



# City of Racine

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

## Meeting Agenda - Final Common Council

*Alderman Jeff Coe*  
*Alderman Mollie Jones*  
*Alderman Michael Shields*  
*Alderman Tracey Larrin*  
*Alderman Steve Smetana*  
*Alderman Sandy Weidner*  
*Alderman Raymond DeHahn*  
*Alderman Q.A. Shakoor II*  
*Alderman Terry McCarthy*  
*Alderman Dennis Wiser*  
*Alderman Mary Land*  
*Alderman Henry Perez*  
*Alderman James Morgenroth*  
*Alderman Jason Meekma*  
*Alderman Melissa Lemke*

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Tuesday, September 20, 2016

7:00 PM

City Hall, Room 205

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### A. Call To Order

### B. Pledge of Allegiance To The Flag

### C. Approval of Journal of Council Proceedings (Minutes) September 6, 2016

### D. Public Comments

### E. Communications

#### Refer to Finance and Personnel Committee, by Ald. Shakoor

[0775-16](#)

**Subject:** Communication from Chief Art Howell requesting to appear before the Finance & Personnel Committee to obtain permission to waive the formal bidding procedures and contract the Safe & Sound Technical Assistance Program to oversee the implementation of the new COP school resource officer initiative.

[0776-16](#)

**Subject:** Communication from Chief Howell requesting to appear before the Finance & Personnel Committee to obtain permission to waive the formal bidding procedures and contract with Aviat Networks to provide and install microwave equipment to establish a data/communication link between City Hall Annex and the Radio Communication Resources at Regency Mall.

[0817-16](#)      **Subject:** Communication from the Racine Rotary Club and Foundation offering the City of Racine a contribution of \$100,000 to support the construction of a permanent outdoor performance structure at Festival Park.

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

[0813-16](#)      **Subject:** Communication from Tristin Erickson (5K Events) requesting to use City right-of-way on November 12, 2016 for the Nearly Naked 5K.

[0818-16](#)      **Subject:** Communication from Tristin Erickson (5K Events) requesting to use City right-of-way on November 24, 2016 from 8:00 A.M. to 9:30 A.M. for the Thanksgiving Day 5K Run/Walk.

[0820-16](#)      **Subject:** Change Order No. 2 on Contract 20160024, Parking Ramp Improvements, ProAxis, LLC., contractor.

[0822-16](#)      **Subject:** Change Order No. 3 on Contract 20150019, Lake Michigan Pathway Phase III, Ray Hintz, Inc., contractor.

**Refer to Public Safety and Licensing Committee, by Ald. Coe**

[0771-16](#)      **Subject:** Application of Applebee's Store No.161, Troy Clark, Agent, for a **Change of Agent** for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2521 S. Green Bay Rd. (14th District)

**Refer to Traffic Commission, by Ald. McCarthy**

[0767-16](#)      **Subject:** Communication from the Alderman of the 7th District requesting the elimination of 2-hour parking in the Horlick High School/Gilmore Middle School area.

[0816-16](#)      **Subject:** Communication from the Alderwoman of the 4th District requesting a traffic study be done for the intersection of Hubbard Street and Erie Street.

[0819-16](#)      **Subject:** Communication from Joanne Takerian requesting the removal of a "No Parking" sign in front of Gales Manufacturing Corporation, 1541 Owen Avenue.

**F. Committee Reports**

**Finance and Personnel Committee Report, by Ald. Shakoor**

[0703-16](#)      **Subject:** Communication from the City Attorney submitting the claim of Erie Insurance (Four Seasons Lawn Care) for consideration.

**Recommendation of the Finance & Personnel Committee on 9/12/16:** That the claim of Erie Insurance be denied.

**Fiscal Note:** N/A

[0712-16](#)

**Subject:** Communication from the General Manager requesting that the Waterworks Commission Pursue Borrowing Funds from the City of Racine for the Upcoming Private Lead Service Lateral Replacement Project with the Intent of Reimbursing the City Once Loan Funds Are Made Available (Res No. 0323-16)

**Recommendation of the Waterworks Commission on 8/30/16:** To approve

**Recommendation of the Finance & Personnel Committee on 9/12/16:** The City act as the Fiscal Agent for the Private Lead Service Lateral Replacement Project. Funds will be disbursed through the Finance Department with reimbursement provided by a forgivable loan through the Safe Drinking Water Loan Program. Administration of the program will be handled by the Water Utility.

**Fiscal Note:** The maximum per property reimbursement is limited to \$2,500 with a maximum forgivable loan amount of \$500,000. This will provide assistance to at least 200 properties.

[0714-16](#)

**Subject:** Communication from Chief Howell requesting to appear before the Finance & Personnel Committee to discuss permission to accept a donation for the K9 Unit. (Res No. 0321-16)

**Recommendation of the Finance & Personnel Committee on 9/12/16:** Accept the donation of \$1,410.00 from Tony Gravley of Next Generation K-9 for the Police K-9 Unit.

**Fiscal Note:** There is no city match.

[0718-16](#)

**Subject:** (Direct Referral) Communication from the Finance Director to discuss a personal property tax reimbursement arising from an adjusted assessed valuation by State of Wisconsin. (Res. No. 0301-16)

**Recommendation of the Finance & Personnel Committee on 8/22/16:** Personal property tax reimbursement arising from an adjusted assessed valuation by State of Wisconsin be paid to In-Sink-Erator per State Statutes.

**Fiscal Note:** Refund and Interest amount to approximately \$33,965. The City's operational portion is approximately \$18,645.

[0719-16](#)

**Subject:** Communication from the City Attorney submitting the claim of Timothy Blaesing for consideration.

**Recommendation of the Finance & Personnel Committee on****9/12/16:** That the claim of Timothy Blaesing be denied.**Fiscal Note:** N/A[0731-16](#)**Subject:** Communication from the City Attorney requesting permission to represent employees named in the lawsuit, Kandice J. Lang v. City of Racine, et. al. (Case No. 16-CV-1367) (Res No. 0325-16)**Recommendation of the Finance & Personnel Committee on****9/12/16:** The City represent employees named in the lawsuit, Kandice J. Lang v. City of Racine, et. al. (Case No. 16-CV-1367).**Fiscal Note:** N/A[0738-16](#)**Subject:** Communication from Chief Howell requesting to appear before the Finance & Personnel Committee to discuss accepting the 2017 Department of Justice Youth Gang Diversion Grant (Grant Control #00099). (Res No. 0322-16)**Recommendation of the Finance & Personnel Committee on****9/12/16:** Grant permission to The Chief of Police to apply for and accept the 2017 Department of Justice Youth Gang Diversion Grant (Grant Control #00099).**Fiscal Note:** There is no required city match.[0751-16](#)**Subject:** Communication from the City Attorney submitting the claim of Hua Zhang for consideration.**Recommendation of the Finance & Personnel Committee on****9/12/16:** That the claim of Hua Zhang be denied.**Fiscal Note:** N/A[0758-16](#)**Subject:** Communication from the Commissioner of Public Works requesting a transfer of 2016 CIP funds. (Res No. 0324-16)**Recommendation of the Finance & Personnel Committee on****9/12/16:** \$400,000 be transferred from account 45040-57200 DPW-Building Improvements to account 45040-57300 DPW-Equipment to help facilitate the solid waste cart system.**Fiscal Note:** There are sufficient funds available for the transfer.[0764-16](#)**Subject:** Communication from the City Attorney submitting the claim of Robert Kunaschk for consideration.

**Recommendation of the Finance & Personnel Committee on****9/12/16:** That the claim of Robert Kunaschk be denied.**Fiscal Note:** N/A**Public Works and Services Committee Report, by Ald. McCarthy**[0698-16](#)**Subject:** Communication from the General Manager Requesting the City Attorney to Draft an Amendment Resolution Pertaining to Chapter 98 of the Municipal Code, Section IV, Division 3, User Regulations, as a Result of NR211 of the Department of Natural Resources Code.**Recommendation of the Wastewater Commission on 8-30-16:** To approve**Recommendation of the Public Works and Services Committee on 09-13-16:** Approve and recommend the City Attorney draft an ordinance to amend Chapter 98 of the Municipal Code, Section IV, Division 3, User Regulations, as a result of NR211 of the Department of Natural Resources Code.**Fiscal Note:** N/A[0701-16](#)**Subject:** Amendment No. 1 to the Three-Party Agreement between the City of Racine, WisDOT and R.A. Smith National for State Project ID: 2260-08-00, Durand Avenue - Kearney Avenue to Sheridan Road (STH 32). (Res No. 0330-16)**Recommendation of the Public Works and Services Committee on 08-29-16:** Defer**Recommendation of the Public Works and Services Committee on 09-13-16:** That Amendment No. 1 to the Three-Party Agreement between the City of Racine, WisDOT and R.A. Smith National for State Project ID: 2260-08-00, Durand Avenue - Kearney Avenue to Sheridan Road (STH 32), as submitted, be approved.**Fiscal Note:** Amendment No. 1 is in the not-to-exceed amount of \$45,940.95 with the City's share being \$11,485.24 (25%), and the State's share being \$34,455.71 (75%), bringing the total contract amount to \$415,259.09. Funding to defray the cost of this amendment be appropriated from Org-Object 45040-57500, Durand Avenue - Kearney Avenue to Sheridan Road.[0729-16](#)**Subject:** Communication from the General Manager Requesting that the City Attorney Draft an Amendment Resolution Pertaining to Chapter 98 of the Municipal Code, Article 111 - Water Utility, Division 1 - Generally Creating Section 98-64, Replacement of Privately Owned

Lead Service Lines as Attached to this Item.

**Recommendation of the Waterworks Commission on 8-30-16:** To Approve

**Recommendation of the Public Works and Services Committee on 09-13-16:** Approve and recommend the City Attorney draft an ordinance to amend Chapter 98 of the Municipal Code, Article 111 - Water Utility, Division 1 - generally creating Section 98-64, Replacement of Privately Owned Lead Service Lines.

Further recommends to amend by also adding the following:

(l) The status of the material comprising each public and private service line will be recorded on the City Geographic Information System (GIS) as part of any replacement effort. Should a homeowner decline to participate, this will also be recorded.

**Fiscal Note:** N/A

[0737-16](#)

**Subject:** Communication from Chief Howell requesting to appear in front of the Public Works & Services Committee to discuss the removal of the planters on the 18th Street Mall. (Res No. 0327-16)

**Recommendation of the Public Works and Services Committee on 09-13-16:** Recommend the cluster of three planters adjacent to the COP House at 1750 Mead Street be removed.

**Fiscal Note:** N/A

[0772-16](#)

**Subject:** (Direct Referral) Change Order No. 2 on Contract 20160030, Samuel Myers Park Renovations - Phase III, A.W. Oakes & Son, Inc., contractor. (Res No. 0328-16)

**Recommendation of the Public Works and Services Committee on 09-13-16:** That Change Order No. 2 on Contract 20160030, Samuel Myers Park Renovations - Phase III, A.W. Oakes & Son, Inc., contractor, as submitted, be approved in the amount of \$6,800.00.

Further recommends that funding to defray the cost of the change order be appropriated from Org-Object 45050-57110, Parks Department Land Improvements.

**Fiscal Note:** Funds are available as herein delineated.

[0774-16](#)

**Subject:** Final Payment on Contract 02-15 (K5-002), PS - Safety Building Wall Stabilization, Graef, consultant. (Res No. 0329-16)

**Recommendation of the Public Works and Services Committee on 09-13-16:** That the work done by Graef, be accepted and final payment authorized for a total contract amount of \$4,508.50.

**Fiscal Note:** Contract was authorized under Resolution 15-0003, dated January 20, 2015.

### **Public Safety and Licensing Committee Report, by Ald. Coe**

[0739-16](#)

**Subject: (New)** Application of Jeanne Heckenlively for a Secondhand Article Dealer's License for 215 Sixth Street. (1st District)

**Recommendation of the Public Safety and Licensing Committee on 09-13-16:** That the **(New)** Application of Jeanne Heckenlively for a Secondhand Article Dealer's License for 215 Sixth Street be approved as presented.

**Fiscal Note: N/A**

[0762-16](#)

**Subject: (Direct Referral)** Communication from the Purchasing Agent submitting the report on the bids received for the sale of Abandoned Vehicles, September 1, 2016.

**Recommendation of the Public Safety and Licensing Committee on 09-13-16:** That the item be Received and Filed as the highest responsible and only bidder was Sturtevant Auto Salvage.

**Fiscal Note:** This will generate \$4,650.00 in revenue for account 13101 48301.

[0766-16](#)

**Subject: (New)** Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Kelly's On 6th Inc. dba Kelly's On 6th, located at 910 6th St., Kelly Hansen, Agent. (1st District)

**Recommendation of the Public Safety and Licensing Committee on 09-13-16:** That the **(New)** Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Kelly's On 6th Inc. dba Kelly's On 6th, located at 910 6th St., Kelly Hansen, Agent, be approved as presented.

**Fiscal Note: N/A**

### **City Plan Commission Report, by Ald. Wisner**

[0780-16](#)

**Subject: (Direct Referral)** A request by Mark Porcaro of Porcaro Indian of Racine seeking a major amendment to a conditional use permit at 500 and 522 Sixth Street to re-establish a restaurant, outdoor event and

dining space plus implement various site improvements including an electronic message center and an illuminated interior sidewall sign. (Res No. 0331-16)

**Recommendation of the City Plan Commission on 9-14-16:** That the request be approved subject to conditions.

**Fiscal Note:** N/A

#### **Office of the Mayor Report, by Ald. Wisner**

[0815-16](#)

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

Appoint Michael Rosienski 134 Echo Lane Racine 53405, to the Downtown Area Design Review Commission for a 3 year term, ending November 2019.

Reappoint Donald Schumacher 304 16th Street Racine 53403, to the Landmark Preservation Commission for a 3 year term, ending May 2019.

#### **Board of Parks, Recreation, and Cultural Services Report, by Ald. Land**

[0765-16](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services presenting amendments of policies and procedures for use of Monument Square. (Res No. 0332-16)

**Recommendation from the Board of Parks, Recreation & Cultural Services on 9/14/16:** The policy and procedures for use of Monument Square, as amended, be adopted.

**Fiscal Note:** N/A

#### **G. Consent Resolutions**

[Res.0301-16](#)

Personal Property Tax Reimbursement to In-Sink-Erator

Resolved, that the request of the Finance Director for a personal property tax reimbursement arising from an adjusted assessed valuation by State of Wisconsin shall be paid to In-Sink-Erator per State Statutes.

**Fiscal Note:** Refund and Interest amount is approximately \$33,965.00. The City's operational portion is approximately \$18,645.00.

**Sponsors:**

Q.A. Shakoor II



[Res.0321-16](#) Donation for K9 Unit

Resolved, that the Chief of Police is granted permission to accept a donation of \$1,410.00 from Tony Gravley of Next Generation K-9 for the Police K-9 Unit.

Fiscal Note: There is no City match.

Sponsors: Q.A. Shakoor II

[Res.0322-16](#) 2017 Department of Justice Youth Gang Diversion Grant

Resolved, that the Chief of Police is granted permission to apply for and accept the 2017 Department of Justice Youth Gang Diversion Grant. (Grant Control #00099).

Fiscal Note: There is no required City match.

Sponsors: Q.A. Shakoor II

[Res.0323-16](#) Private Lead Service Lateral Replacement Project

Resolved, that the Waterworks Commission is granted permission to pursue borrowing funds from the City for the upcoming Private Lead Service Lateral Replacement Project with the intent of reimbursing the City once loan funds are made available.

Further resolved, that the City act as the Fiscal Agent for the Private Lead Service Lateral Replacement Project. Funds will be disbursed through the Finance Department with reimbursement provided by a forgivable loan through the Safe Drinking Water Loan Program. Administration of the program will be handled by the Water Utility.

Fiscal Note: The maximum per property reimbursement is limited to \$2,500.00 with a maximum forgivable loan amount of \$500,000.00. This will provide assistance to at least 200 properties.

Sponsors: Q.A. Shakoor II

[Res.0324-16](#) Transfer of 2016 CIP Funds

Resolved, that the request of the Commissioner of Public Works is granted permission to transfer 2016 CIP funds in the amount of \$400,000.00 from account 45040-57200 DPW-Building Improvements to account 45040-57300 DPW-Equipment to help facilitate the solid waste cart system.

Fiscal Note: There are sufficient funds available for the transfer.

**Sponsors:** Q.A. Shakoor II

**Res.0325-16** *Kandice J. Lang v. City of Racine, et. al.* (Case No. 16-CV-1367)

Resolved, that the request of the City Attorney to represent employees named in the lawsuit, *Kandice J. Lang v. City of Racine, et. al.* (Case No. 16-CV-1367) is approved.

Fiscal Note: N/A

**Sponsors:** Q.A. Shakoor II

**Res.0326-16** 2016 Collective Bargaining

Resolved, that the Human Resources Manager is authorized to make offers to Local 67 (DPW/Parks), Local 67 (Police Department Clericals), and Racine Professional Employees Association for each unit's 2017 collective bargaining agreement with the City.

Fiscal Note: To be determined.

**Sponsors:** Q.A. Shakoor II

**Res.0327-16** Removal of Planters on 18th Street Mall

Resolved, that the cluster of three planters adjacent to the COP House at 1750 Mead Street are to be removed.

Fiscal Note: N/A

**Sponsors:** Terry McCarthy

**Res.0328-16** Change Order No. 2 on Contract 20160030, Samuel Myers Park Renovations - Phase III

Resolved, that Change Order No. 2 on Contract 20160030, Samuel Myers Park Renovations - Phase III, A.W. Oakes & Son, Inc., contractor, as submitted, is approved in the amount of \$6,800.00.

Fiscal Note: Funding to defray the cost of the change order be appropriated from Org-Object 45050-57110, Parks Department Land Improvements.

**Sponsors:** Terry McCarthy

**Res.0329-16** Final Payment on Contract 02-15 (K5-002), PS - Safety Building Wall Stabilization

Resolved, that the work done by Graef, is accepted and final payment authorized for a total contract amount of \$4,508.50.

Fiscal Note: Contract was authorized under Resolution 15-0003, dated January 20, 2015.

**Sponsors:** Terry McCarthy

**Res.0330-16** Amendment No. 1 to the Three-Party Agreement for State Project ID: 2260-08-00, Durand Avenue - Kearney Avenue to Sheridan Road (STH 32)

Resolved, that Amendment No. 1 to the Three-Party Agreement between the City of Racine, WisDOT and R.A. Smith National for State Project ID: 2260-08-00, Durand Avenue - Kearney Avenue to Sheridan Road (STH 32), as submitted, is approved.

**Fiscal Note:** Amendment No. 1 is in the not-to-exceed amount of \$45,940.95 with the City's share being \$11,485.24 (25%), and the State's share being \$34,455.71 (75%), bringing the total contract amount to \$415,259.09. Funding to defray the cost of this amendment be appropriated from Org-Object 45040-57500, Durand Avenue - Kearney Avenue to Sheridan Road.

**Sponsors:** Terry McCarthy

**Res.0331-16** Changes to Conditional Use Permit at 500 and 522 Sixth Street (Porcaro Indian of Racine)

Resolved, that the request by Mark Porcaro of Porcaro Indian of Racine seeking a major amendment to a conditional use permit at 500 and 522 Sixth Street to re-establish a restaurant, outdoor event and dining space plus implement various site improvements including an electronic message center and an illuminated interior sidewall sign is approved, subject to the following conditions:

a. That plans presented to the Plan Commission at the September 14, 2016 meeting are approved subject to the conditions contained herein.

b. That the following aspects of this request are approved:

1. Indoor and outdoor dining.
2. East wall balcony addition.
3. Parking lot expansion onto 500 Sixth Street.
4. Outdoor event space in parking lot.
5. Internally illuminated (non-flashing) interior lot sidewall sign.
6. Decorative fencing, columns, and associated accoutrements and amenities as approved.
7. Electronic message center, single color text on a black background, operated within limitations and allowances of Municipal Code Sec 114-1033, unless otherwise regulated herein. This approval granted citing circumstances unique to the subject property and location, size, and configuration of the sign structure and the use of historic materials.
8. Encroachment into the 25 foot vision triangle as presented.

c. That the design of the herein described facilities and associated

accoutrements and amenities shall be implemented in accordance with that which has been approved by the Downtown Area Design Review Commission.

d. That a landscape plan shall be submitted to the Director of City Development for review and approval prior to the issuance of an occupancy permit for the outdoor balcony space and said landscape plan shall be implemented by May 1, 2017.

e. That all decorative fencing be installed in accordance with the approved plans by May 1, 2017.

f. If any improvements listed in conditions "e" and "f" cannot be completed prior to the times specified, then the applicant or owner shall provide the City with a letter of credit, bond, or other acceptable financial security, equal in value to the required improvements, subject to the following:

1. The financial security documents shall be submitted for the review and approval of the Director of City Development, 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, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of the financial assurance.

2. The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by the dates stated. Any costs incurred in excess of the value of the financial security 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.

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

g. That the hours of operation shall be consistent with those listed in the liquor license premises description, but with modifications as follows: Sunday through Thursday, all outdoor events and live entertainment shall be permissible between the hours of 10:00 a.m. and ceasing by 9:00 p.m.; Friday and Saturday, all outside live entertainment and events are permissible between the hours of 10:00 a.m. and ceasing by 11:00 p.m.; dining and beverage service may continue in the outdoor balcony area consistent with hours of operation for indoor activities and operations.

h. That all codes and ordinances be complied with and required permits acquired, unless otherwise excepted herein.

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

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

Fiscal Note: N/A

Sponsors:

Dennis Wisner

[Res.0332-16](#)

Monument Square Polices and Procedures

Resolved, that the policies and procedures for use of Monument Square, as amended are hereby adopted.

Fiscal Note: N/A

Sponsors:

Mary Land

## H. Resolutions

## I. Consent Agenda

## J. Common Council Announcements

**Announcements are limited to recognition of City residents and employees, memorials, and non-political community events. Discussion of matters related to governmental business is prohibited.**

## K. Adjourn

## Office of The City Clerk

**If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 636-9171 at least 48 hours prior to this meeting.**