



City of Racine

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

Meeting Minutes - Final Common Council

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

Tuesday, July 19, 2011

7:00 PM

Room 205, City Hall

A. Call To Order

*President Holding presided over the meeting in the absence of Mayor Dickert.
Meeting was called to order at 7:10 p.m.*

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

B. Pledge of Allegiance To The Flag

President Holding led the Council in the Pledge of Allegiance to the Flag.

C. Approval of Journal of Council Proceedings (Minutes)

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

Recognition of Washington Park High School Technical Education Department Students

The Students were recognized by the City for their outstanding achievements.

D. Public Comments

*Ken Brown
Olga Wilson
Angie France
Jim Robel
Wayne Clingman
Vincent L. Bobot
Kate Remington
Tom Brodek
Vevlon Day-Kimmons
Sue DeKeuster
Norb DeKeuster*

George Meyers

E. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[11-6655](#) **Subject:** Communication from the City Attorney submitting the claim of Jermaine Sheppard for consideration.

Referred to Finance and Personnel Committee

[11-6663](#) **Subject:** Communication from the Director of City Development requesting for permission to accept two U.S. Environmental Protection Agency grants to perform environmental site assessments at brownfields properties throughout the City (Grant Control Number: 2010-031).

Referred to Finance and Personnel Committee

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

[11-6683](#) **Subject:** Communication from Ernestina Martinez, 1021 Gideon Ct., requesting permission to close Gideon Court and abutting alleys for a special event on August 13, 2011, from 3 p.m. to 10 p.m.

Referred to Public Works and Services Committee

[11-6690](#) **Subject:** Communication from the Second Missionary Baptist Church requesting permission to close the 3900 block of 13th Street on Sunday, August 14, 2011 for a church event.

Referred to Public Works and Services Committee

[11-6692](#) **Subject:** Communication from the West Racine Business and Professional Association requesting permission to close the 1200 block of Grove Avenue on Saturday, August 13, 2011, for a car show.

Referred to Public Works and Services Committee

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

[11-6647](#) **Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to present the bids for Contract No. 31-11 (K1-033) Sam Johnson Parkway Fountain Upgrades.

Referred to Public Safety and Licensing Committee

[11-6650](#) **Subject:** (New) Application of ELM Entertainment DBA Corner Pocket, Eric L. Mohr, Agent for a "Class B" Fermented Malt

Beverage and Intoxicating Liquor License for 1655 Taylor Avenue. (3rd District)

Referred to Public Safety and Licensing Committee

[11-6660](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting approval to present the bids received by the Purchasing Agent on June 9, 2011 for one (1) 25,000 GVW Truck Chassis with an 11 Cubic Yard Refuse Body.

Referred to Public Safety and Licensing Committee

[11-6682](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to enter into an agreement with Mobile Reduction Specialists, Inc. for disposal of trees from City of Racine parks and street trees at no charge to the City.

Referred to Public Safety and Licensing Committee

Refer to Traffic Commission, by Ald. Weidner

[11-6671](#)

Subject: Communication from the Alderman of the 15th District requesting a stop sign be placed at the intersection of Shoreland Avenue and Ruby Avenue.

Referred to Traffic Commission

Refer to Transit and Parking Commission, by Ald. DeHahn

[11-6676](#)

Subject: Communication from the Transit and Parking System Manager requesting approval to pursue Federal funding for potential bus replacements.

Referred to Transit and Parking Commission

[11-6677](#)

Subject: Communication from the Transit and Parking System Manager requesting to amend US Federal Transit Administration (FTA) Grant No. WI-04-0037-00.

Referred to Transit and Parking Commission

[11-6678](#)

Subject: Communication from the Transit and Parking System Manager and the Southeastern Wisconsin Regional Plan Commission (SEWRPC) requesting the opportunity to discuss the Transit Development Plan.

Referred to Transit and Parking Commission

[11-6679](#)

Subject: Communication from the Transit and Parking System Manager requesting to discuss the Parking Utility Financial Analysis Draft Report.

Referred to Transit and Parking Commission

[11-6680](#)

Subject: Communication from the BUS Transit Manager submitting the June BUS Monthly Report and first six months of 2011 ridership and revenue.

Referred to Transit and Parking Commission

[11-6681](#)

Subject: Communication from the Transit and Parking System Manager requesting authorization to enter into an Intergovernmental Cooperative Purchasing Agreement with Kenosha Area Transit.

Referred to Transit and Parking Commission

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor

[11-6405](#)

Subject:(Direct referral) Communication from the 8th district alderman, Q.A. Shakoor, II, to discuss Park and Recreation fees.

Recommendation of the Finance & Personnel Committee on 5-9-11: To defer for 2 months pending more information on how this will affect Park and Recreation's budget.

Recommendation of the Finance & Personnel Committee on 7-11-11: To Receive and File.

Fiscal note: N/A

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

[11-6634](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to accept the donation of cement benches to be used in various City Parks. (Res. 11-2656)

Recommendation of the Finance & Personnel Committee on 7-11-11: Permission be granted for the Director of Parks, Recreation & Cultural Services to accept the donation of cement benches to be used in various City parks.

Fiscal Note: There is no cost to the City.

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

[11-6635](#)

Subject: Communication from Interim Chief of Police requesting to discuss 2011 Bureau of Justice Assistance (BJA) Edward Byrne

Justice Assistance Grant (JAG). [Grant control number 2011-021].
(Res. 11-2657)

Recommendation of the Finance & Personnel Committee on 7-11-11: Permission be granted for the Interim Chief of Police to apply for and accept the 2011 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG). (Grant Control #2011-021)

Fiscal Note: There is no City match required.

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

Council Action

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

AYES: 14 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wiser, Weidner, Wisneski, McCarthy, DeHahn, Mozol, Fair, Kaprelian-Becker and Morgenroth

NON VOTING: 1 - Holding

11-6659

Subject: (Direct Referral) Communication from the City Attorney submitting the claim of Angie France for consideration. (Res. 11-2658)

Recommendation of the Finance & Personnel Committee on 7-11-11: That the claim of Angie France, 2911 LaSalle St., Racine 53402, claiming reimbursement in the amount in excess of \$100.00 for alleged excessive real estate taxes paid between 1987 through 2009 be denied and that excessive real estate taxes paid for the year 2010 be approved.

Fiscal Note: The amount is to be determined.

Alderman Shakoor requested that item 11-6659 be considered separately.

This Claim was Referred to the Finance and Personnel Committee

Public Works and Services Committee Report, by Ald. Weidner

11-6034

Subject: (Direct Referral) Communication from the Director of City Development requesting for final payment on Contract 37-09 (K9-038) Façade Renovation - 1418 Washington Avenue, Bane-Nelson, Inc., contractor. (Res. 11-2662)

Recommendation of the Public Works and Services Committee on 2-22-11: Defer

Recommendation of the Public Works and Services Committee

on 7-12-11: That the work done by Bane-Nelson, Inc. under Contract 37-09 (K9-038), Facade Renovation-1418 Washington Avenue, be accepted and final payment authorized for a total contract amount of \$75,970.00.

Fiscal Note: Contract was authorized by the Redevelopment Authority under Resolution No. 9-10, dated June 3, 2009.

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

11-6468

Subject: Communication from the Glorious Light Church God the Living God, 2421 Superior Street, requesting permission to use Hamilton Park and to close Mead Street, from 17th Street to 18th Street, for their 4th annual Cry for Mercy event on Saturday, August 27, 2011. (Res. 11-2668)

Recommendation of the Public Works and Services Committee

on 6-14-11: That Glorious Light Church God the Living God be granted permission to close Mead Street from 17th Street to 18th Street, on Saturday, August 27, 2011, from 10:00 a.m. to 10:00 p.m., for their 4th annual Cry for Mercy event.

Further recommends that permission be granted with the following stipulations:

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

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

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

Recommendation of the Board of Parks, Recreation and Cultural

Services on 7-13-11: To approve the Communication from the Glorious Light Church God the Living God, 2421 Superior Street, requesting permission to use Hamilton Park for their 4th annual Cry for Mercy event on Saturday, August 27, 2011.

Further recommend that permission be granted with the following stipulations:

- A. A hold harmless agreement is executed;
- B. A liability insurance certificate is filed prior to the event;
- C. Any overtime costs incurred by any City department to assist with this project is charged to the sponsor;

Further recommends that the Director of Parks, Recreation and Cultural Services and the Chief of Police provide limited assistance, in the interest of public safety, to implement this event.

Fiscal note: \$100.00 in revenue. 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.

[11-6506](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 2 to Contract 54-10 (K0-069), Professional Services - Review HVAC System at Racine Public Library, Arnold & O'Sheridan, consultant.

Recommendation of the Public Works and Services Committee on 7-12-11: That the communication be received and filed.

Fiscal Note: N/A

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

[11-6605](#)

Subject: Communication from Pentecost Lutheran Church requesting permission to close Jerome Boulevard, from Coolidge Avenue to Case Avenue, on Saturday, August 13, 2011 for a church block party. (Res. 11-2659)

Recommendation of the Public Works and Services Committee on 7-12-11: That the Pentecost Lutheran Church be granted permission to close Jerome Boulevard, between Coolidge Avenue and Case Avenue, for an event on Saturday, August 13, 2011, from 7:00 a.m. to 7:00 p.m., in accordance with their request.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.

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

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

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

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

[11-6643](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting bid results for Official Notice #11 for furniture for the Health Department Renovation Area. (Res. 11-2664)

Recommendation of the Public Works and Services Committee on 7-12-11: That the contract for Furniture Systems/Storage for the Health Department be awarded to Henricksen, Milwaukee, WI, at their bid price of \$126,905.16, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of these services be appropriated from Account 990.100.5010, City Hall Facilities Plan Implementation.

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.

[11-6644](#)

Subject: Communication from Cristo Rey Parish requesting permission to close 8th Street between College Avenue and Wisconsin Avenue on Sunday, August 7, 2011, for a church festival. (Res. 11-2661)

Recommendation of the Public Works and Services Committee on 7-12-11: That Cristo rey Parish be granted permission to close 8th Street, between College Avenue and Wisconsin Avenue, on Sunday, August 7, 2011, from 12:00 p.m. to 10:00 p.m., for a church festival.

Further recommends that permission be granted with the following stipulations:

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

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

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

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

[11-6649](#)

Subject: (Direct Referral) Communication from the Root River Council requesting to present a mosaic design for the West 6th Street bridge. (Res. 11-2663)

Recommendation of the Public Works and Services Committee on 7-12-11: That the Root River Council be granted permission to install mosaics along the street-level walkways spanning the West 6th Street Bridge between Marquette Street and Memorial Drive, as requested.

Further recommends that the request for Mayor's Main Gallery program to install mosaic tile artistic designs on the inside walls of the West 6th Street Bridge over the Root River, with limited assistance from the Department of Public Works for traffic control/diversion, be granted on the condition that Root River Council, Inc., and/or River Alliance of Wisconsin, Inc., enter into a hold harmless agreement for a minimum period of five years, with automatic renewal for up to eight additional five year periods for 1) sole responsibility for future maintenance, inspection, repair and removal of the mosaic; and 2) provide general liability insurance in an amount set by the City Attorney.

Fiscal Note: Previous approval was granted under Resolution 11-6045, dated April 18, 2011. There will be nominal costs on a regular shift basis associated with this request.

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

[11-6632](#)

Subject: Communication from Iglesia Evangelica Pentecostal Alarma requesting permission to close the 600 block of 17th Street for a

church event on July 23, 2011. (Res. 11-2660)

Recommendation of the Public Works and Services Committee on 7-12-11: Iglesia Evangelica Pentecostal Alarma Int. be granted permission to close 17th Street, between Grand Avenue and Villa Street, on Saturday, July 23, 2011, from 10:00 a.m. to 8:00 p.m., for a church event.

Further recommends that permission be granted with the following stipulations:

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

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

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

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

[11-6639](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 3-09 (K9-003), Professional Services-Window Replacement Design for City Hall Annex, ARC Architectural Group LLC, consultant. (Res. 11-2665)

Recommendation of the Public Works and Services Committee on 7-12-11: That the professional services provided by ARC Architectural Group LLC, under Contract 3-09 (K9-003), Professional Services - Window Replacement Design for City Hall Annex, be accepted and final payment authorized for a total contract amount of \$6,485.00.

Fiscal Note: Contract was authorized under Resolution No. 9-1195, dated January 20, 2009.

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

Council Action

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

AYES: 14 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Weidner, Wisneski, McCarthy, DeHahn, Mozol, Fair, Kaprelian-Becker and Morgenroth

NON VOTING: 1 - Holding

Public Safety and Licensing Committee Report, by Ald. Wisneski

11-6585

Subject: (New) Application of Quitze's Mexican Grill, Jesus Andres Badillo Tejada, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 5748 Durand Avenue. (14th District)

Recommendation of the Public Safety and Licensing Committee on 6-27-11: That this item be deferred until someone could appear on this license request.

Recommendation of the Public Safety and Licensing Committee on 7-11-11: That the application of Quitze's Mexican Grill, Jesus Andres Badillo Tejada, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 5748 Durand Avenue be approved pending final inspections.

Fiscal Note: N/A

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

11-6645

Subject: (Direct Referral) Sale of Abandoned Vehicles 07-01-11

Recommendation of the Public Safety and Licensing Committee on 7-11-11: That the Sale of Abandoned Vehicles 07-11-11 be received and filed.

Fiscal Note: This will generate \$16,341.02 in revenue.

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

11-6646

Subject: (New) Application of EL Rodeo Mexican Restaurant, Maria Davalos, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1743 State Street. (8th District)

Recommendation of the Public Safety and Licensing Committee on 7-11-11: That the application of EL Rodeo Mexican Restaurant, Maria Davalos, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1743 State Street be

approved pending final inspections.

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 Aron Wisneski, seconded by Alderman Jim Kaplan, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Weidner, Wisneski, McCarthy, DeHahn, Mozol, Fair, Kaprelian-Becker and Morgenroth

NON VOTING: 1 - Holding

[11-6623](#)

Subject: (Direct Referral) Communication from Ginger's, 345 Main Street for a Public Dance Hall and Soda License.

Recommendation of the Public Safety and Licensing Committee on 6-27-11: That the application for Ginger's, 345 Main Street for a Public Dance Hall and Soda License be deferred and the applicant be called in to appear at the Public Safety and Licensing Meeting on July 11, 2011.

Recommendation of the Public Safety and Licensing Committee on 7-11-11: That the application for Ginger's, 345 Main Street for a Public Dance Hall and Soda License be denied due to disturbance to neighboring businesses and residents.

Fiscal Note: N/A

Alderman Fair requested that item 11-6623 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 - Shakoor, II, Marcus, Hart, Kaplan, Wisner, Weidner, Wisneski, McCarthy, DeHahn, Mozol, Kaprelian-Becker and Morgenroth

NOES: 2 - Shields and Fair

NON VOTING: 1 - Holding

[10-5064](#)

Subject: Ord. 6-10 To repeal and recreate Chapter 2, Article VII., Code of Ethics, of the Municipal Code of the City of Racine, Wisconsin relating to Administration.

Recommendation of the Public Safety & Licensing Committee on 4-26-10: That ordinance 6-10 be deferred.

Council, . The motion was **APPROVED**.

Transit and Parking Commission Report, by Ald. DeHahn

[11-6358](#)

Subject: Communication from Sea Scouts, B.S.A., requesting permission for overnight use of the Rooney Pugh Recreation area for a council wide camporee starting Friday, August 19, 2011 and ending Sunday, August 21, 2011. (Res. 11-2667)

Recommendation of the Harbor Commission on 05-16-11:

Approve the request by the Sea Scouts for overnight use of the Rooney Pugh Recreational area August 19 - 21, 2011.

Further Recommend, the item be referred to Board of Parks, Recreation and Cultural Services and Transit and Parking

Fiscal Note: N/A

Recommendation of the Transit and Parking Commission on 06-29-11: Receive and file.

Fiscal Note: N/A

Recommendation of the Board of Parks, Recreation and Cultural Services on 7-13-11: To approve the Communication from the Southeast Wisconsin Boy Scouts of America, requesting permission for overnight use of the Rooney Pugh Recreation area for a council wide camporee on August 20, 2011.

Note: The use of the docks requested are not the City's jurisdiction, they are Racine County's jurisdiction.

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 by the following vote:

AYES: 12 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wiser, Weidner, Wisneski, McCarthy, DeHahn, Mozol and Morgenroth

NON VOTING: 3 - Holding, Fair and Kaprelian-Becker

President Holding requested a 10 minute recess.

City Plan Commission Report, by Ald. Wisneski

[11-6662](#)

Subject: (Res.11-2649) Submission of a street dedication for 1846 Racine Street. (PC-11)

Recommendation of the City Plan Commission on 7-13-11: That the dedication is not in conflict with City plans and programs and that the resolution be adopted.

Fiscal Note: N/A

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

AYES: 14 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Weidner, Wisneski, McCarthy, DeHahn, Mozol, Fair, Kaprelian-Becker and Morgenroth

NON VOTING: 1 - Holding

Executive Committee Report, by Ald Shakoor

[11-6664](#)

Subject: (Direct Referral) Communication from the City Attorney wishing to convene in closed session to discuss, with the Executive Committee, strategy with respect to litigation in which the City of Racine is or is likely to become involved, specifically Bielefeldt v. Dickert v. Racine, and more specifically addressing Mayor Dickert's right to indemnification pursuant to sec. 895.46, Wis. Stats. (Res. 11-2666)

Recommendation:

- Authorize the Racine City Attorney's Office to provide for the legal defense for John Dickert, as Mayor of the City of Racine, in Racine County Circuit Court Case 11-CV-1078;
- Direct the Racine City Attorney's Office to respond to the Third-Party Complaint in such case by admitting that John Dickert was carrying out the duties as the Mayor of the City of Racine and acting within the scope of his employment for the City of Racine;
- Direct the Racine City Attorney's Office to respond to the Third-Party Complaint in such case by admitting that John Dickert, and Mayor of the City of Racine, is entitled to full indemnification, including the full cost of his defense, from the City of Racine.

Fiscal Note: Funds will be allocated from Judgment and Claims, account number 101.160.5910

There was a presentation by City Attorney Scott Letteney.

Alderman Marcus asked to give a presentation, which was objected to by several members of the Common Council. After a brief recess, President Holding overruled the objections and allowed the presentation.

Alderman McCarthy made a motion to amend the committee recommendation adding the requirement that Mayor Dickert sign a waiver indemnifying the City of Racine and guaranteeing to reimburse the City of Racine if it is found by the courts that he was not acting in an official capacity or within the scope of his employment. Seconded by Marcus.

Amendment passed with the following votes:

Ayes: Marcus, McCarthy, Morgenroth, Shields, Weidner, Wisneski, Fair, Hart, Kaprelian-Becker.

Noes: Mozol, Shakoor, Wiser, DeHahn, Kaplan

Non-Voting: Holding

Alderman Shakoor made a motion to approve the recommendation of the Executive Committee as amended seconded by Kaplan. Motion carried by the following votes:

Ayes: Marcus, McCarthy, Morgenroth, Mozol, Shakoor, Shields, Wiser, Wisneski, DeHahn, Fair, Hart, Kaplan, Kaprelian-Becker.

Noes: Weidner

Non-Voting: Holding

This Communication was Received and Filed as Reported

Alderman DeHahn was excused at 11:10 pm.

Office of the Mayor Report, by Ald.Shakoor

11-6674

Subject: Communication from Mayor Dickert nominating appointments/reappointments to the following committees, boards and/or commissions:

Reappoint Theron Snell 1611 Park Ave Racine, 53403 to the Library Board for a 3 year term expiring on June 1, 2014

Appoint Keith Hemmig 1824 Wisconsin Ave Racine, 53403 to Board of Parks, Recreation and Cultural Services filling the current vacancy expiring April 1, 2012

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

AYES: 12 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wiser, Weidner, Wisneski, McCarthy, Mozol, Kaprelian-Becker and Morgenroth

EXCUSED: 1 - DeHahn

NON VOTING: 2 - Holding and Fair

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

[11-6472](#)

Subject: Communication from Stacia D. Slaughter regarding placement of a memorial plaque at Island Park.

Recommendation of the Board of Parks, Recreation and Cultural Services on 7-13-11: To approve the Communication from Stacia D. Slaughter regarding placement of a memorial plaque at Island Park.

Fiscal Note: No cost to the City; the requesting organization will incur all expenses.

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

[11-6539](#)

Subject: Communication from Anchor Fitness requesting permission to use city right-of-way for their First Annual Marina Mayhem 5K/10K Challenge event on Sunday, September 25, 2011. (Res. 11-2636)

Recommendation of the Public Works and Services Committee on 6-28-11: Anchor Fitness be granted permission to close the Main Street Bridge to boat traffic for the First Annual Marina Mayhem 5K/10K Challenge, to be held on Sunday, September 25, 2011, from 7:30 a.m. to 10:00 a.m., 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.

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.

Recommendation of the Board of Parks, Recreation and Cultural Services on 7-13-11: To approve the Communication from Anchor Fitness requesting permission to use city pathways through various parks and public areas their First Annual Marina Mayhem 5K/10K Challenge event on Sunday, September 25, 2011. (Res. 11-2636).

Further recommend that permission be granted with the following stipulations:

- A. A hold harmless agreement is executed;
- B. A liability insurance certificate is filed prior to the event;
- C. Any overtime costs incurred by any City department to assist with this project is charged to the sponsor;
- D. That access to the pathways for general public use are available at all times.

Further recommends that the Director of Parks, Recreation and Cultural Services and the 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.

[11-6560](#)

Subject: Communication from Chicago Cubs Charities requesting permission for a bike ride to pass through the City of Racine to benefit community work on August 27, 2011. (Res. 11-2637)

Recommendation of the Public Works and Services Committee on 6-28-11: That Chicago Cubs Charities be granted permission to use City right-of-way on Saturday, August 27, 2011, for the "Wrigley Field Road Tour...100 Miles to Go" bike ride, with the stipulation that the participants will abide by all traffic regulations.

Further recommends that the sponsor be granted permission to post directional signage during the event provided that they do not interfere with regulatory signage, do not damage City property, and are removed immediately following the event.

Further recommends that the Chief of Police provide assistance, in the interest of public safety, to implement this event.

Fiscal Note: The persons participating in this event will utilize City right-of-way and must be in conformance with all traffic regulations; therefore, there is no need for a hold harmless agreement or insurance. There will be a nominal cost incurred on a regular shift basis to provide limited assistance to implement this event.

Recommendation of the Board of Parks, Recreation and Cultural Services on 7-13-11: To Receive and File the request, as this item has already been approved 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.

[11-6586](#)

Subject: Communication from the Greater Racine Kennel Club, Inc. (GRKC) requesting the use of the parking area along Pershing Park Drive during the All Breed Dog Show on August 14-15, 2011.

Recommendation of the Public Works and Services Committee on 6-28-11: That the communication be received and filed.

Fiscal Note: N/A

Recommendation of the Board of Parks, Recreation and Cultural Services on 7-13-11: To approve the Communication from the Greater Racine Kennel Club, Inc. (GRKC) requesting the use of the parking area along Pershing Park Drive during the All Breed Dog Show on August 14-15, 2011.

Further recommend that permission be granted with the following stipulations:

- A. A hold harmless agreement is executed;
- B. A liability insurance certificate is filed prior to the event;
- C. Any overtime costs incurred by any City department to assist with this project is charged to the sponsor;

Further recommends that the Director of Parks, Recreation and Cultural Services and the Chief of Police provide limited assistance, in the interest of public safety, to implement this event.

Fiscal note: \$700.00 in revenue. 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.

[11-6631](#)

Subject: Communication from President of the Common Council requesting the City accept a picnic table with benches to be placed at an appropriate place along the Root River, on behalf of Sierra Club in honor of Bob Gericke.

Recommendation of the Board of Parks, Recreation and Cultural Services on 7-13-11: To approve the Communication from President of the Common Council requesting the City accept a picnic table with benches to be placed at an appropriate place along the Root River, on

behalf of the Sierra Club in honor of Bob Gericke.

Fiscal Note: No cost to the City; requesting organization will incur all expenses.

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 Terry McCarthy, seconded by Alderman Aron Wisneski, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 13 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Weidner, Wisneski, McCarthy, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 1 - DeHahn

NON VOTING: 1 - Holding

G. Consent Agenda

[Res.11-2657](#) Request to discuss 2011 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG).

Resolved, that permission be granted for the Interim Chief of Police to apply for and accept the 2011 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG). (Grant Control #2011-021)

Fiscal Note: There is no City match required.

Sponsors: Q.A. Shakoor, II

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

[Res.11-2656](#) Permission to accept the donation of cement benches to be used in various City parks.

Resolved, that permission be granted for the Director of Parks, Recreation & Cultural Services to accept the donation of cement benches to be used in various City parks.

Fiscal Note: There is no cost to the City.

Sponsors: Q.A. Shakoor, II

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

AYES: 13 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Weidner, Wisneski, McCarthy, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 1 - DeHahn

NON VOTING: 1 - Holding

Res.11-2659

Permission to close Jerome Boulevard, from Coolidge Avenue to Case Avenue, on Saturday, August 13, 2011 for a church block party.

Resolved, that the Pentecost Lutheran Church be granted permission to close Jerome Boulevard, between Coolidge Avenue and Case Avenue, for an event on Saturday, August 13, 2011, from 7:00 a.m. to 7:00 p.m., in accordance with their request.

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

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. The sponsor shall pay a \$250.00 special event fee;
- F. A \$50.00 processing fee be paid.

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: Sandy Weidner

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

Res.11-2660

Permission to close the 600 block of 17th Street for a church event on July 23, 2011.

Resolved, that Iglesia Evangelica Pentecostal Alarma Int. be granted permission to close 17th Street, between Grand Avenue and Villa Street, on Saturday, July 23, 2011, from 10:00 a.m. to 8:00 p.m., for a church event.

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

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. The sponsor shall pay a \$250.00 special event fee;
- F. A \$50.00 processing fee be paid.

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: Sandy Weidner

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

Res.11-2661

Permission to close 8th Street between College Avenue and Wisconsin Avenue on Sunday, August 7, 2011, for a church festival.

Resolved, that Cristo Rey Parish be granted permission to close 8th Street, between College Avenue and Wisconsin Avenue, on Sunday, August 7, 2011, from 12:00 p.m. to 10:00 p.m., for a church festival.

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

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. The sponsor shall pay a \$250.00 special event fee;
- F. A \$50.00 processing fee be paid.

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: Sandy Weidner

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

Res.11-2662

Request for final payment on Contract 37-09 (K9-038) Façade Renovation - 1418 Washington Avenue.

Resolved, that the work done by Bane-Nelson, Inc. under Contract 37-09 (K9-038), Facade Renovation-1418 Washington Avenue, be accepted and final payment authorized for a total contract amount of \$75,970.00.

Fiscal Note: Contract was authorized by the Redevelopment Authority under Resolution No. 9-10, dated June 3, 2009.

Sponsors: Sandy Weidner

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

Res.11-2663

Root River Council requests to present a mosaic design for the West 6th Street Bridge.

Resolved, that the Root River Council be granted permission to install mosaics along the street-level walkways spanning the West 6th Street Bridge between Marquette Street and Memorial Drive, as requested.

Further resolved, that the request for Mayor's Main Gallery program to install mosaic tile artistic designs on the inside walls of the West 6th Street Bridge over the Root River, with limited assistance from the Department of Public Works for traffic control/diversion, be granted on the condition that Root River Council, Inc., and/or River Alliance of Wisconsin, Inc., enter into a hold harmless agreement for a minimum period of five years, with automatic renewal for up to eight additional five year periods for 1) sole responsibility for future maintenance, inspection, repair and removal of the mosaic; and 2) provide general liability insurance in an amount set by the City Attorney.

Fiscal Note: Previous approval was granted under Resolution 11-6045, dated April 18, 2011. There will be nominal costs on a regular shift basis associated with this request.

Sponsors: Sandy Weidner

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

Res.11-2664

Submission of bid results for Official Notice #11 for furniture for the Health Department Renovation Area.

Resolved, that the contract for furniture systems/storage for the Health Department be awarded to Henricksen, Milwaukee, WI, at their bid price of \$126,905.16, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of these services be appropriated from Account 990.100.5010, City Hall Facilities Plan Implementation.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

[Res.11-2665](#)

Request for final payment on Contract 3-09 (K9-003), Professional Services-Window Replacement Design for City Hall Annex, ARC Architectural Group LLC, consultant.

Resolved, that the professional services provided by ARC Architectural Group LLC, under Contract 3-09 (K9-003), Professional Services - Window Replacement Design for City Hall Annex, be accepted and final payment authorized for a total contract amount of \$6,485.00.

Fiscal Note: Contract was authorized under Resolution No. 9-1195, dated January 20, 2009.

Sponsors: Sandy Weidner

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

[Res.11-2667](#)

Permission for overnight use of the Rooney Pugh Recreation area for a council wide camporee starting Friday, August 19, 2011 and ending Sunday, August 21, 2011.

Resolved, that permission for overnight use of the Rooney Pugh Recreation area for a council wide camporee on August 20, 2011 be approved.

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

Sponsors: Terry McCarthy, Melissa Kaprelian-Becker and Gregory Holding

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

[Res.11-2668](#)

Permission to use Hamilton Park and to close Mead Street, from 17th

Street to 18th Street, for their 4th annual Cry for Mercy event on Saturday, August 27, 2011.

Resolved, that the Communication from the Glorious Light Church God the Living God, 2421 Superior Street, requesting permission to use Hamilton Park for their 4th annual Cry for Mercy event on Saturday, August 27, 2011 be approved.

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

- A. A hold harmless agreement is executed;
- B. A liability insurance certificate is filed prior to the event;
- C. Any overtime costs incurred by any City department to assist with this project is charged to the sponsor;
- D. A \$50.00 processing fee be paid;

Further resolved, that the Director of Parks, Recreation and Cultural Services and the 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: Terry McCarthy, Melissa Kaprelian-Becker and Sandy Weidner

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

Res.11-2669

WHEREAS, Section 5.15 of the Wisconsin Statutes, requires every City, Village, or Town over 1,000 in population, to be divided into wards, according to the final published results of the most recent federal census, and;

WHEREAS, city staff has divided the City into wards making a good faith effort to accommodate the "Tentative Supervisory District Plan" and creating a plan that permits the creation of lawful county supervisory districts and municipal aldermanic districts.

WHEREAS, City of Racine Wards 1, 2 and 3 will be part of Racine County Supervisory District 1;

City of Racine Wards 4, 5, 6 and 19 will be part of Racine County Supervisory District 2;

City of Racine Wards 9, 14, 31 and 32 will be part of Racine County Supervisory District 3;

City of Racine Wards 7, 8, 10 and 15 will be part of Racine County Supervisory District 4;

City of Racine Wards 11 and 13 will be part of Racine County Supervisory District 5;
 City of Racine Wards 12, 16, 17 and 18 will be part of Racine County Supervisory District 6;
 City of Racine Wards 20 21 and 22 will be part of Racine County Supervisory District 7;
 City of Racine Wards 23, 27, 29 and 30 will be part of Racine County Supervisory District 8;
 City of Racine Wards 24, 25, 26 and 28 will be part of Racine County Supervisory District 9;
 City of Racine Ward 33 will be part of Racine County Supervisory District 10.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Racine, Racine County, Wisconsin, that the division of the City into 33 wards, as shown on the Official Ward Map of the City of Racine, describing the boundaries of each ward, which map is attached hereto and incorporated herein by reference, is hereby approved.

BE IT FURTHER RESOLVED that this resolution shall be filed with the City Clerk, who shall transmit a copy to the County Clerk and the Legislative Reference Bureau within five days of adoption.

ADOPTED _____, 2011

 Janice M. Johnson-Martin, City Clerk

APPROVED _____, 2011

 John T. Dickert, Mayor

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

Council Action

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

AYES: 13 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Weidner, Wisneski, McCarthy, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 1 - DeHahn

NON VOTING: 1 - Holding

H. Resolutions

[Res.11-2658](#) Claim of Angie France

Resolved, that the claim of Angie France, 2911 LaSalle St., Racine, 53402 claiming reimbursement in the amount in excess of \$100.00 for alleged excessive real estate taxes paid between 1987 through 2009 be denied and that excessive real estate taxes paid for the year 2010 be approved.

Fiscal Note: The amount is to be determined.

Sponsors: Q.A. Shakoor, II

Referred to the Common Council

[Res.11-2666](#) Request to convene in closed session to discuss, with the Executive Committee, strategy with respect to litigation in which the City of Racine is or is likely to become involved, specifically Bielefeldt v. Dickert v. Racine, and more specifically addressing Mayor Dickert's right to indemnification pursuant to sec. 895.46, Wis. Stats.

Resolved, that:

Resolved, that authorization for the Racine City Attorney's Office to provide legal defense for John Dickert, as Mayor of the City of Racine, in Racine County Circuit Court Case 11-CV-1078 be approved;

Further resolved, that authorization for the the Racine City Attorney's Office to respond to the Third-Party Complaint in such case by admitting that John Dickert was carrying out the duties as the Mayor of the City of Racine and acting within the scope of his employment for the City of Racine be approved;

Further resolved, that authorization for the Racine City Attorney's Office to respond to the Third-Party Complaint in such case by admitting that John Dickert, and Mayor of the City of Racine, is entitled to full indemnification, including the full cost of his defense, from the City of Racine be approved.

Fiscal Note: Funds will be allocated from Judgment and Claims, account number 101.160.5910.

Sponsors: Gregory Holding

Alderman Shakoor made a motion to adopt as amended, seconded by Alderman McCarthy.

A motion was made by Alderman Q.A. Shakoor, II, seconded by Alderman Terry McCarthy, that this be Adopted as amended. The motion PASSED by the following vote:

AYES: 11 - Shakoor, II, Marcus, Shields, Hart, Wiser, Wisneski, McCarthy, Mozol, Fair, Kaprelian-Becker and Morgenroth

NOES: 2 - Kaplan and Weidner

EXCUSED: 1 - DeHahn

NON VOTING: 1 - Holding

[Res.11-2670](#)

Final - Ten (10) Year
Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 12th day of July 2011 for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

PORTLAND CEMENT CONCRETE PAVING

Three Mile Road - +/- 350 feet west of La Salle St. to N. Main St

Chatham Street - Melvin Ave. to Lombard Ave.

Lighthouse Drive - Sheffield Dr. to Queens Ct.

Lombard Avenue - North Main St. to Chatham St.

North Bay Drive - Saxony Dr. to Steeplechase Dr.

Alley - 8th Ave. to 9th Ave.; South St. to Shoreland Ave.

CURB & GUTTER

Three Mile Road - +/- 350 feet west of La Salle St. to N. Main St.

SEWER & WATER LATERALS

Three Mile Road - +/- 350 feet west of La Salle St. to N. Main St.

SIDEWALK

Three Three Mile Road - +/- 350 feet west of La Salle St. to N. Main St.

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

1. That the report of the Commissioner of Public Works pertaining to the construction of the above-described public improvements,

including plans and specifications therefore, as modified, is hereby adopted and approved.

2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner of Public Works.

3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.

4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.

5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.

6. That the assessments may be paid in cash or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per annum.

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

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

Dated _____

Signed _____
Mayor

Published _____

Attest _____
City Clerk

Sponsors: Sandy Weidner

Referred to the Public Works and Services Committee

I. Adjourn

The meeting was adjourned at 11:20p.m. by Alderman Shakoor. The next scheduled meeting of the Council is Monday August 1st, 2011.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK