoint Sally Neitzel, 1239 West Blvd., to fill an unexpired term (replacing Abby Garner) ending in April 2008.
Appoint Kristin Niemiec, 831 Orchard Street, to fill an unexpired term (replacing Cathy Molling) as an at-large member ending in April 2008.

Racine Sister City Planning Council:

Appoint Linda Duczman O'Connell, 2326 N. Main Street, to fill a vacant unexpired term ending in December 2009.
Appoint Alderman Robert Anderson to fill an unexpired term (replacing Alderman Spangenberg) for a term ending in April 2008.

Wastewater Commission:

Appoint John Engel, 1144 N. Osborne Blvd, as an alternate member representing Racine, for a four-year term ending in October 2012.

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

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Board of Health Report, by Ald. DeHahn**07-1538**

Subject: Communication from the Public Health Administrator requesting permission for the City of Racine Health Department to enter into an Inter-Agency Fee Exempt Agreement with Medical College of Wisconsin Racine Family Medicine Center.

Staff recommendation to the Finance & Personnel Committee on

01-07-08: The Mayor and City Clerk be authorized and directed to enter into an Inter-Agency Fee Exempt agreement between Medical College of Wisconsin Racine Family Medicine Center and the City of Racine Health Department.

Recommendation of the Board of Health on 01-08-08: The Mayor and City Clerk be authorized and directed to enter into an Inter-Agency Fee Exempt agreement between Medical College of Wisconsin Racine Family Medicine Center and the City of Racine Health Department.

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, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

07-1539

Subject: Communication from the Public Health Administrator requesting permission for the City of Racine Health Department to enter into an agreement with the Wheaton Franciscan Pharmacy.

Recommendation of the Finance & Personnel Committee on

01-07-08: The Mayor and City Clerk be authorized and directed to enter into an agreement between The Wheaton Franciscan Pharmacy and the City of Racine Health Department to provide approved pharmaceutical prescribed by the Family Medicine Centre.

Recommendation of the Board of Health on 01-08-08: The Mayor and City Clerk be authorized and directed to enter into an agreement between The Wheaton Franciscan Pharmacy and the City of Racine Health Department to provide approved pharmaceuticals prescribed by the Family Medicine Center.

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, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

H. Resolutions

Res.08-0582 Thoughts for Food Fundraiser

Resolved, that the owner of George's Tavern be granted permission to close Hamilton Street from Main Street to Chatham Street, from 6:00 p.m., Saturday, March 1, 2008 to 2:00 a.m., Sunday, March 2, 2008, in conjunction with the Thoughts for Food Fundraiser, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way;
- F. In the event of snow, the sponsor shall remove all barricades from the street;
- G. Sponsor shall be responsible for all detour signage during the event;
- H. The sponsor shall pay a \$250.00 special event fee.

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

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

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted.

Res.08-0583 Work on Contract 22-07 (K7-026) accepted and final payment made

Resolved, that the work of Aero-Metric, Inc., under Contract 22-07 (K7-026), Professional Services - Digital Color Orthophotographs, be accepted and final payment authorized for a total contract amount of \$62,228.05, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 07-0042 of February 6, 2007.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted.

Res.08-0584 Authorization to accept bids for janitorial contract for the Building Complex Division

Resolved, that the Purchasing Agent be authorized and directed to advertise and receive bids for the janitorial services contract for the Building Complex Division.

Fiscal Note: The specifications include requirements for all cleaning products to obtain Green Seal Certification.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted.

Res.08-0585 Authorization for City Attorney to recover damages for windows and doors at City Hall

Resolved, that the City Attorney's be authorized and directed to take such action as is deemed necessary for the City of Racine to recover the estimated \$74,500.00 in damages to replace the majority of the windows on the east facade of City Hall damaged during recent cleaning of the exterior limestone.

Fiscal Note: Funds received as damages will be used to purchase replacement windows.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted.

Res.08-0586 Assessment Rates for 2009 construction season

Resolved, that the proposed special assessment rates for public hearings in 2008 (2009 construction) for portland cement concrete paving and curb and gutter be as follows:

Portland Cement Concrete Paving

Residential Paving (7 inch) - 26' Flange to Flange	\$47.00/Front Foot
Residential Paving (7 inch) - 32' Flange to Flange	\$57.00/Front Foot
Commercial Paving (8 inch) - 32' Flange to Flange	\$62.00/Front Foot
Industrial Paving (9 inch) - 32' Flange to Flange	\$67.00/Front Foot
Industrial Paving (9 inch) - 44' Flange to Flange	\$97.00/Front Foot
Industrial Paving (10 inch) - 44' Flange to Flange	\$112.00/Front Foot

Portland Cement Concrete Curb and Gutter (30 inch)

7" Pavement	\$18.00/Front Foot
8" Pavement	\$19.00/Front Foot
9" Pavement	\$20.00/Front Foot
10" Pavement	\$21.00/Front Foot

Sewer and Water Services

\$8,500.00/Each

Further resolved, that these special assessment rates become effective upon passage of the Common Council for all preliminary resolutions.

These rates apply to all streets, regardless of width, unless the actual construction cost is less, then the front foot cost shall be reduced accordingly.

Fiscal Note: These rates are established so that the abutting property owner pays 100% of the cost of such street improvements.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Res.08-0587 Amendment to contract for Sixth Street Sanitary Sewer

Resolved, that Amendment No. 2 on Contract 30-06 (K6-031), Professional Services - Sixth Street Sanitary Sewer, Earth Tech, Inc., consultant, as submitted, be approved in the amount of \$118,630.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from the following accounts:

\$ 93,196.00 - Account 987.907.5330, Sanitary Sewer Const., 6th Street
\$ 25,434.00 - Water Utility
\$118,630.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Res.08-0588 Amendment to contract for Storm Sewer Design DeKoven/Hickory Grove Avenues

Resolved, that Amendment No. 1 on Contract 49-07 (K7-057), Professional Services - Storm Sewer Design for DeKoven and Hickory Grove Avenues, Earth Tech, Inc., consultant, as submitted, be approved in the amount of \$34,235.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from the following accounts:

\$29,675.00 - Account 104.988.5420, Storm Sewer, Misc. Loc.
\$ 4,560.00 - Water Utility
\$34,235.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Res.08-0589 Amendment to State Contract for Sixth Street Reconstruction

Resolved, that Amendment No. 2 to State Contract ID: 2440-08-00, Sixth Street, Grand Avenue to Main Street, HNTB Corporation, consultant, be approved in the amount of \$52,035.92, with the City's share being \$13,008.98.

Further resolved, that funding to defray the cost of the City's share of these professional services be appropriated from the following accounts:

\$ 9,450.00 - Account 987.908.5090, 6th St., Main to Grand
\$ 3,075.00 - Account 987.908.5080, 6th St., Main to Grand
\$ 483.98 - Account 987.907.5330, 6th St., Sanitary Sewer
\$13,008.98 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Res.08-0590 Amendment to contract for professional services-construction management of Southside Industrial Park

Resolved, that Amendment No. 2 on Contract 41-06 (K6-043), Professional Services - Construction Management of Southside Industrial Park Infrastructure, Earth Tech, Inc., consultant, as submitted, be approved in the amount of \$31,500.00.

Further resolved, that funding to defray the cost of these professional services are available in Account 970.000.5060, TID #10, Planning.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Res.08-0591 Amendment to contract for professional services for Pritchard/Reservoir Parks

Resolved, that Amendment No. 2 on Contract 42-06 (K6-044), Professional Services - Construction Management Services for Pritchard/Reservoir Parks, Earth Tech, Inc., consultant, as submitted, be approved in the not-to-exceed amount of \$10,000.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 104.988.5420, Storm Sewers, Misc. Loc.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Res.08-0592 Change Order for contract Southside Industrial Park Infrastructure

Resolved, that Change Order No. 3 on Contract 11-06 (K6-012), Southside Industrial Park Infrastructure, Phase I, The Wanasek Corporation, contractor, as submitted, be approved in the amount of \$29,703.16.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 970.012.5810, EDA Grant.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Res.08-0593 Change Order on contract for Gaslight Drive Renovations

Resolved, that Change Order No. 2 on Contract 10-07 (K7-010), Gaslight Drive Renovations, Cornerstone Pavers, Inc., contractor, as submitted, be approved in the amount of \$5,768.09.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 973.000.5960, TIF #13, State & Main.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted.

Res.08-0594 Change Order on contract for Asphalt Paving C.D.B.G.

Resolved, that Change Order No. 2 on Contract 12-07 (K7-012), Asphalt Paving, C.D.B.G., Payne & Dolan, Inc., contractor, as submitted, be approved in the amount of \$4,249.75.

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

\$2,449.75 - Account 104.988.5420, Storm Sewers, Misc. Loc.
\$1,800.00 - Account 987.908.5130, Asphalt Resurfacing
\$4,249.75 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted.

Res.08-0595 Change Order on contract for Local Road Improvement Program

Resolved, that Change Order No. 3 on Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Pavers, Inc, contractor, as submitted, be approved in the amount of \$13,954.21.

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

\$ 5,023.45 - Account 987.908.5020, Concrete Pavement, Misc.
\$ 8,930.76 - Account 104.988.5020, Storm Sewer, Misc. Loc.
\$13,954.21 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Res.08-0596 Change Order for contract on Transit Center Parking Lot

Resolved, that Change Order No. 1 on Contract 31-07 (K7-035), Transit Center Parking Lot, Black Diamond Group, Inc., contractor, as submitted, be approved in the amount of \$19,556.00.

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

\$15,461.00 - Account 104.988.5420, Storm Sewer, Misc. Loc.
\$ 3,629.72 - Account 987.590.5010, Replace City Circuits
\$ 465.28 - Account 987.908.5020, Concrete Pavement, Misc.
\$19,556.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Res.08-0597 Change Order on contract for 2007 Sidewalk Replacement Phase II

Resolved, that Change Order No. 1 on Contract 45-07 (K7-053), 2007 Sidewalk Replacement, Phase II, John's Concrete, contractor, as submitted, be approved in the amount of \$150.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 987.908.5020, Concrete Pavement Replacement, Misc.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Hart that this Resolution be Adopted.

Res.08-0598 Approval of Certified Survey Map for 3037 Mt. Pleasant Street

Resolved, that the Certified Survey Map (CSM) for Koos Kryger for a four lot CSM at 3037 Mt. Pleasant Street be approved, subject to the following conditions:

- a. That the CSM presented to the Plan Commission on January 9, 2008 be approved subject to the conditions contained herein.
- b. That all technical discrepancies and conditions as identified by City staff be addressed as follows:
 1. The "MTL BLDG" on the south line of Lot 3 needs to be zero or 10 ft from the lot line.
 2. Illustrate a setback line of 35 feet on all frontages along Mt. Pleasant Street and along South Street.

3. Illustrate a 40 foot turn radius at the southwest corner of Lot 4. The lands outside the radius are to be noted as dedicated for public right-of-way.
4. Add a note indicating 50 foot "No Vehicular Access" restriction at the southwest corner of Lot 4 and the northwest corner of Lot 2. The 50 foot access restriction is to start at the points of intersection of the arc of the corner radius with the point of tangency of the extended right-of-way line.
5. Clarify or correct discrepancy between what is illustrated on the CSM and what is recorded at the register of deeds in regards to the illustrated 15 foot wide strip of land giving Lot 1 access to Melvin Avenue, and the currently recorded 38 feet wide strip of land. This strip shall be no less than 30 feet in width.
6. Illustrate all cross access easements between properties, including proper fire access.
7. Provide proper fire separation where the common lot line of Lots 2 and 3 bisects the "Block Building".

Fiscal Note: N/A

Sponsors: Gregory Holding

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0599 Conditional Use Permit for 600 Three Mile Road

Resolved, that the request by Pam Kaleka seeking a conditional use permit for a mixed use development at 600 Three Mile Road be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on January 9, 2008 be approved, subject to the following conditions.
- b. That all applicable building and occupancy permits be applied for.
- c. That the maximum hours of commercial operations be 5:00 a.m. to 11:00 p.m. daily. These maximum hours shall also apply to the operation of any ATM, vacuum, carpet shampooer, fuel pump, and car wash.
- d. That the northern carwash overhead door shall remained closed during the washing and drying cycle of the car wash.
- e. That only one ATM, vacuum, and carpet shampooer is permitted and shall not be installed within 25 feet of street property lines. Such installations shall be appropriately screened and/or landscaped.
- f. That there shall be no outside storage or display of products, equipment or materials.

- g. That there shall be no vehicle repair or sales.
- h. That prior to the issuance of a building permit, the property owner shall:
 - 1. Submit a detailed landscape plan to the Director of City Development for review and approval. Said plan shall also include a landscaping maintenance plan. Landscaping shall be installed in accordance with the approved plans and prior to the issuance of an occupancy permit, or a letter of credit shall be required that is equal to the value of the landscaping improvement and shall be submitted for the review and approval of the Director of City Development prior to the issuance of an occupancy permit. Said letter of credit shall be valid through the year 2009.
 - 2. Submit details on the types of exterior lighting fixtures to be used in the canopy and remote locations. Canopy light fixtures shall be flush mounted and provide no side casting of light. Remote light fixtures shall be cut-off fixtures.
- i. That fencing be installed along the western property lines. The style of fence is to be submitted to the Director of City development for review and approval. All fencing shall be installed prior to the issuance of any occupancy permit.
- j. That all signage be in substantial conformance to the concept plans with regard to location and size. No box-type signs shall be permitted on the building. Final plans shall be submitted to the Director of City Development for review and approval.
- k. That all trash and recyclables be stored in closed containers and screen from view.
- l. That all loose trash garbage and debris be picked up and properly disposed of on a daily basis.
- m. That the building, grounds, and landscaping be maintained in a professional manner and on a daily basis.
- n. That all codes and ordinances be complied with and required permits acquired.
- o. That no minor changes be made from the conditions of this permit without approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- p. That this approval is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0600 Conditional Use Permit for 2433 South Green Bay Road

Resolved, that the request from Doug Wurl, representing Toys "R" Us seeking to amend the conditional use permit at 2433 South Green Bay Road for a facade update be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on January 9, 2008 be approved, subject to the following conditions.
- b. That all conditions of approval as they relate to the original plans and subsequent amendments associated with the Highridge Shopping Centre and the Toys "R" Us at 2433 South Green Bay Road be complied with unless otherwise approved herein.
- c. That all applicable building and occupancy permits be applied for.
- d. That prior to the issuance of a building permit, the property owner shall:
 1. Submit to the Director of City Development an agreement between Toys "R" Us and all affected property owners with respect to implementing the cross-access drive between the Regency Mall Development and the High Ridge Centre Development. The cross access drive shall be constructed by October 1, 2008.
 2. Submit a detailed landscape update/refreshing plan to the Director of City Development for review and approval. Landscaping shall be installed in accordance with the approved plans and prior to the issuance of an occupancy permit, or a letter of credit shall be required that is equal to the value of the landscaping improvements and shall be submitted for the review and approval of the Director of City Development. Landscaping shall be installed by October 1, 2008.
 3. Submit a detailed and dimensioned sign plan indicating existing and proposed sign locations and method(s) of illumination.
- e. That all storage occur indoors and trailers and containers not be used for storage.
- f. That all trash and recyclables be stored in closed containers and screen from view.
- g. That all loose trash garbage and debris be picked up and properly disposed of on a daily basis.
- h. That the building, grounds and landscaping be maintained in a professional manner and on a daily basis.

- i. That all codes and ordinances be complied with and required permits acquired, except that EIFS will be permitted above four feet from grade.
- j. That no minor changes be made from the conditions of this permit without approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- k. That this approval is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0601 Conditional Use Permit for 3131 Taylor Avenue

Resolved, that the the request by Lydia Group Home, LLC. for a conditional use permit for an eight bed group home facility for females at 3131 Taylor Avenue be approved, subject to the following conditions:

- a. That the plans submitted to the Plan Commission on January 9, 2008 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That this residential facility be confined to Building #1 of the campus, and that no more than eight residents be permitted to occupy Building #1.
- d. That Lydia Group Home, LLC be in full compliance with the provisions of its contract with the state.
- e. That the facility be professionally staffed 24 hours per day, seven days per week.
- f. That all staff and visitor parking be contained on site.
- g. That no resident shall be allowed to have personal vehicles on site during their treatment stay.
- h. That all trash and recyclables be stored in closed containers and screened from view.
- i. That if a sign is installed, that it be professionally made, comply with zoning ordinance requirements, and be approved by the Director of City Development.
- j. That visitation for residents be limited from 8:00 a.m. to 7:00 p.m., daily.

- k. That visitor screening policies for the facility be submitted to the Director of City Development for review and approval.
- l. That a telephone number be established, disseminated, and maintained on a 24 hour basis so that municipal staff and neighborhood residents can contact the facility.
- m. That alarms be installed on all facility egress doors to monitor access to and from the building.
- n. That all codes and ordinances be complied with and required permits acquired.
- o. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- p. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0602 Settlement of Claim for sanitary sewer wye connection 1129 Monroe Avenue

Resolved, that the claim of Grace English Evangelical Lutheran Congregation for sanitary sewer wye connection failure adjacent to 1129 Monroe Avenue be settled in the amount of \$24,754.58.

Fiscal Note: There are sufficient funds available in Account 101.160.5910, Judgment and Claims for the settlement.

Sponsors: Thomas Friedel

A motion was made by Alderman Friedel that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Res.08-0603 Enter into agreement with State Department of Health and Family Services for the CDC Preparedness Contract

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a \$63,045 agreement with the State of Wisconsin Department of Health and Family Services (Grant Control No. 2007-050) for the CDC Preparedness contract for the contract period of January 1, 2008 through December 31, 2008.

Fiscal Note: No match required on the part of the City.

Sponsors: Thomas Friedel

A motion was made by Alderman Friedel that this Resolution be Adopted.

Res.08-0604 Enter into agreement with State Department of Health and Family Services for Cities Readiness Initiative Contract

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a \$39,834 agreement with the State of Wisconsin Department of Health and Family Services (Grant Control No. 2007-051) to be utilized for the Cities Readiness Initiative Contract for the contract period of September 1, 2007 through July 31, 2008.

Fiscal Note: No match required on the part of the City.

Sponsors: Thomas Friedel

A motion was made by Alderman Friedel that this Resolution be Adopted.

Res.08-0605 Enter into amended contract with the Department of Health and Family Services for the Women, Infants and Children Program

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an amended contract with the Department of Health and Family Services for the Division of Public Health Contract for the Women, Infants and Children Program (GAC #16359) (Grant Control No. 2006-049) in the amount of \$216,356 for the contract period of January 1, 2008 through December 31, 2008.

Fiscal Note: No match required on the part of the City.

Sponsors: Thomas Friedel

A motion was made by Alderman Friedel that this Resolution be Adopted.

Res.08-0606 Enter into an Inter-Agency Fee Exempt Agreement between Medical College of Wisconsin, Racine Family Medicine Center and City of Racine Health Department

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an Inter-Agency Fee Exempt Agreement between Medical College of Wisconsin, Racine Family Medicine Center, and the City of Racine Health Department for detection, treatment, disease intervention and surveillance of sexually transmitted infections and reportable sexually transmitted diseases in the City of Racine, Village of Elmwood Park, and Village of Wind Point. The

contracted services would begin January 21, 2008.

Fiscal Note: N/A

Sponsors: Thomas Friedel and Raymond DeHahn

A motion was made by Alderman Friedel that this Resolution be Adopted.

Res.08-0607 Enter into agreement between Wheaton Franciscan Pharmacy and City Health Department

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement between The Wheaton Franciscan Pharmacy and the City of Racine Health Department to provide approved pharmaceutical prescribed by the Family Medicine Centre for sexually transmitted disease to all residents who reside within the City of Racine, Village of Elmwood Park and Village of Wind Point. The contracted services would begin January 21, 2008.

Fiscal Note: N/A

Sponsors: Thomas Friedel and Raymond DeHahn

A motion was made by Alderman Friedel that this Resolution be Adopted.

I. Ordinances

ZOrd.0011-08 AN ORDINANCE FOR REZONING 3720 NORTH MAIN STREET

To amend the map of the Zoning Ordinance of the City of Racine.

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

Part 1:

Those properties known as 3720 North Main Street and 3714 Kasper Street and more particularly described as follows:

“That part of the Northeast fractional $\frac{1}{4}$ of Section 33, Township 4 North Range 23 East, in the City of Racine, Racine County, Wisconsin, Commence at the Northwest corner of Block 6, Kasper’s Subdivision No. 2 , a recorded plat; thence S89 degrees 05’05” W 30.07 feet along the North line of said Subdivision; thence N2 degrees 56’30”E 100.27 feet to the point of beginning of this description; run thence N2 degrees56’30”E 304.77 feet; thence N89 degrees 05’05”E 322.60 feet to the West line of North Main Street; thence S3 degrees25’19”W 304.95 feet alone said West line; thence S89 degrees 05’05”W 320.04 feet to the point of beginning. And Commence at the Northeast corner of Lot 4, Block 5, Kasper’s Subdivision No. 2; run thence N89 degrees 05’05”E 30.07 feet along the North line of said Subdivision to the Centerline of

Kasper Street; thence N2 degrees 56'30"E 210.40 feet along the Northerly extension of Kasper Street; thence S89 degrees 05'05"W 158.55 feet thence S1 degree 26'40"W 210.10 feet to the North line of Kasper's Subdivision No. 2; thence N89 degrees 05'05"E 122.98 feet to the point of beginning"

be rezoned from "R-1" Single Family Residence District, to "R-3" General Residence District, and designated as Supplement No. _____, which Supplement is hereby made a part of this ordinance.

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

Referred to City Plan Commission.

J. Miscellaneous Business

K. Adjourn

The meeting was adjourned at 7:40 p.m. by Ald. Shakoor. The next scheduled meeting of the Council is February 5, 2008.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK