



City of Racine

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

Meeting Minutes - Final Common Council

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

Tuesday, February 3, 2009

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

B. Pledge of Allegiance To The Flag

Boy Scouts Troop 146 led the Council in the Pledge of Allegiance to the Flag.

C. Public Comments

*Mary Schiro
Sherri Beranis
Dick Hinsman
Linda Rosenthal
Jennifer Gonzalez
Al Locke
Norb DeKeuster
George Meyers
Jeannie Creekmore*

D. Approval of Journal of Council Proceedings (Minutes)

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

E. Communications

Refer to Finance and Personnel Committee, by Ald. Friedel

[09-3131](#)

Subject: communication from the City Attorney submitting the claim of Carlos Torres for consideration.

Referred to Finance and Personnel Committee

[09-3153](#)

Subject: claim for excessive assessment from Sears Roebuck and Co., 5800 Durand Avenue for the tax year 2008.

Referred to Finance and Personnel Committee

[09-3165](#) **Subject:** communication from the City Attorney requesting authorization to represent Off. Ryan Comstock in Racine County Case No. 09-CV-0863, Shannon Figueroa, et al. v. Ryan Comstock, et al.

Referred to Finance and Personnel Committee

[09-3176](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer regarding repairs to the Impound Lot facility.

Referred to Finance and Personnel Committee

[09-3182](#) **Subject:** A communications from the Fire Chief requesting permission to apply for, and if awarded, accept the 2009 DHS/Port Security Grant on behalf of the Racine Fire Department and the RCWRR. Grant Control #: 2009-006

(Also refer to Public Safety and Licensing Committee)

Referred to Finance and Personnel Committee

Referred to Public Safety and Licensing Committee

[09-3183](#) **Subject:** Communications from the Fire Chief requesting permission for the Mayor and City Clerk to be authorized to sign an updated lease agreement for Engine House 3 Museum with the Racine Fire Bells, Inc.

(Also refer to Public Safety and Licensing Committee)

Referred to Finance and Personnel Committee

Referred to Public Safety and Licensing Committee

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

[09-3137](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering submitting a request to revise the Storm Water Ordinances to comply with the reissuance of the Root River Group Municipal Storm Water Discharge Permit.

Referred to Public Works and Services Committee

[09-3151](#) **Subject:** Communication from Robbin E. Church, 3945 Wood Lane, requesting that sidewalks be installed in front of Dr. Jones Elementary School.

Referred to Public Works and Services Committee

[09-3174](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting the City Attorney take the necessary steps to recover damages from A. W. Oakes to a sanitary sewer lateral at 2044 Racine Street from worked performed on Contract

22-05, Racine Street Utility Construction.

Referred to Public Works and Services Committee

[09-3180](#)

Subject: Communication from the Purchasing Agent submitting bid results on Official Notice #13, Avaya Telecommunication System Maintenance.

Referred to Public Works and Services Committee

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

[09-3155](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to waive formal bidding for the purchase of playground equipment for Lockwood Park.

Referred to Public Safety and Licensing Committee

[09-3177](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to enter in an agreement with AECOM to prepare plans and specifications for replacing the North Beach sanitary lift station.

Referred to Public Safety and Licensing Committee

[09-3187](#)

Subject: Communication from Joseph Mooney, requesting to meet with the appropriate committees to discuss beer permits issued for Monument Square and additional signage.

(Also refer to Traffic Commission)

Referred to Public Safety and Licensing Committee

Referred to Traffic Commission

Refer to Traffic Commission, by Ald. Holding

[09-3144](#)

Subject: Communication from the residents of the 900 and 1000 block of Racine Street requesting the alternate side parking restriction on the 900 block of Racine Street during the winter months be lifted.

Referred to Traffic Commission

Refer to Transit and Parking Commission, by Ald. DeHahn

[09-3162](#)

Subject: Communication from Rita Lewis, Racine Montessori School, wishing to rent Lakefront Lot No. 5 from 5:30 A.M. to 5:00 P.M. for the Lakefront Artist Fair on Saturday, May 2, 2009.

Referred to Transit and Parking Commission

[09-3179](#)

Subject: Communication from Sue McKeown, Partners In

Employment, wishing to discuss problems with DART service.

Referred to Transit and Parking Commission

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Friedel

08-3052

Subject: Communication from the Director of Environmental Health requesting permission to enter into an agreement with Wheaton Franciscan Health Care-All Saints to provide home visitation services for the Racine Healthy Births Healthy Families Program.

Recommendation of the Finance & Personnel Committee on 1-26-09: The item to be received and filed.

Fiscal Note: N/A

Alderman Friedel requested that item 08-3052 be considered separately.

This Communication was Referred to the Finance and Personnel Committee

08-3054

Subject: (Direct Referral) Request of the Executive Director for approval of a contract with RCEDC for commercial corridor development services. (Res.09-1204)

Recommendation of the Redevelopment Authority on 1-07-09: That \$69,400.00 from the Intergovernmental Revenue Sharing Fund be used for the renewal of the RCEDC commercial corridor contract for 2009.

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

Further, that the proposed agreement be referred to the Finance and Personnel Committee of the Common Council for review and approval.

Fiscal Note: The funds are available in the city's 2009 capital budget.

Recommendation of the Finance & Personnel Committee on 1-26-09: The Acting Mayor and City Clerk be authorized and directed to enter into an agreement between the City of Racine and the Racine County Economic Development Corporation (RCEDC) to provide economic development assistance to the City, commencing on January 1, 2009 to December 31, 2009.

Fiscal Note: Funds are available in account 919-000-5610 Professional Services-Commercial Corridors.

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

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

NON VOTING: 1 - Maack

09-3075

Subject: Communication from the Public Health Administrator requesting permission to accept \$240,663 from the Department of Health Services for the Consolidated Contract. (Res.09-1209)

Recommendation of the Finance & Personnel Committee on 1-26-09: The Acting Mayor and City Clerk be authorized and directed to enter into an agreement up to \$240,663 with the Department of Health Services for Consolidated Contract. Further recommends if there is a change in the dollar amount, then a report be brought back to the Finance & Personnel Committee. (Grant Control No. 2008-049).

Fiscal Note: There is a soft match of \$60,505 required on the part of the City for the Maternal Child Healthcare Program.

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

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

NON VOTING: 1 - Maack

09-3078

Subject: Communication from the Public Health Administrator requesting permission to accept \$98,371 from the Department of Health Services for the Tobacco Prevention and Control Program. (Grant Control #2008-052) (Res.09-1210)

Recommendation of the Finance & Personnel Committee on 1-26-09: The Acting Mayor and City Clerk be authorized and directed to enter into a \$98,371 agreement with the Department of Health Services for the Tobacco Prevention and Control Program (Grant Control No. 2008-052).

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.

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

NON VOTING: 1 - Maack

09-3081

Subject: Communication from the Public Health Administrator

requesting permission to accept \$61,160 from the Department of Health Services for Center of Disease Control (CDC) Preparedness. (Grant Control #2008-050) (Res.09-1211)

Recommendation of the Finance & Personnel Committee on

1-26-09: The Acting Mayor and City Clerk be authorized and directed to enter into a \$61,160 agreement with the Department of Health Services for the Center of Disease Control (CDC) Preparedness (Grant Control No. 2008-050).

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.

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

NON VOTING: 1 - Maack

[09-3082](#)

Subject: Communication from the Public Health Administrator requesting permission to accept \$35,590 from the Department of Health Services for the Cities Readiness Initiative (CRI) Preparedness. (Grant Control #2008-051) (Res.09-1212)

Recommendation of the Finance & Personnel Committee on

1-26-09: The Acting Mayor and City Clerk be authorized and directed to enter into a \$35,590 agreement with the Department of Health Services for the Cities Readiness Initiative (CRI) Preparedness. (Grant Control No. 2008-051).

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.

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

NON VOTING: 1 - Maack

[09-3093](#)

Subject: Communication from the Grant Facilitator requesting permission to accept Project Safe Neighborhood 2008 Grant Award (Grant Control No. 2008-042) in the amount of \$25,000 to support the Community Re-Entry Program. (Res.09-1205)

Recommendation of the Finance & Personnel Committee on

1-26-09: The Acting Mayor and City Clerk be authorized and directed to enter into a Project Safe Neighborhood 2008 grant agreement in the amount of \$25,000 with the Wisconsin Office of Justice Assistance to be utilized for the Community Re-Entry Program.

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.

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

NON VOTING: 1 - Maack

09-3094

Subject: Communication from the Grant Facilitator requesting permission to apply for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Gang Prevention Coordination Assistance Program 2009 Grant Announcement (Grant Control No. 2009-001) in the amount of \$200,000. (Res.09-1206)

Recommendation of the Finance & Personnel Committee on 1-26-09: Permission be granted for the Grant Facilitator to apply for the Juvenile Justice and Delinquency Prevention (OJJDP) Gang Prevention Coordination Assistance Program 2009 Grant in the amount of \$200,000 with the United States Department of Justice.

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.

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

NON VOTING: 1 - Maack

09-3095

Subject: Communication from the Grant Facilitator requesting permission to apply for the 21st Century Community Learning Center Program 2009 Grant Announcement (Grant Control No. 2009-002) in the amount of \$300,000. (Res.09-1207)

Recommendation of the Finance & Personnel Committee on 1-26-09: Permission be granted for the Grant Facilitator to apply, in partnership with Racine Unified School District, for the 21st Century Community Learning Center Program 2009 Grant (Grant Control No. 2009-002) in the amount of \$85,000 through the Wisconsin Department of Public Instruction.

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.

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

NON VOTING: 1 - Maack

09-3096

Subject: Communication from the City Attorney requesting authorization for the continuation of the self-insured worker's compensation program, in compliance with Wisconsin Administrative Code DWD 80.60(3). (Res.09-1203)

Recommendation of the Finance & Personnel Committee on

1-26-09: Permission be granted for the City Attorney to continue the self insured worker's compensation program currently in effect and further recommends to submit a certified copy of the resolution to the Worker's Compensation Division, Wisconsin Department of Workforce Development.

Fiscal Note: N/A

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

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

NON VOTING: 1 - Maack

09-3097

Subject: Communication from the Community Health Director requesting the Mayor and City Clerk be authorized and directed to enter into a fee-for-service contract with the Children's Hospital of Wisconsin for Children and Youth with Special Health Care Needs. (Res.09-1208)

Recommendation of the Finance & Personnel Committee on

1-26-09: The Acting Mayor and City Clerk be authorized and directed to enter into a fee-for-service contract in the amount up to \$3,640 with the Children's Hospital of Wisconsin for Children and Youth with Special Health Care Needs.

Fiscal Note: N/A

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

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

NON VOTING: 1 - Maack

09-3158

Subject: (Direct Referral) The Finance Director requesting to appear before the Finance & Personnel Committee to discuss the issuance of a resolution allowing checks to be issued without the Mayor's signature. (Res.09-1213)

Recommendation of the Finance & Personnel Committee on

01-26-09: A resolution be issued as follows: "Resolved, that the

Clerk and Finance Director/Treasurer shall by manual or facsimile signature sign all drafts and checks from demand deposit accounts. The drafts or checks shall not require the countersignature of the Mayor."

Fiscal Note: Checks will be signed via facsimile by the Finance Director/Treasurer and City Clerk as provided for under State Statute.

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

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

NON VOTING: 1 - Maack

Council Action

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

Public Works and Services Committee Report, by Ald. Holding

08-3044

Subject: Communication from CAR25 requesting additional space at the City Hall Annex. (Res.09-1217)

Recommendation of the Public Works and Services Committee on 1-27-09: That CAR25 be granted permission to utilize Room 313 of the City Hall Annex, consisting of 1,263 square feet, and that they pay their current rental rate for the remainder of 2009.

Further recommends that the City of Racine's normal rental rate be charged beginning January 1, 2010 for the entire amount of square footage being utilized by CAR25.

Fiscal Note: The move to a larger quarters will increase their rent by approximately \$6,500.00 in 2010.

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

09-3088

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 02-07 (K7-002), 2007 Public Works Technology Consulting, Earth Tech, consultant. (Res.09-1218)

Recommendation of the Public Works and Services Committee on 1-27-09: The professional services provided by Earth Tech under Contract 2-07 (K7-002), 2007 Public Works Technology Consulting, be accepted and final payment authorized for a total contract amount of \$34,492.30.

Fiscal Note: Contract was authorized under Resolution No. 3747, dated December 20, 2006.

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

09-3105

Subject: Communication from Reefpoint Marina requesting permission to close the Christopher Columbus Causeway for the Racine Boat Show from August 3, 2009 through August 9, 2009. (Res.09-1215)

Recommendation of the Public Works and Services Committee on 1-27-09: That Reefpoint Marina be granted permission to close the Christopher Columbus Causeway, from Lake Avenue east to the water's edge, from 8:00 a.m. on August 3, 2009 to 10:00 p.m. on August 9, 2009, for the Racine Boat & RV Show.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall 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.

09-3122

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 26-08 (K8-030), Curb and Gutter Repair, C.D.B.G., D.C. Burbach, Inc., contractor. (Res.09-1220)

Recommendation of the Public Works and Services Committee on 1-27-09: The work done by D.C. Burbach, Inc. under Contract 26-08 (K8-030), Curb and Gutter Repair, C.D.B.G., be accepted and final payment authorized for a total contract amount of \$219,474.43.

Fiscal Note: Contract was authorized under Resolution No. 08-0840, dated May 15, 2008.

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

09-3134

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting final payment on Contract 49-07 (K7-057), PS - Storm Sewer Design for DeKoven Avenue and Hickory Grove Avenue, Earth Tech, consultant. (Res.09-1219)

Recommendation of the Public Works and Services Committee on 1-27-09: The professional services provided by Earth Tech under Contract 49-07 (K7-057), Professional Services-Storm Sewer Design for DeKoven Avenue and Hickory Grove Avenue, be accepted and final payment authorized for a total contract amount of \$73,193.06.

Fiscal Note: Contract was authorized under Resolution No. 07-0273, dated June 19, 2007.

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

09-3135

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 28-08 (K8-032), PS - Evaluate Osborne Boulevard Elevated Sanitary Sewer, Earth Tech, consultant. (Res.09-1221)

Recommendation of the Public Works and Services Committee on 12-9-08: The professional services provided by Earth Tech under Contract 28-08 (K8-032), Professional Services - Evaluate Osborne Boulevard Elevated Sanitary Sewer, be accepted and final payment authorized for a total contract amount of \$19,431.92.

Fiscal Note: Contract was authorized under Resolution No. 08-0713, dated March 18, 2008.

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

09-3136

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting a proposal from the Town of Bristol for Root-Pike WIN to provide a 2-year public outreach, education and public participation project. (Res.09-1224)

Recommendation of the Public Works and Services Committee on 1-27-09: That the Mayor and City Clerk be authorized and directed to enter into an agreement with the Root-Pike WIN to provide Public Outreach Education and Public Participation to meet the requirements of the City of Racine's Storm Water Permit as issued by the Wisconsin Department of Natural Resources. The agreement is based upon providing 2 years of these services at a cost of \$4,200.00 for the first

year and the second year at \$4,410.00.

Further recommend that funds to defray the cost of these services be appropriated from Account 104.000.5350, Public Participation and Info.

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.

09-3143

Subject: (Direct Referral) Communication from Visu-Sewer, Inc. requesting permission to store equipment and materials at the former Walker site in conjunction with a Caledonia Force Main Repair project on Michigan Boulevard. (Res.09-1216)

Recommendation of the Public Works and Services Committee

on 1-27-09: The Mayor and City Clerk be authorized and directed to enter into an agreement with Visu-Sewer, Inc. for the use of the Walker Site for the storage of construction materials for the Caledonia Force Main Repair-Michigan Boulevard project, from February 4, 2009 to June 1, 2009, with the following stipulations:

- A. A Hold Harmless Agreement be executed;
- B. A Liability Insurance Certificate be filed; and
- C. Visu-Sewer, Inc. restores the property to its original condition.

Fiscal Note: Not applicable.

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

09-3142

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting a proposal from Nielsen, Madsen and Barber for the design of Parks Department paving projects. (Res.09-1225)

Recommendation of the Public Works and Services Committee

on 1-27-09: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Nielsen, Madsen and Barber for the design of Parks Department paving projects, at a price not-to-exceed \$24,850.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 988.700.5030, Lockwood Parking 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.

09-3145

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting a proposal from Ayres Associates for design of plans and specifications for the West Sixth Street Bridge. (Res.09-1226)

Recommendation of the Public Works and Services Committee on 1-27-09: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Ayres Associates for the design of plans and specifications for the West Sixth Street Bridge, at a price not-to-exceed \$11,900.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 988.520.5010, Mound Avenue Bridge.

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.

09-3146

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting a proposal from Ayres Associates for design of plans and specifications for the north Horlick Drive Bridge. (Res.09-1227)

Recommendation of the Public Works and Services Committee on 1-27-09: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Ayres Associates for the design of plans and specifications for the north Horlick Drive Bridge, at a price not-to-exceed \$2,800.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 990.520.5010, Flood Bridge Repairs.

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.

09-3147

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting a proposal from AECOM for professional services for Osborne Ravine Sanitary Sewer Abatement and Structural Repair. (Res.09-1228)

Recommendation of the Public Works and Services Committee

on 1-2713-09: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM for professional services for the Osborne Ravine Sanitary Sewer Abatement and Structural Repair, at a price not-to-exceed \$69,236.00.

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

\$51,236.00 - Account 287.988.5310, Sanitary Sewer-Various Locations
\$18,000.00 - Account 104.900.5420, Storm Sewers-Misc. Locations
\$69,236.00 - 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.

[09-3148](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 2 to Contract 53-08 (K8-061), City Hall Renovations - Phase II (R1), Absolute Construction Enterprises, Inc., contractor. (Res.09-1222)

Recommendation of the Public Works and Services Committee on 1-27-09: That Change Order No. 2 on Contract 53-08 (K8-061), City Hall Renovations-Phase II (R1), Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$10,721.00.

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

\$ 1,429.00 - Account 987.100.5030, IS Renovations
\$ 9,292.00 - Account 989.100.5010, City Hall-Facilities Plan Implementation
\$10,721.00 - 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.

[09-3149](#)

Subject: Ordinance No. 2-09 to repeal and recreate Section 46-36 and to repeal Secs. 46-38 and 46-40 of the Municipal Code of the City of Racine, Wisconsin relating to Public works contracts.

Recommendation of the Public Works and Services Committee on 1-27-09: That Ordinance No. 2-09 to repeal and recreate Section

46-36 and to repeal Secs. 46-38, 46-39 and 46-40 of the Municipal Code of the City of Racine, Wisconsin relating to public works contracts, be adopted.

Fiscal Note: Not applicable.

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

09-3157

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal from Architectural Associates, Ltd. for professional services for library renovation design services. (Res.09-1223)

Recommendation of the Public Works and Services Committee on 1-27-09: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Architectural Associates, Ltd. for professional services for library renovation design services, at a price not-to-exceed \$58,308.75.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 255.699.5020, Library-Remodel 2nd Floor.

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

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

NOES: 1 - Maack

Public Safety and Licensing Committee Report, by Ald. Shakoor

09-3101

Subject: (New) Application of 6200 West, Inc. (Envi), Doug Nicholson, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 316 Main Street. (1st District)

Recommendation of the Public Safety & Licensing Committee 1-26-09: That the application of 6200 West, Inc. (Envi), Doug Nicholson, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 316 Main Street, be granted.

Fiscal Note: N/A

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

09-3102

Subject: (New) Application of Goldtronics, LLC., dba Wisconsin Discount for a Secondhand Jewelry Dealer's license and a Secondhand Article Dealer license for 2724 Sixteenth Street (9th District).

Recommendation of the Public Safety & Licensing Committee

1-26-09: That the (new) application of Goldtronics, LLC., dba Wisconsin Discount for a Secondhand Jewelry Dealer's license and a Secondhand Article Dealer license for 2724 Sixteenth Street, be granted.

Fiscal Note: N/A

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

09-3109

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to enter in an agreement with Southport Consulting to prepare plans and specifications for HVAC replacement at Wustum Museum. (Res.09-1214)

Recommendation of the Public Safety & Licensing Committee

1-26-09: That the Director of Parks, Recreation & Cultural Services be granted permission to enter in an agreement with Southport Consulting to prepare plans and specifications for HVAC replacement at Wustum Museum.

Fiscal Note: Funds are available in account 655.000.5980, Wustum Classroom Building HVAC.

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

09-3117

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the sale of abandoned vehicles for January 12, 2009.

Recommendation of the Public Safety & Licensing Committee on

1-26-09: That the item be received and filed.

Fiscal Note: This will generate \$7,369.01 in revenues.

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

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

NOES: 1 - Maack

Traffic Commission Report, by Ald. Holding

08-2982

Subject: Communication from the Alderman of the 2nd District requesting the evaluation of street signs (parking, school zone, school bus, etc.) around the Keith Mack Alternative Center at Winslow, 1325 Park Avenue.

Recommendation (12-15-08): Defer

Recommendation (01-19-09): Recommends that the request to post "No stopping, standing or parking from 7:30 A.M. to 4:30 P.M. on any school day except for school buses and mass transit vehicles owned and operated by the City" on Park Avenue, east side, from 140 feet north of 14th Street north 130 feet, be granted.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$100.00 and an annual maintenance cost of \$40.00

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

09-3141

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

A. Recommends that Section 94-141 (9) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No stopping, standing or parking from 7:30 A.M. to 4:30 P.M. on any school day except for school buses and mass transit vehicles owned and operated by the City" be amended:

By Including:

1. Park Avenue, east side, from 140 feet north of 14th Street north 130 feet.

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

Council Action

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

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

NOES: 1 - Maack

Transit and Parking Commission Report, by Ald. DeHahn

Alderman DeHahn requested to suspend the rules to allow Tom Eeg to approach the podium and address the committee regarding this item. There were no objections.

08-2761

Subject: Communication from the Assistant Commissioner of Public Works/Operations wishing to discuss potential changes needed for the 2009 Budget. (Ord.03-09)

Recommendation (11/19/08): Defer

Recommendation (12/17/08): Defer

Recommendation (01/28/09): Recommend the citation rates be amended as follows:

Violation

94-12 Parking Tow Away Zone - \$30.00
94-141 Prohibited Parking - \$20.00
94-201 Handicap Parking - \$100.00
94-250 Parking Time Limit (Meters) - \$15.00

Fiscal Note: Citations will potentially increase revenue up to \$60,000 for the parking system.

Ald. DeHahn requested that item 08-2761 be considered separately.

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

AYES: 12 - Coe, Anderson, Kaplan, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

NOES: 2 - Shields and Weidner

NON VOTING: 1 - Maack

08-3064

Subject: Communication from the Assistant Commissioner of Public Works/Operations wishing to inform the Transit & Parking Commission of the Mayor's decision to authorize the 2009 Auto Show free parking for the duration of their event - January 9 - 11, 2009. (Res.09-1229)

Recommendation: Approve waiving fee for 2009 Auto Show.

Fiscal Note: This will result in a loss of revenue to the parking system of \$378.

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

NOES: 1 - Weidner

NON VOTING: 1 - Maack

City Plan Commission Report, by Ald. Holding

09-3086

Subject: (Direct Referral) Consideration of ordinance amendments and administrative guidelines for the implementation of Racine H-Historic Properties District Design Guidelines. (Ord.04-09)

Recommendation of the City Plan Commission on 1-28-09: That an ordinance and resolution be prepared and a public hearing scheduled.

Fiscal Note: N/A

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

09-3087

Subject: (Direct Referral) Application by Malek Musaitef seeking a conditional use permit for a daycare center at 1630 Douglas Avenue. (Res.09-1230)

Recommendation of the Access Corridor Development Review Committee on 1-22-09: That this item be approved subject to staff recommendations.

Recommendation of the City Plan Commission on 1-28-09: That this item be approved subject to staff recommendations.

Fiscal Note: N/A

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

09-3119

Subject: (Direct Referral) Application by Heather Hammond representing, Landmark Development, seeking a conditional use permit for a mixed use development at 3101-3121 Washington Avenue.

Recommendation of the Access Corridor Development Review Committee on 1/22/09: That this application be approved subject to staff recommendations.

Recommendation of the City Plan Commission on 1/28/09:

Pending special meeting of the Plan Commission on 2/2/09.

Recommendation of the City Plan Commission on 2/2/09: That this application be denied.

Fiscal Note: N/A

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

09-3173

Subject: (Direct Referral) Ord. 1-09 An ordinance to amend Sec. 114-34(d) and (g) of the Municipal Code of the City of Racine, Wisconsin relating to Board of Appeals - Hearings; Determinations.

Recommendation of the City Plan Commission on 1-28-09: That a public hearing be scheduled.

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

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

NON VOTING: 1 - Maack

Committee of the Whole Report, by Ald. Friedel

09-3138

Subject:(Direct Referral) Discussion and recommendation of options related to filling the vacancy within the Office of the Mayor.

Recommendation of the Committee of the Whole on 1-22-09: That a Special Election be held on June 2, 2009, with the primary being 28 days prior.

Fiscal Note: Estimate cost of both elections would be \$70,000.00.

Alderman Friedel requested that item 09-3138 be considered separately.

Motion made by Alderman Wisneski to reconsider the committee's recommendation.

Alderman Wisneski withdrew his motion.

Alderman Friedel suggested the committee vote on the original recommendation to hold the Special Election on June 2 and if it was voted down, then a new motion be considered.

Motion failed by the following vote:

AYES: Friedel, Mozol, Weidner, Anderson and Coe

NOES: Hart, Holding, Kaplan, McCarthy, Shakoor, Shields, Spangenberg and Wisneski

Motion made by Alderman Shakoor to hold a Special Election on May 5th with the Primary being held on April 7, 2009. Motion passed by the following vote:

AYES: Friedel, Hart, Holding, Kaplan, McCarthy, Mozol, Shakoor, Shields, Spangenberg, Weidner, Wisneski, Anderson, Coe and DeHahn

This Communication was Adopted As Amended:

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

NON VOTING: 1 - Maack

09-3163

Subject: (Direct Referral) Discussion and recommendation for filling the position of Mayor on an interim basis until such time as a special election for the position has been held.

Recommendation of Committee of the Whole on 1-29-09: That Thomas Friedel be appointed Mayor by the Common Council, and to serve until his successor is elected and qualified by Special Election as ordered by the Common Council.

Fiscal Note: N/A

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

NON VOTING: 2 - Maack and Friedel

Office of the Mayor Report, by Ald. Friedel

08-3032

Subject: Communication from Acting Mayor David Maack nominating appointments/reappointments to the following committees, commissions and boards for the City of Racine:

Business Improvement District #1 - Downtown

Reappoint Thomas Bowen, 312 6th St., for a three year term ending December 1, 2011.

Appoint Dr. Dean Rosenberg, 217 6th St., for a three year term ending December 1, 2011.

Civic Centre Commission

Appoint Cameron Kellenberger, 1305 West Lawn Ave, to fill an unexpired term of Chris Terry, ending May 1, 2011.

Appoint Raylene Bernotat, 4932 Regal Ct., for a three year term ending May 1, 2011.

Landmarks Preservation Commission

Appoint Tony Veranth, 737 Blaine Ave, to fill an unexpired term of Sally Sorensen, ending May 1, 2009.

Transit & Parking Commission

Appoint Raquel Freeman, 2817 Wright Ave, for a three year term ending October 1, 2011.

City Plan Commission

Appoint Eric Marcus, 1520 College Ave., to fill an unexpired term of Frank Tingle, ending May 1, 2009.

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, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

NON VOTING: 1 - Maack

Wastewater Commission Report, by Ald Hart09-3159

Subject: Amendment No. 1 to the Household Hazardous Waste Agreement with the Village of Sturtevant

Recommendation of the Wastewater Commission dated 1/27/09:
Wastewater Commission approved and further recommends to refer to the Finance and Personnel Committee for approval and for authorization of the Mayor and the City Clerk to sign the Amendment.

Fiscal Note: N/A

A motion was made that this Communication be Referred to the Finance and Personnel Committee, . The motion was APPROVED by the following vote:

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

NOES: 1 - Maack

G. Consent Agenda - ResolutionsRes.09-1203

Permission for City of Racine to continue the self-insured worker's compensation program

Resolved, that the City Attorney be authorized to continue the City of Racine's self insured worker's compensation program currently in effect, in compliance with Wisconsin Administrative Code DWD 80.60(3), and

submit a certified copy of the resolution to the Worker's Compensation Division, Wisconsin Department of Workforce Development.

Fiscal Note: N/A

Sponsors: Thomas Friedel

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

[Res.09-1204](#)

Permission to enter into agreement with Racine County Economic Development Corporation

Resolved, that the Acting Mayor and City Clerk be authorized and directed to enter into an agreement between the City of Racine and the Racine County Economic Development Corporation (RCEDC) to provide economic development assistance to the City, commencing on January 1, 2009 to December 31, 2009.

Further resolved, that \$69,400.00 from the Intergovernmental Revenue Sharing Fund be used for the renewal of the RCEDC commercial corridor contract for 2009.

Fiscal Note: Funds are available in account 919-000-5610, Professional Services-Commercial Corridors.

Sponsors: Thomas Friedel

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

[Res.09-1205](#)

Permission to accept funding and enter into a Project Safe Neighborhood 2008 Grant Agreement

Resolved, that permission be granted to the Grant Facilitator to accept funding and that the Acting Mayor and City Clerk be authorized and directed to enter into a Project Safe Neighborhood 2008 grant agreement (Grant Control No. 2008-042) in the amount of \$25,000 with the Wisconsin Office of Justice Assistance to be utilized for the Community Re-Entry Program.

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

Sponsors: Thomas Friedel

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

[Res.09-1206](#)

Permission to apply for Office of Justice Gang Prevention Coordination Assistance Program 2009 Grant

Resolved, that permission be granted for the Grant Facilitator to apply for the Juvenile Justice and Delinquency Prevention (OJJDP) Gang

Prevention Coordination Assistance Program 2009 Grant in the amount of \$200,000 with the United States Department of Justice (Grant Control No. 2009-001).

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

Sponsors: Thomas Friedel

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

Res.09-1207

Permission to apply for the 21st Century Community Learning Center Program 2009 Grant

Resolved, that permission be granted for the Grant Facilitator to apply, in partnership with Racine Unified School District, for the 21st Century Community Learning Center Program 2009 Grant (Grant Control No. 2009-002) in the amount of \$85,000 through the Wisconsin Department of Public Instruction.

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

Sponsors: Thomas Friedel

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

Res.09-1208

Permission to enter into a fee-for service contract with Children's Hospital of Wisconsin

Resolved, that the Acting Mayor and City Clerk be authorized and directed to enter into a fee-for-service contract in an amount up to \$3,640 with the Children's Hospital of Wisconsin for Children and Youth with Special Health Care Needs beginning January 1, 2009. The funds will be paid to the Health Department on a fee for service basis depending on the number of clients served in the year.

Fiscal Note: N/A

Sponsors: Thomas Friedel

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

Res.09-1209

Permission to accept funding and enter into agreement with Department of Health Services for the Consolidated Contract

Resolved, that permission be granted to accept funding and that the Acting Mayor and City Clerk be authorized and directed to enter into an agreement in the amount of \$240,663 with the Department of Health Services for the Consolidated Contract for the contract period of January 1, 2009 through December 31, 2009.

Further resolved, if there is a change in the dollar amount, then a report be brought back to the Finance & Personnel Committee. (Grant Control No. 2008-049).

Fiscal Note: There is a soft match of \$60,505 required on the part of the City for the Maternal Child Healthcare Program.

Sponsors: Thomas Friedel

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

Res.09-1210

Permission to accept funding and enter into grant agreement for Tobacco Prevention and Control Program

Resolved, that permission be granted to accept funding and that the Acting Mayor and City Clerk be authorized and directed to enter into a \$98,371 agreement with the Department of Health Services for the Tobacco Prevention and Control Program (Grant Control No. 2008-052). The contract period is January 1, 2009 through December 31, 2009.

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

Sponsors: Thomas Friedel

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

Res.09-1211

Permission to accept funding and enter into agreement with Department of Health Services for the Center of Disease Control Preparedness

Resolved, that permission be granted to accept funding and that the Acting Mayor and City Clerk be authorized and directed to enter into a \$61,160 agreement with the Department of Health Services for the Center of Disease Control (CDC) Preparedness (Grant Control No. 2008-050). The contract period is January 1, 2009 through December 31, 2009.

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

Sponsors: Thomas Friedel

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

Res.09-1212

Permission to accept funding and enter into agreement with Department of Health Services for the Cities Readiness Initiative Preparedness

Resolved, that permission be granted to accept funding from the Department of Health Services for the Cities Initiative Preparedness and that the Acting Mayor and City Clerk be authorized and directed to enter into a \$35,590 agreement with the Department of Health Services for the Cities Readiness Initiative (CRI) Preparedness (Grant Control No. 2008-051).

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

Sponsors: Thomas Friedel

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

Res.09-1213

Permission to issue checks using City Clerk and Finance Director/Treasurer signatures

Resolved, that the City Clerk and Finance Director/Treasurer shall by manual or facsimile signature sign all drafts and checks from demand deposit accounts. The drafts or checks shall not require the countersignature of the Mayor.

Fiscal Note: Checks will be signed manually or via facsimile by the Finance Director/Treasurer and City Clerk as provided for under State Statute.

Sponsors: Thomas Friedel

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

Res.09-1214

Permission to enter into agreement with Southport Consulting to prepare plans and specifications for HVAC Replacement at Wustum Museum

Resolved, that the Acting Mayor and City Clerk be authorized and directed to enter into an agreement with Southport Consulting to prepare plans and specifications for HVAC replacement at Wustum Museum at a cost not to exceed \$2,500.00 plus reimbursable costs.

Fiscal Note: Funds are available in Account 655.000.5980, Wustum Classroom Building HVAC.

Sponsors: Q.A. Shakoore, II

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

Res.09-1215

Permission for Reefpoint Marina to close Christopher Columbus Causeway for Racine Boat & RV Show

Resolved, that Reefpoint Marina be granted permission to close the Christopher Columbus Causeway, from Lake Avenue east to the water's edge, from 8:00 a.m. on August 3, 2009 to 10:00 p.m. on August 9, 2009, for the Racine Boat & RV Show.

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

- A. A hold harmless agreement be executed.
- B. Proof of liability insurance be filed prior to this event.

- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall pay a \$250.00 special event fee.

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

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

Sponsors: Gregory Holding

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

Res.09-1216

Enter into agreement with Visu-Sewer, Inc. for storage of construction equipment at former Walker site

Resolved, that the Acting Mayor and City Clerk be authorized and directed to enter into an agreement with Visu-Sewer, Inc. for the use of the Walker Site for the storage of construction materials for the Caledonia Force Main Repair-Michigan Boulevard project, from February 4, 2009 to June 1, 2009, with the following stipulations:

- A. A Hold Harmless Agreement be executed;
- B. Proof of Liability Insurance be filed; and
- C. Visu-Sewer, Inc. restores the property to its original condition.

Fiscal Note: Not applicable.

Sponsors: Gregory Holding

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

Res.09-1217

CAR25 granted permission to lease Room 313 at City Hall Annex

Resolved, that CAR25 be granted permission to utilize Room 313 of the City Hall Annex, consisting of 1,263 square feet, and that they pay their current rental rate for the remainder of 2009.

Further resolved, that the City of Racine's normal rental rate be charged beginning January 1, 2010 for the entire amount of square footage being utilized by CAR25.

Fiscal Note: The move to a larger quarters will increase their rent by approximately \$6,500.00 in 2010.

Sponsors: Gregory Holding

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

[Res.09-1218](#) Professional services provided by Earth Tech for Contract 2-07 (K7-002), 2007 Public Works Technology Consulting, be accepted and final payment authorized

Resolved, that the professional services provided by Earth Tech under Contract 2-07 (K7-002), 2007 Public Works Technology Consulting, be accepted and final payment authorized for a total contract amount of \$34,492.30.

Fiscal Note: Contract was authorized under Resolution No. 3747, dated December 20, 2006.

Sponsors: Gregory Holding

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

[Res.09-1219](#) Professional services provided for DeKoven Avenue and Hickory Grove Avenue storm sewer be accepted and final payment authorized to Earth Tech

Resolved, that the professional services provided by Earth Tech under Contract 49-07 (K7-057), Professional Services-Storm Sewer Design for DeKoven Avenue and Hickory Grove Avenue, be accepted and final payment authorized for a total contract amount of \$73,193.06.

Fiscal Note: Contract was authorized under Resolution No. 07-0273, dated June 19, 2007.

Sponsors: Gregory Holding

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

[Res.09-1220](#) Work accepted for Contract 26-08 (K8-030), Curb and Gutter Repair, and final payment authorized to D.C. Burbach, Inc.

Resolved, that the work done by D.C. Burbach, Inc. under Contract 26-08 (K8-030), Curb and Gutter Repair, C.D.B.G., be accepted and final payment authorized for a total contract amount of \$219,474.43.

Fiscal Note: Contract was authorized under Resolution No. 08-0840, dated May 15, 2008.

Sponsors: Gregory Holding

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

[Res.09-1221](#) Professional services accepted for Contract 28-08 (K8-032), Evaluate Osborne Boulevard Elevated Sanitary Sewer and final payment authorized to Earth Tech

Resolved, that the professional services provided by Earth Tech under Contract 28-08 (K8-032), Professional Services - Evaluate Osborne Boulevard Elevated Sanitary Sewer, be accepted and final payment authorized for a total contract amount of \$19,431.92.

Fiscal Note: Contract was authorized under Resolution No. 08-0713, dated March 18, 2008.

Sponsors: Gregory Holding

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

Res.09-1222

Change Order No. 2 on Contract 53-08 (K8-061), City Hall Renovations-Phase II (R1), Absolute Construction Enterprises, Inc., be approved

Resolved, that Change Order No. 2 on Contract 53-08 (K8-061), City Hall Renovations-Phase II (R1), Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$10,721.00.

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

\$ 1,429.00 - Account 987.100.5030, IS Renovations
\$ 9,292.00 - Account 989.100.5010, City Hall-Facilities Plan
Implementation
\$10,721.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1223

Enter into professional services agreement with Architectural Associates, Ltd. for library renovation design services

Resolved, that the Acting Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Architectural Associates, Ltd. for professional services for library renovation design services, at a price not-to-exceed \$58,308.75.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 255.699.5020, Library-Remodel 2nd Floor.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1224

Enter into agreement with Town of Bristol for Root-Pike WIN to provide Public Outreach Education and Public Participation

Resolved, that the Acting Mayor and City Clerk be authorized and directed to enter into an agreement with the Town of Bristol for Root-Pike WIN to provide Public Outreach Education and Public Participation to meet the requirements of the City of Racine's Storm Water Permit as issued by the Wisconsin Department of Natural Resources. The agreement is based upon providing 2 years of these services at a cost of \$4,200.00 for the first year and the second year at \$4,410.00.

Further resolved, that funds to defray the cost of these services be appropriated from Account 104.000.5350, Public Participation and Info.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1225

Enter into professional services agreement with Nielsen, Madsen and Barber for design of Park Department paving projects

Resolved, that the Acting Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Nielsen, Madsen and Barber for the design of Parks Department paving projects, at a price not-to-exceed \$24,850.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 988.700.5030, Lockwood Parking Lot.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1226

Enter into professional services agreement with Ayres Associates for plans and specifications for West Sixth Street Bridge

Resolved, that the Acting Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Ayres Associates for the design of plans and specifications for the West Sixth Street Bridge, at a price not-to-exceed \$11,900.00.

Further resolved, that funds to defray the cost of these professional

services be appropriated from Account 988.520.5010, Mound Avenue Bridge.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1227

Enter into a professional services agreement with Ayres Associates for plans and specifications for the north Horlick Drive Bridge

Resolved, that the Acting Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Ayres Associates for the design of plans and specifications for the north Horlick Drive Bridge, at a price not-to-exceed \$2,800.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 990.520.5010, Flood Bridge Repairs.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1228

Enter into professional services agreement with AECOM for Osborne Ravine Sanitary Sewer Abatement and Structural Repair

Resolved, that the Acting Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM for professional services for the Osborne Ravine Sanitary Sewer Abatement and Structural Repair, at a price not-to-exceed \$69,236.00.

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

\$51,236.00 - Account 287.988.5310, Sanitary Sewer-Variou Locations
\$18,000.00 - Account 104.900.5420, Storm Sewers-Misc. Locations
\$69,236.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1229

Waive fees for 2009 Auto Show Parking in Lakefront Lot No. 4

Resolved, that the 2009 Auto Show held at Festival Hall be provided free parking in Lakefront Lot No. 4 for the during of their event from January 9 - 11, 2009.

Fiscal Note: This will result in a loss of revenue to the parking system of \$378.

Sponsors: Raymond DeHahn

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

Res.09-1230

Conditional Use Permit for 1630 Douglas Avenue

Resolved, that the request by Malek Musaitef seeking a Conditional Use Permit to operate a daycare center and before and after school center at 1630 Douglas Avenue be approved, subject to the following conditions:

- a. That the plans presented to the Access Corridor Development Review Committee on January 22, 2009, and the Plan Commission on January 28, 2009, be approved subject to the conditions contained herein.
- b. That building and occupancy permits and all other applicable permits for the daycare center be requested from the Building Department.
- c. Prior to the issuance of an occupancy permit, the following shall be submitted:
 1. Sign plans for the review and approval of the Access Corridor Development Committee.
 2. Landscaping plan for the review and approval of the Director of City Development.
 3. Signed contract or plan from the firm or person in charge of grounds keeping and building maintenance. Said contract is to be submitted for the review and approval of the Director of City Development.
 4. That cashiers check or letter of credit equal to the value of the cost of implementation of the landscaping plan be submitted for the review and approval of the Director of City Development, and that said bond or letter of credit be valid for a minimum of one year after an occupancy permit is obtained.
- d. That the maximum hours that the day care facility be open to the general public be from 6:00 a.m. to 12:00 a.m. Monday through Friday, 6:00 a.m. to 6:00 p.m. on Saturdays, and no hours on Sunday.
- e. That all yard areas, landscaping, buildings and grounds be maintained in a professional manner and on a daily basis.
- f. That a landscaping depicted in the approved plans shall be installed by April 30, 2009.
- g. That all children shall be unloaded from vehicles, and loaded into

vehicles, in the parking lot.

h. That all trash and recyclables be stored in stored closed containers and screened from view.

i. That all buildings and grounds be maintain in a professional manner and on a daily basis.

j. That all codes and ordinances be complied with and required permits acquired, including a State of Wisconsin daycare license.

k. 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.

l. That this Conditional Use Permit is subject to review by the Plan Commission for Compliance with the listed condition.

Fiscal Note N/A

Sponsors: Gregory Holding

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

Res.09-1231

Preliminary - Ten (10) Year
Benefits and Damages

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

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

All property fronting upon both sides:

PORTLAND CEMENT CONCRETE PAVING

Riverview Terrace from N. Memorial Drive to the dead end
Chatham Street from Hamilton Street to Hubbard Street
Chatham Street from Hubbard Street to Barker Street
Erie Street from St. Patrick Street to High Street
Summit Avenue from Layard Avenue to the dead end
Georgia Avenue from Goid Street to Cecelia Park Drive
St. Patrick Street from Summit Avenue to Carlisle Avenue
Harmony Drive from Douglas Avenue to 184' east of Douglas Avenue
Fourth Avenue from South Street to Shoreland Drive
Gilson Street from Kearney Avenue to Coolidge Avenue
Fleetwood Drive from Spruce Street to Knoll Place
Pritchard Drive from Maryland Avenue to 450' north of Maryland Avenue

Kentucky Street from Shadow Lane to Maryland Avenue
Ravine Drive from Crabapple Drive to Hickory Way
Harrington Drive from Spring Valley Drive to N. Osborne Boulevard
Virginia Street from Ridgeway Avenue to 440' north of Ridgeway Avenue
Ravine Drive from N. Osborne Boulevard to Crabapple Drive
Crabapple Drive from Ravine Drive to Hickory Way
Kentucky Street from Seventeenth Street to Victory Avenue
Monroe Avenue from Republic Avenue to 360' north of Republic Avenue
Oregon Street from Washington Avenue to Lindermann Avenue
Virginia Street from Olive Street to Twentyfirst Street
Flower Lane from Ruby Avenue to the cul-de-sac
Lombard Avenue from Chatham Street to Michigan Boulevard
St. Clair Street from Monticello Drive to Sydney Drive
Melvin Avenue N. Main Street to Chatham Street
Melvin Avenue from Chatham Street to Michigan Boulevard

CURB AND GUTTER

Riverview Terrace from N. Memorial Drive to the dead end
Summit Avenue from Layard Avenue to the dead end
St. Patrick Street from Summit Avenue to the dead end
Pritchard Drive Maryland Avenue to 450' north of Maryland Avenue

SEWER AND WATER LATERALS

Riverview Terrace from N. Memorial Drive to the dead end
St. Patrick Street from Summit Avenue to the dead end
St. Patrick Street from Summit Avenue to Carlisle Avenue
Harmony Drive from Douglas Avenue to 184' east of Douglas Avenue
Fourth Avenue from South Street to Shoreland Drive
Kentucky Street from Seventeenth Street to Victory Avenue
Flower Lane from Ruby Avenue to the cul-de-sac

SANITARY SEWER

St. Patrick Street from Summit Avenue to the dead end.
St. Patrick Street from Summit Avenue to Carlisle Avenue
Harmony Drive from Douglas Avenue to 184' east of Douglas Avenue

ALLEYS

Alley bounded by 15th Street & Beebe Court; Clark Street & Racine Street
Alley bounded by 14th Street & 15th Street; Clark Street & Racine Street
Alley bounded by Linden Avenue & 11th Street; Harbridge Avenue & S.
Memorial Drive
Alley bounded by W. Sixth Street & Horlick Avenue; Parkview & Root River
Alley bounded by Ehlert Street & Glen Street; Luedtke Avenue & the Root
River
Alley bounded by Prospect Street & Harriet Street; Brooker Street & State

Street

Alley bounded by Parkview & the Root River; W. Sixth Street & the Root River

Alley bounded by 20th Street & DeKoven Avenue; Hickory Grove Avenue & Case Avenue

Alley bounded by 20th Street & DeKoven Avenue; Jay Eye See Avenue & Phillips Avenue

Alley bounded by 20th Avenue & DeKoven Avenue; Kearney Avenue & Hickory Grove Avenue

Alley bounded by W. Crescent Street & Jerome Boulevard; James Boulevard & Badger Street

Alley bounded by Arthur Avenue & Blaine Avenue; Kinzie Avenue & Lindermann Avenue

Alley bounded by Victory Avenue & 16th Street; Hayes Avenue & Grove Avenue

2. Said public improvement shall consist of **PORTLAND CEMENT CONCRETE PAVING, CURB AND GUTTER, SEWER AND WATER LATERALS, SANITARY SEWER, WATER MAIN AND ALLEYS.**
3. The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall not be greater than the benefits accruing thereto from said improvements.
4. The assessments against any parcel may be paid in cash or in ten (10) annual installments.
5. The Commissioner of Public Works is directed to prepare a report consisting of:
 - a. Preliminary or final plans and specifications for said improvement.
 - b. An estimate of the entire cost of the proposed work or improvement.
 - c. An estimate, as to each parcel of property within the assessment district, of:
 - (1) The assessment of benefits to be levied.
 - (2) The damages to be awarded for property taken or damaged.
 - (3) The net amount of such benefits over damages or the net amount of such damages over benefits.

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

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

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

Sponsors: Gregory Holding

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

Council Action

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

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

NON VOTING: 1 - Maack

H. Ordinances

Ord.03-09

Ordinance No. 3-09

To amend Section 94-17(b) of the Municipal Code of the City of Racine, Wisconsin relating to Traffic violation fine schedule - Schedule of forfeitable offenses.

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

Part 1:

Section 94-17(b) of the Municipal Code of the City of Racine is hereby amended as follows:

<u>"Section Number</u>	<u>Violation</u>	<u>Forfeiture</u>
94-12	Parking tow away zone	\$30.00
94-141	Prohibited parking	\$20.00
94-201	Handicap parking	\$100.00
94-250	Parking time limit (meters)	\$15.00"

Part 2:

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

Passed by the Common Council:

Approved: _____

Acting Mayor

Attest:

City Clerk

Sponsors: Raymond DeHahn

Referred to Transit and Parking Commission

Ord.04-09

Ordinance No. 4-09

To amend Sec. 58-1, amend Sec. 58-61, amend Sec. 58-62, amend Sec. 58-63, create Secs. 58-63.4 and 58-63.5, repeal and recreate Sec. 58-64, create Sec. 58-64.5, amend Secs. 58-76 and 58-78, create Division 4 Section 58-79, amend Sec. 114-1, amend Sec. 114-617 and Sec. 114-619 of the Municipal Code of the City of Racine, Wisconsin relating to H - Historic Properties District.

Part 1:

Section 58-1 of the Municipal Code of the City of Racine is hereby amended by adding the following definition before the definition "*Commission*":

"Certificate of appropriateness for properties within a designated H-Historic Properties District is an official ruling of the Department of City Development or Landmarks Preservation Commission approving exterior treatment for activities such as additions, alterations, rehabilitation, restoration, construction, reconstruction or demolition of a landmark, landmark site or contributing property, or new construction on vacant or cleared lots of parcels."

And by adding the following definition after the definition of "*Commission*":

"Contributing property is a designated property or structure that, in accordance with criteria in section Sec. 58-61, contributes to the character or understanding of the historical context of a defined geographic area. A Contributing property is designated as one or a multiple of properties or structures that comprise the cohesive basis for the establishment of an H-Historic properties district."

Part 2:

Section 58-61 of the Municipal Code of the City of Racine is hereby amended as follows:

Amend the title to read:

"Sec. 58-61. Criteria for designation of landmarks, landmark sites and contributing properties."

Amend "(a)" to read: "The criteria for the designation of properties to be landmarks, landmark sites or contributing properties shall be that which:" ...

Add "(5)" at the end of the section to read as follows:

"(5) Contributes to the character or understanding of a district and is one property, or a multiple of properties or structures, that helps forms the basis of a district."

Part 3:

Section 58-62 of the Municipal Code of the City of Racine is hereby amended by changing the title to read:

"Sec. 58-62. Procedure for identification of landmarks, landmark sites or contributing properties for designation."

Amend "(a)" by adding a comma after the word "landmark" in the last sentence, by deleting the word "or" at the end of the paragraph and by adding the phrase "or contributing property." at the end of the paragraph.

Amend "(b)" by adding the phrase "or contributing property" at the end of the first sentence.

Amend "(d)" by deleting "or a" in the first sentence, by inserting a comma after the word "landmark" and by adding the phrase "or contributing property" after the word "site" in the first sentence.

Amend "(e)" by inserting a comma after the word "landmark" in the second sentence, by deleting the word "or" in the second sentence and by inserting the phrase "or contributing property" after the word "site" in the second sentence.

Amend "(f)" by deleting the word "such" and adding in its place the word "the" and by adding the phrase "of a landmark or landmark site" after the word "designation".

Part 4:

Section 58-63 of the Municipal Code of the City of Racine is hereby amended by changing the title to read:

"Sec. 58-63. Maintenance and repair of landmark, landmark site or contributing property and prevention of neglect."

By repealing and recreating "(a)" to read as follows:

"(a) Subject to obtaining the required permits, ordinary maintenance and repair of designated landmarks, landmark sites or contributing properties may be undertaken without a finding of appropriateness by the Department of City Development (department) or commission if the activity involves

maintenance and repair of existing features. If the activity involves the replacement of elements comparably identical in appearance, and does not substantially or irreversibly change the exterior appearance then, only department review is required. If the activity does involve the substantial or irreversible change of the exterior appearance than commission review is required. All reviews shall be conducted as specified by Secs. 58-64, 58-64.5, and 114-619 of the municipal code. Section 58-63(a) shall not apply to properties designated as landmarks or landmark sites under this chapter prior to January 1, 2006, unless the landmark or landmark site is re-designated in accordance with section 58-66.”

Part 5:

Sections 58-63.4 and 58-63.5 of the Municipal Code of the City of Racine are hereby created to read as follows:

“Sec. 58-63.4. Building permits required.

For purposes of this chapter, the following exterior alterations to designated landmarks, landmark sites or contributing properties, or construction on vacant or cleared lots or parcels require a finding of appropriateness and a building permit:

- (a) Porches and exterior stairs.
- (b) Exterior doors.
- (c) Front yard fencing.
- (d) Siding.
- (e) Windows.
- (f) Roofs and chimneys.
- (g) Decks, fire escapes, exit platforms, and other exterior structural elements.
- (h) Building additions and exterior alterations.
- (i) New construction on vacant or cleared lot or parcel.
- (j) Accessory structures.

Sec. 58-63.5. Preapplication conference for alterations to landmarks, landmark sites and contributing properties.

Prior to making a formal application for a finding of appropriateness for alterations to a landmark, landmark site properties or contributing property, a preapplication conference is highly recommended. The purpose of the conference is to acquaint all pertinent city staff with the proposal, and acquire the views and concerns of those participating. The preapplication conference occurs with the department at the conceptual stage of the project when plans are flexible and adjustments are possible. The preapplication conference is also intended to assist the applicant in bringing the project plan into conformance with this article and other applicable regulations.”

Part 6:

Section 58-64 of the Municipal Code of the City of Racine is hereby repealed

and recreated to read as follows:

"Sec. 58-64. Alterations and new construction.

(a) Within a designated H-Historic Properties District no owner or owner's agent shall receive a building permit to commence an activity resulting in a minor or major change to the exterior appearance of a designated landmark, landmark site, contributing property, or a vacant or cleared lot or parcel without first obtaining a finding of appropriateness.

(b) Minor changes: for purposes of this chapter, the department may review an application and render a finding of appropriateness if an activity is determined by the department to be a minor change that does not alter the exterior appearance of a property, or vacant or cleared lot or parcel. The department shall conduct a review in accordance with subsection (e) below.

(c) Major changes: for purposes of this chapter, the commission shall review an application and render a finding of appropriateness if an activity is determined by the department to be a major change that will result in the substantial or irreversible alteration or demolition of, or the construction of any improvement upon a part or the entire exterior of such designated landmark, landmark site, or contributing property, or new construction on a vacant or cleared lot or parcel. The commission shall conduct a review in accordance with subsection (e) below, Sec. 58-64.5, and Sec. 114-619.

(d) The chief building inspector shall not accept applications for building permits for exterior modifications, new construction, or razing permits, nor issue such permits for properties for which the owner or its representative has a petition filed for the consideration of a rezoning to the "H" historic properties district designation. Subsections (a) through (f) shall not apply to properties designated under this chapter as landmarks or landmark sites prior to January 1, 2006, unless re-designated in accordance with section 58-66.

(e) Findings of appropriateness shall be rendered unless it is determined that:

- (1) The activity will be detrimental to the maintenance and overall historic character of the landmark, landmark site, contributing property or district;
- (2) The activity will impede the current or future preservation or restoration of the subject property or district;
- (3) Adequate measures will not be taken to protect the integrity of distinctive features, finishes, construction techniques, or examples of craftsmanship of the subject or adjacent landmark, landmark sites or contributing property;
- (4) The activity is contrary or detrimental to the findings of the original designation of the subject property or district;
- (5) The activity will not stabilize the landmark, landmark site or contributing

property for future preservation or restoration efforts; or

(6) The activity does not conform to criteria adopted by the common council to provide guidelines for the alteration and restoration of historic properties such as, but not limited to, those contained in Sec. 58-64.5. H-Historic Properties District design guidelines and Section 114-619 Architectural Guidelines.

(f) In addition to the application for a finding of appropriateness, an owner or owner's agent requesting designation of a landmark or landmark site shall submit to the director of city development be accompanied by all information and applicable fees required for a finding with respect to the standards of subsection (3). Within 10 days of submittal for the department, and 45 days of submittal for the commission, a review of the application shall be conducted and a written finding issued to the applicant, the director of city development, and the chief building inspector by the director of city development.

(1) Upon a finding of appropriateness, the applicant may request all necessary permits and, upon receiving such permits, proceed with the approved activity.

(2) Within 90 days after the date of a finding of appropriateness date of denial or of a finding of appropriateness, the applicant may adjust the plans to address factors that resulted in the finding, and resubmit the adjusted plans for review as described in (b) or (c) above, or may appeal the finding to the plan commission. The plan commission shall review the appeal and the department or commission's finding within 30 days and forward its recommendation to the common council for final action.

(g) In instances of overlapping jurisdictions between the department and/or commission and a design or development review body established by chapter 114, the design or development review body shall conduct the application review, consult with the department and/or commission, and where substantiated, issue a finding of appropriateness following the standards provided in subsection (e) of this section and Sec. 58-64.5 and Sec. 114-619."

Part 7:

Section 58-64.5 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Sec. 58-64.5. H-Historic Properties District design guidelines.

(a) General Guidelines. The following general guidelines are based on 36 CFR Part 67, the Secretary of the Interior's Standard, and shall be applied to projects taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the

building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be withdrawn.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that causes damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be impaired.

(b) New construction on vacant or cleared lots or parcels within an H - Historic Properties District shall be executed in a manner that is not detrimental to the district or adjacent properties.

(c) Guidelines for Specific Architectural Components. Refer to Section 114-619 H - Historic Properties District, Architectural Guidelines for reference to specific descriptions addressing the addition, alteration, repair, restoration, replacement or new construction of architectural components or

structures.”

Part 8:

Sections 58-76 and 58-78 and 58-78 (4) of the Municipal Code of the City of Racine is hereby amended by adding the phrase “or contributing property” after the words “landmark site” where it appears in these sections.

Part 9:

Division 4, Section 58-79 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Division 4. Enforcement.

Section 58-79. Enforcement.

Enforcement authority and applicable powers for this chapter is herein granted to the Zoning Administrator through Section 114, Article II Administration and Enforcement of the Municipal Code of the City of Racine.”

Part 10:

Section 114-1 of the Municipal Code of the City of Racine is hereby amended by adding the following definition before the definition of “*Certificate, occupancy*”:

“*Certificate of appropriateness for properties within a designated H-Historic Properties District* is an official ruling of the Department of City Development or Landmarks Preservation Commission approving exterior treatment for activities such as additions, alterations, rehabilitation, restoration, construction, reconstruction or demolition of a landmark, landmark site or contributing property, or new construction on vacant or cleared lots of parcels.”

And by adding the following definition after the definition of “*Community living*”:

“*Contributing property* is a designated property or structure that, in accordance with criteria in section Sec. 58-61, contributes to the character or understanding of the historical context of a defined geographic area. A Contributing property is designated as one or a multiple of properties or structures that comprise the cohesive basis for the establishment of an H-Historic properties district.”

Part 11:

Section 114-617 of the Municipal Code of the City of Racine is hereby amended by adding the words “landmarks preservation” before the word “commission” and by adding the phrase “or contributing property” at the end

of the paragraph.

Part 12:

Section 114-619 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Sec. 114-619. Architectural Guidelines.

Architectural guidelines may be adopted and amended from time to time by resolution of the common council. The purpose of these guidelines is to provide guiding principals and component specific framework relating to each architectural quality of a property to achieve the outcome of a durable project that upholds or enhances the value of it and adjacent properties. In applying the guidelines, consideration shall be given to the context of the built and natural surroundings in which the property is situated.”

Part 13:

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

Passed by the Common Council:

Approved: _____

Acting Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

Referred to City Plan Commission

I. Miscellaneous Business

Swearing In of the Mayor by the City Clerk

Thomas Friedel was sworn in as Mayor by the City Clerk. Mayor Friedel took his seat.

J. Adjourn

The meeting was adjourned at 8:15p.m. by Alderman Shakoor. The next scheduled meeting of the Council is Wednesday, February 18, 2009.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK

