



# City of Racine

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

## Meeting Minutes - Final Common Council

*Mayor John T. Dickert*  
*Alderman Jeff Coe, Alderman Gregory Holding*  
*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 Aron Wisneski,*  
*Alderman Robert Mozol*  
*Alderman James T. Spangenberg, Alderman Ronald D. Hart,*  
*Alderman Eric Marcus, Alderman Dennis Wisner*

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Tuesday, October 5, 2010

7:00 PM

Room 205, City Hall

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### A. Call To Order

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

### B. Pledge of Allegiance To The Flag

*Mayor Dickert led the Council in the Pledge of Allegiance to the Flag.*

### C. Approval of Journal of Council Proceedings (Minutes)

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

### D. Public Comments

*Steven Cabell*  
*Denise Cruz*  
*Mike Ottelien*  
*Joanne Cruz*  
*MaryAnne Cabell*  
*Sue DeKeuster*  
*Florence Boyer*  
*Charles Brandt*  
*Norbert DeKeuster*  
*Michael Lerner*  
*George Meyers*  
*Wayne Clingman*  
*Dan Oakes*

### E. Communications

**Refer to Finance and Personnel Committee, by Ald. Spangenberg**

[10-5647](#)      **Subject:** Communication from the Director of City Development submitting a request by the Racine County Economic Development Corporation for a loan guarantee for Altus Vinyl LLC.

**Referred to Finance and Personnel Committee**

[10-5648](#)      **Subject:** Communication from the Finance Director requesting Brad Viegut of RW Baird and Company to appear before the Finance & Personnel Committee to discuss refunding of the 2010 Capital Improvement Note Anticipation Note issued this past Summer on July 27,2010.

**Referred to Finance and Personnel Committee**

[10-5649](#)      **Subject:** Communication from the Assistant Finance Director requesting to present the 2009 Financial Statements and Single Audit of the City of Racine.

**Referred to Finance and Personnel Committee**

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

[10-5618](#)      **Subject:** Communication from the Co-Race Director of the Jingle Bell Run for Arthritis Racine 2009 requesting permission to use City right-of-way on Saturday, December 4, 2010.

**Referred to Public Works and Services Committee**

**Referred to Board of Park, Recreation and Cultural Services**

[10-5637](#)      **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering submitting a two-party agreement for the rerouted (STH 32) Douglas Avenue - (Goold Street to Hamilton Street) and Hamilton Street - (Douglas Avenue to N. Main Street).

**Referred to Public Works and Services Committee**

[10-5638](#)      **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering submitting a two-party agreement for the (STH 32) Connecting Highway change; from Goold Street - (Douglas Avenue to N. Main Street) and N. Main Street - (Goold Street to Hamilton Street); to Douglas Avenue (Goold Street to Hamilton Street) and Hamilton Street - (Douglas Avenue to N. Main Street).

**Referred to Public Works and Services Committee**

[10-5642](#)      **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting the City Attorney's Office take the necessary steps to acquire the property at 1201 Douglas Avenue (Tax ID 01970000) for State Project ID: 2350-00-00/70, Douglas Avenue

(STH32) Goold Street to 3 Mile Road.

**Referred to Public Works and Services Committee**

[10-5646](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/Engineering submitting proposals for the provision of underground facility locating services for the City-owned electrical system in 2011.

**Referred to Public Works and Services Committee**

#### **Refer to Traffic Commission, by Ald. Holding**

[10-5640](#)

**Subject:** Communication from Ronald Farnsworth, USPS Postmaster, requesting "No Parking" signs be placed in front of mail receptacles located on the vacant lot on Jacato Drive.

**Referred to Traffic Commission**

#### **Refer to Transit and Parking Commission, by Ald. DeHahn**

[10-5628](#)

**Subject:** Communication from the Assistant Finance Director submitting the 2009 Transit financial statements for review.

**Referred to Transit and Parking Commission**

## **F. Committee Reports**

### **Finance and Personnel Committee Report, by Ald. Spangenberg**

[10-5576](#)

**Subject:** Communication from the Director of City Development submitting a request from the Uptown Business Improvement District (BID No. 3) for approval of its 2011 Operating Plan. (Res.10-2216)

**Recommendation of the Finance & Personnel Committee on 09-27-10:** Resolved, that the 2011 operating plan for Uptown Business Improvement District No. 3, dated September 2, 2010, be approved, and the Finance Director be authorized and directed to place the special assessments listed in the plan on the property tax bills of the parcels within the District.

**Fiscal Note:** It is estimated \$39,398 will be raised through B.I.D. assessments to be disbursed to the Uptown B.I.D.

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

[10-5599](#)

**Subject:** Communication from the Director of City Development submitting a request from the West Racine Business Improvement

District for approval of its 2011 Operating Plan. (Res.10-2217)

**Recommendation of the Finance & Personnel Committee on**

**09-27-10:** Resolved, that the 2011 operating plan for West Racine Business Improvement District No. 2, dated September 9, 2010, be approved, and the Finance Director be authorized and directed to place the special assessments listed in the plan on the property tax bills of the parcels within the District.

**Fiscal Note:** It is estimated \$20,888 will be raised through B.I.D. assessments to be disbursed to the West Racine B.I.D.

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

[10-5600](#)

**Subject:** Communication from the Police Chief, requesting to apply for and accept the Wisconsin Department of Transportation 2011 Alcohol Enforcement Mobilization Grant (Grant control # 2010-032). (Res.10-2218)

**Recommendation of the Finance & Personnel Committee on**

**09-27-10:** Permission be granted for the Police Chief to apply for and accept the Wisconsin Department of Transportation 2011 Alcohol Enforcement Mobilization Grant (Grant control # 2010-032).

**Fiscal Note:** The grant is in the amount of \$35,000, with a 25% soft match of \$8,750.

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

[10-5601](#)

**Subject:** Communication from the Police Chief, requesting to apply for and accept the Wisconsin Department of Transportation 2011 Speed Enforcement Mobilization Grant (Grant control # 2010-033). (Res.10-2219)

**Recommendation of the Finance & Personnel Committee on**

**09-27-10:** Permission be granted for the Police Chief to apply for and accept the Wisconsin Department of Transportation 2011 Speed Enforcement Mobilization Grant (Grant control # 2010-033).

**Fiscal Note:** The grant is in the amount of \$35,000, with a 25% soft match of \$8,750.

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

[10-5602](#)

**Subject:** Communication from Police Chief Wahlen, requesting to apply for and accept the Wisconsin Department of Transportation 2011 Pedestrian Safety Enforcement Grant (Grant control #

2010-034). (Res.10-2220)

**Recommendation of the Finance & Personnel Committee on 09-27-10:** Permission be granted for the Police Chief to apply for and accept the Wisconsin Department of Transportation 2011 Pedestrian Safety Enforcement Grant (Grant control # 2010-034).

**Fiscal Note:** The grant is in the amount of \$4,000, with a 25% soft match of \$1,000.

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

10-5603

**Subject:** Communication from the Police Chief, requesting to apply for and accept the Wisconsin Department of Transportation 2011 Bicycle Safety Grant (Grant control # 2010-035). (Res.10-2221)

**Recommendation of the Finance & Personnel Committee on 09-27-10:** Permission be granted for the Police Chief to apply for and accept the Wisconsin Department of Transportation 2011 Bicycle Safety Grant (Grant control # 2010-035).

**Fiscal Note:** The grant is in the amount of \$2,000, with a 25% soft match of \$500.

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

10-5609

**Subject:** Communication from the Police Chief requesting to accept the 2010 COPS Technology Grant (Grant control # 2010-013). (Res.10-2222)

**Recommendation of the Finance & Personnel Committee on 09-27-10:** Permission be granted for the Police Chief to accept the 2010 COPS Technology Grant (Grant control # 2010-013).

**Fiscal Note:** No City match is 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 James T. Spangenberg, seconded by Q.A. Shakoor, II, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

**Public Works and Services Committee Report, by Ald. Holding**

[10-5563](#)

**Subject:** Communication from Barb Ehrhart requesting permission to close Erie Street, from State Street to Dodge Street, for a fundraiser on October 23, 2010. (Res.10-2196)

**Recommendation of the Public Works and Services Committee**

**on 9-28-10:** That Barb Ehrhart and the Yard Arm be granted permission to close Erie Street from State Street to Dodge Street, on Saturday, October 23, 2010, from 12:30 p.m. to 7:00 p.m., for a fundraiser, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way.
- F. Any tents placed on the public right-of-way shall not be anchored by any means to the roadway surface.
- G. 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, in implementing this event.

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

[10-5572](#)

**Subject:** Communication from Robert P. Jorgensen, 733 Blaine Avenue, submitting a proposal for alternate night parking on Blaine Avenue between Kinzie Avenue and Osborne Boulevard.

**Recommendation of the Public Works and Services Committee**

**on 9-28-10:** Since parking is permitted along the median per State Statute 346.54(1)(b) with appropriate signage, the communication be received and filed.

**FISCAL NOTE:** The estimated cost of this signage is \$400.00 with an annual maintenance cost of \$80.00.

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

[10-5574](#)

**Subject:** Communication from K. Singh & Associates, Inc. submitting

a Notification of Residual Contamination in Groundwater for the Racine Plating Company, 620 Stannard Street.

**Recommendation of the Public Works and Services Committee on 9-28-10:** That the communication be received and filed.

Further recommend that the information regarding the contamination within the street right-of-way be placed in the City's Geographical Information System.

**Fiscal Note:** N/A

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

[10-5577](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 52-09 (K9-053), Window Replacement-City Hall Annex, Softer Lite Window Company, contractor. (Res.10-2201)

**Recommendation of the Public Works and Services Committee on 9-28-10:** That the work done by Softer Lite Window Company under Contract 52-09 (K9-053), Window Replacement at City Hall Annex, be accepted and final payment authorized for a total contract amount of \$103,850.00.

**Fiscal Note:** Contract was authorized under Resolution No. 09-1536, dated August 3, 2009.

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

[10-5583](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner or Public Works/Engineering submitting the assessment rates established for 2011 Public Hearings for 2012 construction of Portland Cement Concrete Paving and Curb and Gutter. (Res.10-2208)

**Recommendation of the Public Works and Services Committee on 9-28-10:** The proposed special assessment rates for public hearings in 2011 (2012 construction) for portland cement concrete paving and curb and gutter be as follows:

Portland Cement Concrete Paving

Residential Paving (7 inch) - 26' Flange to Flange Foot	\$57.00/Front
Residential Paving (7 inch) - 32' Flange to Flange Foot	\$65.00/Front

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Commercial Paving (8 inch) - 32' Flange to Flange Foot	\$75.00/Front
Industrial Paving (9 inch) - 32' Flange to Flange Foot	\$85.00/Front
Industrial Paving (9 inch) - 44' Flange to Flange \$105.00/Front Foot	
Industrial Paving (9 inch doveled)-44' Flange to Flange \$115.00/Front Foot	
Industrial Paving (10 inch doveled)-44' Flange to Flange \$125.00/Front Foot	

Portland Cement Concrete Curb and Gutter (30 inch)

7" Pavement	\$22.00/Front Foot
8" Pavement	\$24.00/Front Foot
9" Pavement	\$26.00/Front Foot
10" Pavement	\$28.00/Front Foot

Sewer and Water Services

Sewer (6") and Water (1")	\$10,500.00/Each
Sewer (6") and Water (2")	\$12,000.00/Each

Alley Paving

10' ROW	7" Pavement	\$35.00/Front Foot
11'-15' ROW	7" Pavement	\$45.00/Front Foot
16'-20' ROW	7" Pavement	\$55.00/Front Foot
21'-25' ROW	7" Pavement	\$65.00/Front Foot

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

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

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

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

[10-5584](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a second extension on the City of Racine's underground locating services agreement with Precise Underground Marking Corporation.



**Recommendation of the Public Works and Services Committee on 9-28-10:** That the communication be received and filed.

Further recommends that the Assistant Commissioner of Public Works/Engineering be authorized and directed to obtain bids for underground locating services.

**Fiscal Note:** N/A

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

[10-5598](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 3 on Contract 13-09 (K9-013), Professional Services - Library Renovation Design Services, Architectural Associates, Ltd., consultant. (Res.10-2204)

**Recommendation of the Public Works and Services Committee on 9-28-10:** That Amendment No. 3 to Contract 13-09 (K9-013), Professional Services - Library Renovation Design Services, Architectural Associates, Ltd., consultant, as submitted, be approved in the amount of \$7,700.00.

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.**

[10-5631](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal for review of the HVAC system at the Racine Public Library. (Res.10-2202)

**Recommendation of the Public Works and Services Committee on 9-28-10:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Arnold & O'Sheridan, Inc. for review of the HVAC system at the Racine Public Library, in the not-to-exceed amount of \$9,300.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 255.990.5010, Library HVAC Replacement-Engineering.

**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.**

[10-5604](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 5 to Contract 14-09 (K9-014), PS - Design of Parks Paving Projects, Nielsen Madsen & Barber, consultant. (Res.10-2205)

**Recommendation of the Public Works and Services Committee on 9-28-10:** That Amendment No. 5 to Contract 14-09 (K9-014), Professional Services - Design of Parks Paving Projects, Nielsen Madsen & Barber, SC, consultant, as submitted, be approved in the amount of \$2,360.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 108.990.5010, Festival Hall-Retaining Wall 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.**

[10-5612](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting an Inter-governmental agreement from Root-Pike WIN for the Stormwater Information and Education Program for 2011 and 2012. (Res.10-2207)

**Recommendation of the Public Works and Services Committee on 9-28-10:** The City of Racine be signatory to the Intergovernmental Agreement for a Stormwater Information and Education Program as proposed by the Root-Pike WIN organization, which will meet the City's stormwater permit requirements of the Wisconsin Department of Natural Resources.

Further recommends that the City' share of the cost to participate in the intergovernmental agreement is \$4,520.25 for 2011 and \$4,520.25 for 2012.

Further recommends that funds to defray the cost of this work are available in the 2011 and 2012 operating budget.

**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.**

10-5617

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 2 to Contract 7-09 (K9-007), Professional Services - Repairs to State Street Bridge, Ayres Associates, Inc., consultant. (Res.10-2203)

**Recommendation of the Public Works and Services Committee on 9-28-10:** That Amendment No. 2 to Contract 7-09 (K9-007), Professional Services - Repairs to State Street Bridge, Ayres Associates Inc., consultant, as submitted, be approved in the amount of \$4,600.00

Further recommends that funds to defray the cost of these professional services be appropriated from Account 930.072.5810, State Street Bridge.

**Fiscal Note:** Funds are available as herein delineated. All costs associated with the State Street Bridge are 100% reimbursable by the State of Wisconsin.

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

10-5623

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations, on behalf of the Purchasing Agent, requesting to waive formal bidding for two-way radio upgrades. (Res.10-2198)

**Recommendation of the Public Works and Services Committee on 9-28-10:** That the request of the Purchasing Agent to waive formal bidding procedures be approved in accordance with State Statutes that allow for the waiving of public bids for the purpose of maintaining uniformity of equipment and services.

Further recommends that the Mayor and City Clerk be authorized and directed to enter into an agreement with Milwaukee 2-Way, Inc., West Allis, WI, to upgrade two-way radios to meet the new FCC narrow-banding radio requirements, for the not-to-exceed price of \$29,000.00.

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

\$ 27,000.00 - Account 101.630.5770, Street Maintenance Machinery  
\$ 2,000.00 - Account 101.700.5770, Parks Dept Machinery & Equipment  
\$ 29,000.00 - 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.**

**10-5624**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 39-10 (K0-048), Festival Hall Retaining Wall Repairs, Ricchio, Inc., contractor. (Res.10-2206)

**Recommendation of the Public Works and Services Committee on 9-28-10:** That Change Order No. 1 on Contract 39-10 (K0-048), Festival Hall Retaining Wall Repairs, Ricchio, Inc., contractor, be approved in the amount of \$5,245.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 108.990.5010, Festival Hall-Retaining Wall 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.**

**10-5625**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 2 on Contract 21-09 (K9-022), 2009 City Resurfacing, Payne & Dolan, Inc., Contractor. (Res.10-2199)

**Recommendation of the Public Works and Services Committee on 9-28-10:** That Change Order No. 2 on Contract 21-09 (K9-022), 2009 City Resurfacing, Payne & Dolan, Inc., contractor, be approved in the amount of \$15,016.70.

Further recommends that funding to defray the cost of this change order be appropriated from Account 989.908.5220, Asphalt Resurfacing.

**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.**

**10-5626**

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting the Final Payment on Contract 21-09 (K9-022), 2009 City Resurfacing, Payne & Dolan, Inc., Contractor. (Res.10-2200)

**Recommendation of the Public Works and Services Committee on 9-28-10:** That the work done by Payne & Dolan, Inc. under Contract 21-09 (K9-022), 2009 City Resurfacing, be accepted and

final payment authorized for a total contract amount of \$760,661.48.

**Fiscal Note:** Contract was authorized under Resolution No. 09-1355, dated April 20, 2009.

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

[10-5639](#)

**Subject:** (Direct Referral) Communication from Jose Lopez, 1667 Douglas Avenue, requesting to install a stationary, projecting awning over city right-of-way. (Res.10-2197)

**Recommendation of the Public Works and Services Committee on 9-28-10:** The property owner of 1667 Douglas Avenue be granted permission to install a stationary, projecting awning, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

Further recommends that the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

**Fiscal Note:** There will be no cost to the City of Racine.

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

Council Action

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

**AYES:** 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

**Public Safety and Licensing Committee Report, by Ald. Wisneski**

[10-5519](#)

**Subject:** (New) Application of Park Inn, LLC, Ronald Stankovic, Agent, for a Class "B" and "Class C" Wine license for 2312 Douglas Avenue. (5th District)

**Recommendation of the Public Safety & Licensing Committee on 9-27-10:** That the Class "B" and "Class C" Wine license for 2313 Douglas Avenue be granted.

Fiscal Note: N/A

*Alderman Wisneski requested that item 10-5519 be considered separately.*

*Alderman Maack made a motion seconded by Alderman McCarthy to refer the item*

*back to committee. Motion failed by following vote:*

*AYES: Weidner, Hart, Holding, Maack and McCarthy*

*NOES: Shields, Spangenberg, Wisner, Wisneski, Coe, DeHahn, Kaplan, Marcus, Mozol and Shakoor*

*Alderman Maack made a motion seconded by Alderman Holding that the recommendation be amended to include a condition which states no illegal video/gambling machines would be installed. Motion was ruled out of order.*

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

**AYES:** 11 - Shakoor, II, Coe, Marcus, Shields, Hart, Wisner, Weidner, Wisneski, DeHahn, Spangenberg and Mozol

**NOES:** 4 - Kaplan, Maack, McCarthy and Holding

**10-5560**

**Subject:** Communication from the Purchasing Agent submitting bid results on Official Notice #13, Supply and Installation of Play Equipment for City of Racine Parks, Recreation and Cultural Services Department. (Res.10-2210)

**Recommendation of the Public Safety & Licensing Committee on 9-27-10:** That Official Notice #13 being the contract for Supply and Installation of Play Equipment for City of Racine Parks and Recreation be awarded to Miller & Associates, at their bid price of \$93,378.00, they being the lowest responsive, responsible bidder.

Further recommends that funding to defray the cost of these services be appropriated from the following Accounts: 990-700-5070; 990-700-5080;990-700-5090; 890-030-5610; 990-700-5060; 990-700-5070; 990-700-5080; and 990-700-5090.

**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.**

**10-5553**

**Subject:** Communication from The Place on 6th, Keith Fair, Agent, requesting to amend the premises description at 509 Sixth Street.

**Recommendation of the Public Safety & Licensing Committee on 9-13-10:** The communication be deferred for two weeks and the applicant supplies a diagram to the City Clerk's Office prior to the next meeting.

**Recommendation of the Public Safety & Licensing Committee on 9-27-10:** That the request be deferred until the Good Neighbor Agreement is finalized.

Further Recommend, the item be brought before the full Council on

10-5-2010 for consideration.

Fiscal Note: N/A

*Alderman Wisneski requested that item 10-5553 be considered separately.*

*Alderman Wisneski informed the Council members that the agreement had been signed.*

*Alderman Wisneski made a motion seconded by Alderman Marcus, notwithstanding the Committee's recommendation, to allow the outdoor premises application to be approved.*

**A motion was made that this Communication be Adopted As Amended: . The motion was APPROVED by the following vote:**

**AYES:** 14 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Spangenberg and Mozol

**NOES:** 1 - Holding

**10-5559**

**Subject:** Communication from Joe Madison of Pepi's Pub and Grill, 618-6th Street, requesting to amend his premise description to include the exterior sidewalk area within his property lines.

**Recommendation of the Public Safety & Licensing Committee on 9-13-10:** That the request be deferred until the next meeting.

**Recommendation of the Public Safety & Licensing Committee on 9-27-10:** That the request to amend the premise description be approved contingent on fencing or barrier being utilized when drinking is allowed outside in the area.

Fiscal Note: N/A

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

**10-5570**

**Subject:** Communication from the Alderman of the 2nd District requesting an ordinance be drafted that in the event the current owner of a Class B licensed premise (Original Premise) sells that premise, the new owner will not be denied a Class B premise license solely based on the location of a day care facility or institution identified in Wisconsin Stats. section 125.68 (Institution) if the Original Premise's location pre-existed the Institution's presence at its location. Nothing in this section shall preclude the denial of the new Class B license for other reasons.

**Recommendation of the Public Safety & Licensing Committee on 9-27-10:** That an ordinance be drafted.

Fiscal Note: N/A

*Alderman Maack requested that item 10-5570 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:** 13 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

**NOES:** 2 - Maack and Weidner

**10-5571**

**Subject:** (New) Application of Susan Bukacek for a Class "B" and "Class C" Wine license for 309 Main Street. (1st District)

**Recommendation of the Public Safety & Licensing Committee on 9-27-10:** That the Class "B" and "Class C" Wine license for 309 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.**

**10-5629**

**Subject:** (Direct referral) Communication from the Fire Chief requesting permission to sign a Hold Harmless Agreement and Indemnification with John H. Batten Field to conduct fire department training in the near future. (Res.10-2209)

**Recommendation of the Public Safety & Licensing Committee on 9-27-10:** The request of the Fire Chief to sign a Hold Harmless Agreement and Indemnification with John H. Batten Field to conduct fire department training be approved.

Fiscal Note: N/A

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

**10-5630**

**Subject:** (Direct Referral) Communication from the Purchasing Agent submitting the sale of abandoned vehicles for September 22, 2010.

**Recommendation of the Public Safety & Licensing Committee on 9-27-10:** That the request be received and filed.

**Fiscal Note:** This will generate \$13,211.01 in revenue.

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

Council Action



**A motion was made by Aron Wisneski, seconded by David L. Maack, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

### **Traffic Commission Report, by Ald. Holding**

#### **10-5483**

**Subject:** Communication from the Alderman of the 11th District, on behalf of James Huard (3005 Elm Lane) requesting a turn arrow for traffic turning south on Taylor from Durand.

**Recommendation of the Traffic Commission on 09-20-10:** Receive and file.

**Fiscal Note:** N/A

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

#### **10-5555**

**Subject:** Communication from Douglas Clum, Principal, Stephan Bull Fine Arts Elementary, 815 DeKoven Avenue, requesting a Loading Zone be established on the school side of Center Street to accommodate student drop off and pick up.

**Recommendation of the Traffic Commission on 09-20-10:** Recommends that Schedule F of Section 94-141(9) relating 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 to delete Center Street, west side, from DeKoven Avenue south 240 feet.

**Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

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

#### **10-5621**

**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 Deleting:****1. Center Street, west side, from DeKoven Avenue south 240 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 Gregory Holding, seconded by Raymond DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

**AYES:** 14 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wiser, Maack, Weidner, McCarthy, DeHahn, Holding, Spangenberg and Mozol

**NON VOTING:** 1 - Wisneski

**Transit and Parking Commission Report, by Ald. DeHahn****10-5507**

**Subject:** Communication from the Civic Centre Director requesting a reduced rate for the use of Lakefront Lot No. 4/Festival Hall Lot from November 2010 to March 2011. (Res.10-2211)

**Recommendation of the Transit and Parking Commission on 09-29-10:** Approve the reduced rate of \$100 per month for parking at Lakefront Lot No. 4/Festival Hall Lot from October 2010 through March 2011.

**Fiscal Note:** This agreement will generate \$600 for the Parking System.

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

**10-5534**

**Subject:** Communication from the General Manager of PTMR submitting the financial and operating report for August 2010.

**Recommendation of the Transit and Parking Commission on 09-29-10:** Receive and file.

**Fiscal Note:** N/A

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

**10-5537**

**Subject:** Communication from the B.U.S. General Manager requesting formal approval of the Professional Transit Management of Racine, Inc. Substance Abuse Policy. (Res.10-2213)

**Recommendation of the Transit and Parking Commission on**

**09-29-10:** Approve the Professional Transit Management of Racine, Inc. Substance Abuse Policy.

**Fiscal Note:** N/A

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

[10-5549](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/Operations requesting to amend the contract with Image Management to manage the City of Racine BUS advertising. (Res.10-2212)

**Recommendation of the Transit and Parking Commission on**

**09-29-10:** Approve authorizing the City Attorney's Office to amend the original agreement with Image Management for BUS advertising to indicate the term of a 3-year agreement.

**Fiscal Note:** Estimated monthly revenue is \$3,600.00

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

[10-5578](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting an agreement with the Village of Caledonia for transit service in 2010. (Res.10-2214)

**Recommendation of the Transit and Parking Commission on**

**09-29-10:** Approve

**Fiscal Note:** The Village of Caledonia will pay approximately \$33,000 for transit service in 2010.

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

Council Action

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

**AYES:** 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

**City Plan Commission Report, by Ald. Holding**

[10-5562](#)

**Subject:** (Direct Referral) Request by Douglas Stratton representing Regency West Apartments, LLC seeking a conditional use permit for the Regency West Apartments planned development at 2300 Loni Lane.

**Recommendation of the City Plan Commission on 9-29-10:** That the request be denied.

**Fiscal Note:** N/A

*Alderman Hart requested that item 10-5562 be considered separately.*

*Motion made by Alderman Holding seconded by Alderman DeHahn to vote on the committee's recommendation to deny the request. Motion failed by the following vote:*

*AYES: Spangenberg, Weidner, Wiser, Wisneski, Coe, Holding and Kaplan  
NOES: Shields, DeHahn, Hart, Maack, Marcus, McCarthy, Mozol and Shakoor*

*Motion made by Alderman Hart seconded by Alderman Marcus to suspend the rules to allow the developer to speak on the item. Motion failed by the following vote:*

*AYES: Shields, DeHahn, Hart, Marcus, McCarthy and Mozol  
NOES: Spangenberg, Weidner, Wiser, Wisneski, Coe, Holding, Kaplan, Maack and Shakoor*

**A motion was made that this Communication be Referred to the City Plan Commission, . The motion was APPROVED by the following vote:**

**AYES:** 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wiser, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

**10-5633**

**Subject:** (Direct Referral) Request by Reggie Booker seeking approval of a conditional use permit to operate a convenience store at 3425 Kinzie Avenue.

**Recommendation of the City Plan Commission on 9-29-10:** That the request be denied.

**Fiscal Note:** N/A

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

**10-5634**

**Subject:** (Direct Referral) Request by David Opahle seeking a conditional use permit for 2024 N. Memorial Drive to operate an outdoor storage facility. (Res.10-2215)

**Recommendation of the City Plan Commission on 9-30-10:** That the request be approved subject to conditions.

**Fiscal Note:** N/A

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

Council Action

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

**AYES:** 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wiser, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

### **Executive Committee Report, by Ald Coe,**

#### **10-5627**

**Subject:** (Direct Referral) Communication from the City Administrator wishing to discuss proposed agreements for joint emergency service dispatch with the Executive Committee. (Res. No. 10-2194 and Res. No. 2195).

**Recommendation of the Executive Committee 9-23-10:** That the resolutions related to the cost and services related to joint dispatch be approved.

Fiscal Note: See resolution number 10-2194 and 10-2195 for reference.

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

#### **10-5657**

**Subject:** Mayor and City Clerk be authorized to enter into an Agreement with Racine County, Village of Sturtevant, Village of Mt. Pleasant and Village of Caledonia to consolidate dispatch services.

**Recommendation of the Executive Committee 9-23-2010:** That resolution 10-2194 be adopted.

Fiscal Note: This agreement will result in a reduction in the cost of personnel and equipment while improving services for the city law enforcement and EMS providers.

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

#### **10-5658**

**Subject:** Mayor and City Clerk be authorized to enter into an Agreement with Racine County, Village of Sturtevant, Village of Mt. Pleasant and Village of Caledonia to share in the cost of a joint dispatch center.

**Recommendation of the Executive Committee 9-23-2010:** That resolution 10-2195 be adopted.

Fiscal Note: This agreement will provide payment for the cost of joint dispatch services provided by Racine County, in a fair and equitable manner that will result in reduced dispatch service costs for City of Racine taxpayers.

The City's fixed share cost for the 2011 fiscal year will be \$1,301,326.00.

The City's fixed share cost share for fiscal year 2012 through 2020 will be \$1,401,899.00. The \$1,401,899.00 share will thereafter be reduced by 10% on an annual basis between 2021 through 2029.

In fiscal years 2011 and 2012 only, there will be additional transition costs.

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

#### Council Action

**A motion was made by Jeff Coe, seconded by David L. Maack, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 14 - Shakoore, II, Coe, Marcus, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

**NOES:** 1 - Shields

#### **Committee of the Whole Report, by Ald. Coe,**

##### 09-4276

**Subject:** communication from the 9th District Alderman requesting a review of the make-up of the commissioners of the Redevelopment Authority of the City of Racine, and possibly adding another alderman position to the commission.

**Recommended:** that the Mayor appoint an additional alderman to the Redevelopment Authority when the next vacancy occurs, and that staff should prepare the necessary paperwork to ensure that aldermen appointed to the Redevelopment Authority are hereafter appointed on an annual basis.

**Fiscal Note:** N/A

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

##### 10-5000

**Subject:** Communication from the Alderman of the 11th District requesting an ordinance that would allow city residents in certain residential districts to safely keep a limited number of chickens to provide eggs for household use.

**Recommendation of the Board of Health on July 13, 2010:** That an ordinance be created that would allow city residents in certain residential districts to safely keep a limited number of chickens to provide eggs for household use.

**Recommendation of the Committee of the Whole on 09-21-2010:** that the Item be Received and Filed.

**Fiscal Note:** N/A

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

**10-5134**

**Subject:** Request to the Common Council to revise Ordinance 30-41 to change verbiage relating to composition of Board from “citizens of the City” to “citizens of Racine County”. (Ord.15-10)

**Recommendation of the Board of Parks, Recreation & Cultural Services 6-9-10:** Defer

**Recommendation of the Board of Parks, Recreation & Cultural Services 7-14-10:** To refer to the Committee of the Whole to revise Ordinance 30-41 to change verbiage that may allow one County of Racine resident to serve on the Cemetery Commission Board.

**Recommendation of the Committee of the Whole on 09-21-2010:** that an Ordinance be prepared to permit one County (non-city) resident to serve on the Cemetery Commission.

**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 Jeff Coe, seconded by Ronald D. Hart, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 15 - Shakoar, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

**Water Works Committee Report, by Ald Hart**

**10-5589**

**Subject:** Submittal of the Report of the Finance Committee of the Racine Waterworks Commission Regarding Year 2011 Water Utility Operation and Maintenance Budget and the 2011-2015 Capital Improvements Budget Recommending Adoption

**Recommendation of the Racine Waterworks Commission of 9-28-10:** To adopt. Refer to the Committee of the Whole.

**This Communication was Referred to the Committee of the Whole**

**AYES:** 15 - Shakoar, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

**10-5590**

**Subject:** Developers Agreement for General Capital Mt. Pleasant LLC for Water Main Construction

**Recommendation of the Racine Waterworks Commission of**

**9-28-10:** To approve. Refer to the Finance and Personnel Committee for approval.

**This Communication was Referred to the Finance and Personnel Committee**

**AYES:** 15 - Shakoore, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

[10-5619](#)

**Subject:** Water Main Oversizing Agreement with the Village of Mt. Pleasant

**Recommendation of the Racine Waterworks Commission on**

**9-28-10:** To approve. Refer to the Finance and Personnel Committee for approval.

**This Communication was Referred to the Finance and Personnel Committee**

**AYES:** 15 - Shakoore, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

[10-5620](#)

**Subject:** Interim Financing Options for the 2011 Water Capital Improvement Program

**Recommendation of the Racine Waterworks Commission on**

**9-28-10:** Refer to the Finance and Personnel Committee for approval.

**This Communication was Referred to the Finance and Personnel Committee**

**AYES:** 15 - Shakoore, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

**Wastewater Commission Report, by Ald Hart**

[10-5596](#)

**Subject:** Submittal of the Report of the Finance Committee of the Racine Wastewater Commission Regarding Year 2011 Wastewater Utility Operation and Maintenance Budget and the 2011-2015 Capital Improvements Budget Recommending Adoption

**Recommendation of the Racine Wastewater Commission of**

**9-28-10:** To adopt. Refer to the Committee of the Whole.

**This Communication was Referred to the Committee of the Whole**

**AYES:** 15 - Shakoore, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

[10-5635](#)

**Subject:** Submittal of 2011 Sewer Service Rates

**Recommendation of the Racine Wastewater Commission of**

**9-28-10:** To adopt. Refer to the Committee of the Whole.



**This Communication was Referred to the Committee of the Whole**

**AYES:** 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

## **G. Consent Agenda-Resolutions**

### **Res.10-2194**

Mayor and City Clerk be authorized to enter into an Agreement with Racine County, Village of Sturtevant, Village of Mt. Pleasant and Village of Caledonia to consolidate dispatch services

Whereas, the City of Racine, Village of Sturtevant, Village of Mt. Pleasant and Village of Caledonia (the "Municipalities") and Racine County currently have issues related to dispatch services and equipment that must be addressed without significant additional delay; and

Whereas, the residents and referenced "Municipalities" would be best served by one agency providing dispatch services county-wide; and

Whereas, an intergovernmental agreement and detailed contract has been developed to the mutual satisfaction of all parties.

Now, therefore, be it resolved, that the Mayor and City Clerk be authorized and directed to enter into an Agreement with the other "Municipalities" for the purpose of consolidating dispatch services for all the "Municipalities" pursuant to Sections 61.65 and 66.0301 of the Wisconsin Statutes.

Fiscal Note: This agreement will result in a reduction in the cost of personnel and equipment while improving services for the city law enforcement and EMS providers.

**Sponsors:** James T. Spangenberg, Jeff Coe, Raymond DeHahn, Gregory Holding, David L. Maack, Eric Marcus, Terry McCarthy, Sandy Weidner and Aron Wisneski

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

### **Res.10-2195**

Mayor and City Clerk be authorized to enter into an Agreement with Village of Sturtevant, Village of Mt. Pleasant and Village of Caledonia to share in the cost of a joint dispatch center

Whereas, the City of Racine, pursuant to Sections 61.65 and 66.0301 of the Wisconsin Statutes, has agreed to enter into an intergovernmental agreement with Racine County, the Village of Sturtevant, the Village of Mt. Pleasant and the Village of Caledonia, under the terms of which Racine County will establish a joint dispatch operation; and

Whereas, under the terms of the referenced Agreement, the Village of Sturtevant, the Village of Mt. Pleasant, the City of Racine and the Village of Caledonia have agreed to share in the cost of the joint dispatch operation.

Now, therefore, be it resolved, that the Mayor and City Clerk be authorized and directed to enter into an Agreement to pay the City's agreed upon share of Racine County's joint dispatch operations costs, commencing in the 2011 fiscal year.

Fiscal Note: This agreement will provide payment for the cost of joint dispatch services provided by Racine County, in a fair and equitable manner that will result in reduced dispatch service costs for City of Racine taxpayers.

The City's fixed share cost for the 2011 fiscal year will be \$1,301,326.00. The City's fixed share cost share for fiscal year 2012 through 2020 will be \$1,401,899.00. The \$1,401,899.00 share will thereafter be reduced by 10% on an annual basis between 2021 through 2029.

In fiscal years 2011 and 2012 only, there will be additional transition costs.

Sponsors: James T. Spangenberg, Jeff Coe, Raymond DeHahn, Gregory Holding, David L. Maack, Eric Marcus, Terry McCarthy, Sandy Weidner and Aron Wisneski

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

[Res.10-2196](#)

Permission granted to close Erie Street to Dodge Street on October 23, 2010 for a fundraiser

Resolved, that Barb Ehrhart and the Yard Arm be granted permission to close Erie Street from State Street to Dodge Street, on Saturday, October 23, 2010, from 12:30 p.m. to 7:00 p.m., for a fundraiser, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way;
- F. Any tents placed on the public right-of-way shall not be anchored by any means to the roadway surface;
- G. 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, in implementing this event.

Sponsors: Gregory Holding

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

**Res.10-2197**

Permission granted to install a stationary, projecting awning over city right-of-way at 1667 Douglas Avenue with stipulation that a hold harmless agreement be executed

Resolved, that the property owner of 1667 Douglas Avenue be granted permission to install a stationary, projecting awning, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.

Further resolved, that the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds Office.

Fiscal Note: There will be no cost to the City of Racine.

Sponsors: Gregory Holding

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

**Res.10-2198**

Formal bidding procedures be waived and Mayor and City Clerk be authorized to enter into an agreement with Milwaukee 2-Way, Inc., for two-way radio upgrades

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

Further resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Milwaukee 2-Way, Inc., West Allis, WI, to upgrade two-way radios to meet the new FCC narrow-banding radio requirements, for the not-to-exceed price of \$29,000.00.

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

\$ 27,000.00 - Account 101.630.5770, Street Maintenance Machinery  
\$ 2,000.00 - Account 101.700.5770, Parks Dept Machinery & Equipment  
\$ 29,000.00 - 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.10-2199**

Change Order No. 2 on Contract 21-09 (K9-022), 2009 City Resurfacing,

Payne & Dolan, Inc., contractor, be approved

Resolved, that Change Order No. 2 on Contract 21-09 (K9-022), 2009 City Resurfacing, Payne & Dolan, Inc., contractor, be approved in the amount of \$15,016.70.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 989.908.5220, Asphalt Resurfacing.

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.10-2200**

Work done by Payne & Dolan, Inc., on Contract 21-09 (K9-022), 2009 City Resurfacing, be approved and final payment authorized

Resolved, that the work done by Payne & Dolan, Inc. under Contract 21-09 (K9-022), 2009 City Resurfacing, be accepted, and final payment authorized for a total contract amount of \$760,661.48.

Fiscal Note: Contract was authorized under Resolution No. 09-1355 dated April 20, 2009.

Sponsors: Gregory Holding

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

**Res.10-2201**

Work done by Softer Lite Window Company on Contract 52-09 (K9-053), Window Replacement at City Hall Annex, be approved and final payment authorized

Resolved, that the work done by Softer Lite Window Company under Contract 52-09 (K9-053), Window Replacement at City Hall Annex, be accepted and final payment authorized for a total contract amount of \$103,850.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1536, dated August 3, 2009.

Sponsors: Gregory Holding

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

**Res.10-2202**

Mayor and City Clerk be authorized to enter into a Professional Services Agreement with Arnold & O'Sheridan, Inc., for review of the HVAC system at the Racine Public Library

Resolved, that the Mayor and City Clerk be authorized and directed to

enter into a professional services agreement with Arnold & O'Sheridan, Inc., for review of the HVAC system at the Racine Public Library, in the not-to-exceed amount of \$9,300.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 255.990.5010, Library HVAC Replacement-Engineering.

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.10-2203**

Amendment No. 2 to Contract 7-09 (K9-007), Professional Services - Repairs to State Street Bridge, Ayres Associates, Inc., consultant, be approved

Resolved, that Amendment No. 2 to Contract 7-09 (K9-007), Professional Services - Repairs to State Street Bridge, Ayres Associates Inc., consultant, as submitted, be approved in the amount of \$4,600.00

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 930.072.5810, State Street Bridge.

Fiscal Note: Funds are available as herein delineated. All costs associated with the State Street Bridge are 100% reimbursable by the State of Wisconsin.

Sponsors: Gregory Holding

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

**Res.10-2204**

Amendment No. 3 to Contract 13-09 (K9-013), Professional Services - Library Renovation Design Services, Architectural Associates, Ltd., consultant, be approved

Resolved, that Amendment No. 3 to Contract 13-09 (K9-013), Professional Services - Library Renovation Design Services, Architectural Associates, Ltd., consultant, as submitted, be approved in the amount of \$7,700.00.

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.10-2205**

Amendment No. 5 to Contract 14-09 (K9-014), Professional Services - Design of Parks Paving Projects, Nielsen Madsen & Barber, consultant, be approved

Resolved, that Amendment No. 5 to Contract 14-09 (K9-014), Professional Services - Design of Parks Paving Projects, Nielsen Madsen & Barber, SC, consultant, as submitted, be approved in the amount of \$2,360.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 108.990.5010, Festival Hall-Retaining Wall 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.10-2206**

Change Order No. 1 on Contract 39-10 (K0-048), Festival Hall Retaining Wall Repairs, Ricchio, Inc., contractor, be approved

Resolved, that Change Order No. 1 on Contract 39-10 (K0-048), Festival Hall Retaining Wall Repairs, Ricchio, Inc., contractor, be approved in the amount of \$5,245.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 108.990.5010, Festival Hall-Retaining Wall 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.10-2207**

Mayor and City Clerk be authorized to enter into the Intergovernmental Agreement for a Stormwater Information and Education Program for 2011 and 2012 as proposed by the Root-Pike WIN Organization

Resolved, that the Mayor and City Clerk be authorized and directed to enter into the Intergovernmental Agreement for a Stormwater Information and Education Program as proposed by the Root-Pike WIN Organization, which will meet the City's stormwater permit requirements of the Wisconsin Department of Natural Resources.

Further resolved, that the City' share of the cost to participate in the

intergovernmental agreement is \$4,520.25 for 2011, and \$4,520.25 for 2012.

Further resolved, that funds to defray the cost of this work are available in the 2011 and 2012 operating budget.

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.10-2208**

Assessment rates established for 2011 Public Hearings for 2012 construction of Portland Cement Concrete Paving and Curb and Gutter be approved

Resolved, that the proposed special assessment rates for public hearings in 2011 (2012 construction) for portland cement concrete paving and curb and gutter be as follows:

Portland Cement Concrete Paving

Residential Paving (7 inch) - 26' Flange to Flange	\$57.00/Front Foot
Residential Paving (7 inch) - 32' Flange to Flange	\$65.00/Front Foot
Commercial Paving (8 inch) - 32' Flange to Flange	\$75.00/Front Foot
Industrial Paving (9 inch) - 32' Flange to Flange	\$85.00/Front Foot
Industrial Paving (9 inch) - 44' Flange to Flange	\$105.00/Front Foot
Industrial Paving (9" doweled)-44' Flange to Flange	\$115.00/Front Foot
Industrial Paving (10" doweled)-44' Flange to Flange	\$125.00/Front Foot
Foot	

Portland Cement Concrete Curb and Gutter (30 inch)

7" Pavement	\$22.00/Front Foot
8" Pavement	\$24.00/Front Foot
9" Pavement	\$26.00/Front Foot
10" Pavement	\$28.00/Front Foot

Sewer and Water Services

Sewer (6") and Water (1")	\$10,500.00/Each
Sewer (6") and Water (2")	\$12,000.00/Each

Alley Paving

10' ROW	7" Pavement	\$35.00/Front Foot
11'-15' ROW	7" Pavement	\$45.00/Front Foot
16'-20' ROW	7" Pavement	\$55.00/Front Foot
21'-25' ROW	7" Pavement	\$65.00/Front Foot

Further resolved, that these special assessment rates become effective

upon passage of the Common Council for all preliminary resolutions.

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

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

Sponsors: Gregory Holding

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

**Res.10-2209**

Permission granted to Fire Chief to conduct fire department training at 2908 Jean Avenue, 2810 Eaton Lane and 2822 Diane Avenue contingent upon entering into a Hold Harmless Agreement and Indemnification with Batten Field

Resolved, that the request of the Fire Chief to sign a Hold Harmless Agreement and Indemnification with John H. Batten Field to conduct fire department training at 2908 Jean Avenue, 2810 Eaton Lane and 2822 Diane Avenue, be approved.

Fiscal Note: N/A

Sponsors: Aron Wisneski

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

**Res.10-2210**

Official Notice No. 13, Supply and Installation of Play Equipment for City of Racine Parks, Recreation and Cultural Services Department, be awarded to Miller & Associates

Resolved, that Official Notice #13, Supply and Installation of Play Equipment for City of Racine Parks, Recreation and Cultural Services Department, be awarded to Miller & Associates, at its bid price of \$93,378.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of these services be appropriated from the following Accounts: 990-700-5070; 990-700-5080; 990-700-5090; 890-030-5610; 990-700-5060; 990-700-5070; 990-700-5080; and 990-700-5090.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Aron Wisneski

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

**Res.10-2211**

Permission granted to reduce the rate for use of Lakefront Lot No.



4/Festival Lot from November 2010 to March 2011

Resolved, that permission be granted to reduce the rate of \$100 per month for parking at Lakefront Lot No. 4/Festival Hall Lot from October 2010 through March 2011.

Fiscal Note: This agreement will generate \$600 for the Parking System.

Sponsors: Raymond DeHahn

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

**Res.10-2212**

Mayor and City Clerk be authorized to enter into an Amendment to the agreement with Image Management for BUS advertising

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an Amendment to the Agreement with Image Management for BUS advertising to extend the term of the original agreement to a 3-year term.

Fiscal Note: Estimated monthly revenue is \$3,600.00.

Sponsors: Raymond DeHahn

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

**Res.10-2213**

Approval of the Professional Transit Management of Racine, Inc., Substance Abuse Policy

Resolved, that the Professional Transit Management of Racine, Inc., Substance Abuse Policy be approved.

Fiscal Note: N/A

Sponsors: Raymond DeHahn

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

**Res.10-2214**

Mayor and City Clerk be authorized to enter into an agreement with the Village of Caledonia for transit service in 2010

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with the Village of Caledonia for transit service in 2010.

Fiscal Note: The Village of Caledonia will pay approximately \$33,000 for transit service in 2010.

Sponsors: Raymond DeHahn

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

**APPROVED.****Res.10-2215**

Conditional Use Permit for 2024 N. Memorial Drive to operate an outdoor storage facility be approved subject to conditions

Resolved, that the request by David R. Opahle seeking a Conditional Use Permit for a boat and recreational vehicle storage facility at 2024 N. Memorial Drive be approved, subject to the following conditions:

- a. That the plans as presented to the Plan Commission on September 29, 2010 be approved subject to the conditions contained herein.
- b. That all conditions contained in Common Council Resolution 06-6962 as they relate to a painting contractor's storage facility, be complied with unless otherwise amended herein.
- c. That the maximum hours of the operation of the vehicle storage facility be from 6:00 a.m. to 8:00 p.m., daily.
- d. That this facility is not to be used for the storage of semi-trucks, tractor trailers, construction equipment or materials.
- e. That no junked or inoperable vehicles be stored outdoors.
- f. That prior to the storage of sail type boats, all masts be lowered or removed, or all rigging be tightly secured to so to avoid wind generated noise.
- g. That only weatherizing of boats and other vehicles be conducted (no repair or salvage).
- h. That all signs be professionally made and comply with all applicable ordinances.
- i. That a landscaping plan be submitted to the Director of City Development for review and approval that depicts the installation of landscaping along North Memorial Drive and the paving of a tracking pad (minimum 20 feet by 40 feet) travel lane. In no case shall the improvements described herein be completed later than June 30, 2011. All storage areas shall be maintained in a gravel surface.
- j. Those improvements as required by above conditions i. shall be fully implemented prior to the use of the facility for vehicle storage. If the applicant or owner fails to implement the required improvements prior to the initiation of vehicle storage, the applicant or owner shall provide the City with a letter of credit equal in value to the required improvements.

The letter of credit shall be submitted for the review and approval of the Director of City Development and having terms that include, but are not limited to the following: The letter of credit shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, shall

be reissued upon expiration in terms as deemed necessary by the City, shall be transferable to a successor issuer in the same terms unless otherwise modified with the City's consent, and shall require that the issuer give no less than 90 days but no more than 120 days notice to the Department of City Development prior to the expiration of said letter of credit.

The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on a letter of credit for the cost of implementation. Any costs incurred in excess of the value of the letter of credit shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.

By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for purpose hereby described.

k. That no barbed wire or razor wire be utilized and that all fencing and gates have privacy slats.

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

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

n. 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.

o. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

**Res.10-2216**

2011 Operating Plan for Uptown Business Improvement District (B.I.D. No. 3) be approved

Resolved, that the 2011 Operating Plan for Uptown Business Improvement District No. 3, dated September 2, 2010, be approved, and the Finance Director be authorized and directed to place the special assessments listed in the plan on the property tax bills of the parcels within the District.

Fiscal Note: It is estimated \$39,398 will be raised through B.I.D. assessments to be disbursed to the Uptown B.I.D.

**Sponsors:** James T. Spangenberg

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

**Res.10-2217**

2011 Operating Plan for West Racine Business Improvement District No. 2 be approved

Resolved, that the 2011 Operating Plan for West Racine Business Improvement District No. 2, dated September 9, 2010, be approved, and the Finance Director be authorized and directed to place the special assessments listed in the plan on the property tax bills of the parcels within the District.

**Fiscal Note:** It is estimated \$20,888 will be raised through B.I.D. assessments to be disbursed to the West Racine B.I.D.

**Sponsors:** James T. Spangenberg

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

**Res.10-2218**

Permission granted to the Police Chief to apply for and accept the Wisconsin Department of Transportation 2011 Alcohol Enforcement Mobilization Grant

Resolved, that permission be granted for the Police Chief to apply for and accept the Wisconsin Department of Transportation 2011 Alcohol Enforcement Mobilization Grant (Grant Control # 2010-032).

**Fiscal Note:** The grant is in the amount of \$35,000, with a 25% soft match of \$8,750.

**Sponsors:** James T. Spangenberg

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

**Res.10-2219**

Permission granted to the Police Chief to apply for and accept the Wisconsin Department of Transportation 2011 Speed Enforcement Mobilization Grant

Resolved, that permission be granted for the Police Chief to apply for and accept the Wisconsin Department of Transportation 2011 Speed Enforcement Mobilization Grant (Grant Control # 2010-033).

**Fiscal Note:** The grant is in the amount of \$35,000, with a 25% soft match of \$8,750.

**Sponsors:** James T. Spangenberg

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

**Res.10-2220**

Permission granted to the Police Chief to apply for and accept the Wisconsin Department of Transportation 2011 Pedestrian Safety Enforcement Grant

Resolved, that permission be granted for the Police Chief to apply for and accept the Wisconsin Department of Transportation 2011 Pedestrian Safety Enforcement Grant (Grant Control # 2010-034).

Fiscal Note: The grant is in the amount of \$4,000, with a 25% soft match of \$1,000.

Sponsors: James T. Spangenberg

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

**Res.10-2221**

Permission granted for the Police Chief to apply for and accept the Wisconsin Department of Transportation 2011 Bicycle Safety Grant

Resolved, that permission be granted to the Police Chief to apply for and accept the Wisconsin Department of Transportation 2011 Bicycle Safety Grant (Grant Control # 2010-035).

Fiscal Note: The grant is in the amount of \$2,000, with a 25% soft match of \$500.

Sponsors: James T. Spangenberg

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

**Res.10-2222**

Permission granted to the Police Chief to accept the 2010 COPS Technology Grant and the Mayor and City Clerk be authorized to enter into the grant agreement

Resolved, that permission be granted for the Police Chief to accept the 2010 COPS Technology Grant (Grant Control # 2010-013) in the amount of \$100,000 to install Automated License Plate Recognition (ALPR) equipment in several squad cars.

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

Fiscal Note: No City match is required.

Sponsors: James T. Spangenberg

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

Council Action

**A motion was made by Jeff Coe, seconded by Jim Kaplan , that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

**H. Ordinances**

Ord.15-10

Ord. 15-10

To amend Sec. 30-41 of the Municipal Code of the City of Racine, Wisconsin relating to Cemeteries - Board of Cemetery Commissioners.

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

Part 1:

Sec. 30-41 of the Municipal Code of the City of Racine is hereby amended by adding in the first sentence after the words “common council,” the phrase “one of the four citizens may be a non-city of Racine resident residing in Racine County.” ...

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

Fiscal Note: N/A

Sponsors: Sandy Weidner

**Referred to Public Safety and Licensing Committee**

**I. Adjourn**

*The meeting was adjourned at 10:05p.m. by Alderman Shakoor. The next scheduled meeting of the Council is October 19, 2010.*

ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK

