



City of Racine

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

Meeting Minutes - Final Common Council

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

Tuesday, July 5, 2011

7:00 PM

Room 205, City Hall

A. Call To Order

Mayor Dickert called the meeting to order at 7:00p.m..

PRESENT: 12 - Marcus, Hart, Kaplan, Wiser, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

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 Holding.

D. Public Comments

*Kathy Mahony
George Meyers*

E. Communications

Refer to Finance and Personnel Committee, by Ald. Wiser

[11-6634](#)

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

Referred to Finance and Personnel Committee

[11-6635](#)

Subject: Communication from Interim Chief of Police requesting to

discuss 2011 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG). [Grant control number 2011-021].

Referred to Finance and Personnel Committee

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

[11-6605](#)

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

Referred to Public Works and Services Committee

[11-6644](#)

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

Referred to Public Works and Services Committee

[11-6632](#)

Subject: Communication from Iglesia Evangelica Pentecostal Alarma requesting permission to close the 600 block of 17th Street for a church event on July 23, 2011.

Referred to Public Works and Services Committee

[11-6641](#)

Subject: (Direct Referral) Communication from Downtown Racine Corporation requesting permission to place artistically decorated flowerpots on the public sidewalks along Main and Sixth Streets for the "Potsarazzi!" public art event and to place a 16' flowerpot in Monument Square and a large chair in Crosswalk Park.

Alderman Wisneski asked to suspend the rules and consider item 11-6641. There were no objections to the suspension of rules. Alderman Weidner made a motion seconded by Ald. DeHahn to approve the Downtown Racine Corporation request for permission to place artistically decorated flowerpots on the public sidewalks along Main and Sixth Streets for the "Potsarazzi!" public art event and to place a 16' flowerpot in Monument Square and a large chair in Crosswalk Park.

A motion was made by Alderman Sandy Weidner, seconded by Alderman Raymond DeHahn. The motion was Approved by the following vote:

AYES: 12 - Marcus, Hart, Kaplan, Wiser, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

[11-6642](#)

Subject: Communication from Rep. Robert Turner regarding street lighting concerns of residents in the 1900 block of Linden Avenue.

Referred to Public Works and Services Committee

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

[11-6646](#)

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

Referred to Public Safety and Licensing Committee

Refer to Board of Parks, Recreation, and Cultural Services by Ald. Kaprelian-Becker.

[11-6631](#)

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

Referred to Board of Park, Recreation and Cultural Services

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Wisner

[11-6477](#)

Subject: Communication from the City Attorney submitting the claim of Wayne Cowles for consideration.

Recommendation of the Finance & Personnel Committee on

6-27-11: The claim of Wayne Cowles, 4421 Mona Park Rd., Racine, requests a reimbursement of \$625 for a door that was damaged during the execution of a search warrant at 1246 Kentucky St. on or about April 7, 2011 be denied

Fiscal Note: N/A

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

[11-6440](#)

Subject: Communication from Robert L. Daher Jr. requesting a waiver or reduction in fees for the use of North Beach to be utilized for developing a family-friendly co-ed beach flag football league.

Recommendation of the Finance & Personnel Committee on

6-13-11: Defer for two weeks to allow for representation.

Recommendation of the Finance & Personnel Committee on

6-27-11: The item to be received and filed at the request of Mr Daher.

Fiscal Note: N/A

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

11-6530

Subject: Communication from Kristin Niemiec requesting a waiver of fees for the use of the Cesar Chavez Community Center and Douglas Park.

Recommendation of the Finance & Personnel Committee on 6-13-11: Defer for two weeks to gather more information regarding fees.

Recommendation of the Finance & Personnel Committee on 6-27-11: Permission be granted for the Douglas Avenue Business Improvement District Board utilize Douglas Park on August 20 through August 22, 2011, the Cesar Chavez Community Center on August 21, 2011 and the Stage on Wheels at a reduced rate of \$180.

Fiscal Note: The cost would have been \$360 and will be reduced to \$180.

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

11-6537

Subject: Communication from the Interim Chief of Police requesting to discuss extension of a lease agreement with Racine Harley-Davidson for two motorcycles. (Res. 11-2633)

Recommendation of the Finance & Personnel Committee on 6-27-11: The Mayor and City Clerk be authorized and directed to extend the lease agreement with Racine Harley-Davidson for two motorcycles in the amount of \$1.00 each for the period of one year with the expiration date of June 30, 2012.

Fiscal Note: The cost of \$1.00 for each motorcycle for the period of one year.

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

11-6543

Subject: Communication from the Interim Chief of Police requesting to apply for the 2011 Bulletproof Vest Partnership grant (Grant Control No. 2011-019). (Res. 11-2632)

Recommendation of the Finance & Personnel Committee on 6-27-11: Permission be granted for the Interim Chief of Police to apply for the 2011 Bulletproof Vest Partnership grant (Grant Control No. 2011-019) in the amount of \$26,577.44.

Fiscal Note: The grant will reimburse 50% of the costs of vests

purchased in 2011. No match required on the part of the City.

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

[11-6589](#)

Subject: Communication from the Interim Chief of Police requesting to discuss the waiver of formal bidding and the Purchasing Agent negotiate sole-source procurement with Streicher's for the purchase of ninety-five (95) compliant vests. (Res. 11-2634)

Recommendation of the Finance & Personnel Committee on 6-27-11: Formal bidding procedures be waived and the Purchasing Agent be authorized and directed to purchase ninety-five (95) Second Chance MN01 (body armor) NIJ 0101.06 compliant vests from Streichers with the stipulation that the vests be competitively priced.

Fiscal Note: \$60,000 is the total cost for the vests. There is sufficient funds in account # 101.311.5430 Equipment and Furniture under \$5,000.

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

[11-6580](#)

Subject: Communication from the Fire Chief requesting permission to apply for grant funding for the fire department radio infrastructure communications upgrade project. (Res. 11-2629)

Recommendation of the Finance & Personnel Committee on 6-27-11: Permission be granted for the Fire Chief to apply for the SC Johnson's Wax grant in the amount up to \$100,000 to be utilized for the radio infrastructure communications upgrade project.

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

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

[11-6581](#)

Subject: Communication from the Fire Chief requesting to waive formal bidding for a fire fighting foam trailer that is funded by the 2010 Urban Area Security Initiative Grant. (Res. 11-2630)

Recommendation of the Finance & Personnel Committee on 6-27-11: Formal bidding procedures be waived and the Purchasing Agent be authorized and directed to purchase a fire-fighting foam trailer from United Plastics Fabricating Inc., N. Andover MD with the stipulation that the equipment be competitively priced.

Fiscal Note: The trailer will be purchased with funds from the 2010 Urban Area Security Initiative grant (City Grant Control No. 2010-050) in the amount of \$45,000 from the Department of Homeland Security.

No match required on the part of the City.

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

[11-6582](#)

Subject: Communication from the Fire Chief requesting the Mayor and City Clerk be authorized to extend the Wisconsin Emergency Management/State Regional Hazardous Materials Response Team contract for six months. (Res. 11-2631)

Recommendation of the Finance & Personnel Committee on 6-27-11: The Mayor and City Clerk be authorized and directed to enter into an agreement to extend the six-month contract for the Wisconsin Emergency Management/State Regional Hazardous Materials Response Team for the period of July 1, 2011 through December 31, 2011.

Fiscal Note: The City will receive \$53,000 for its efforts with no match required. It is anticipated the Dept. of Military Affairs and WI Emergency Management will work with the Regional Teams after the State budget is settled to extend this contract through 2013.

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

[11-6591](#)

Subject: Communication from the Grant Facilitator requesting to applying for the Second Chance Act Adult Offender Reentry Program for Planning and Demonstration 2011 Grant through the U.S. Department of Justice (Grant Control No. 2011-020). (Res. 11-2635)

Recommendation of the Finance & Personnel Committee on 6-27-11: Permission be granted for the Grant Facilitator to apply for the Second Chance Act Adult Offender Reentry Program for Planning and Demonstration 2011 Grant in the amount up to \$50,000 through the U.S. Department of Justice (Grant Control No. 2011-020) to be utilized for the Community Reentry Program.

Fiscal Note: There is a 50% in-kind and cash match. One-half of that will be cash and the other half will be in-kind that will be provided by Racine Vocational Ministry. A waiver will be submitted for the cash match with the grant application.

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

[11-6628](#)

Subject: (Direct Referral) Communication from the City Administrator resubmitting the communication from the Executive Director and Curator of Collections of the Racine Art Museum requesting to negotiate the next long-term agreement for Wustum Museum that was approved by the Board of Parks, Recreation & Cultural Services on

3-10-10. (Res. 11-2628)

Recommendation of the Finance & Personnel Committee on 6-27-11: Approve the 5-year contract extension with the Racine Art Museum.

Fiscal Note: Payments to Racine Art Museum will increase \$7925 in 2012, \$8,163 in 2013, \$8,408 in 2014, \$8,660 in 2015, and \$8,920 in 2016.

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

Council Action

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

AYES: 12 - Marcus, Hart, Kaplan, Wiser, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

Public Works and Services Committee Report, by Ald. Weidner

11-6545

Subject: Communication from the Alderman of the 4th District, on behalf of Ken and Gloria Taylor, 1442 Superior Street, regarding problems with the sidewalk, driveway apron and curb line due to water and ice.

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

Further recommends that the City review the assessment charges for the sidewalk squares.

Further recommends that any future sidewalk orders be reviewed by the Commissioner of Public Works/City Engineer prior to issuing orders

Fiscal Note: Not applicable at this time.

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

11-6562

Subject: Communication from Rev. John Freddy Correa requesting permission to use city right-of-way for the 2011 Racine Street Soccer and Health Festival to be held on August 27, 2011. (Res. 11-2638)

Recommendation of the Public Works and Services Committee

on 6-28-11: That Emmaus Lutheran Church be granted permission to close Summit Avenue from English Street to Yout Street, Yout Street from Summit Avenue to Carlisle Avenue, and English Street from Summit Avenue to Carlisle Avenue, on Saturday, August 27, 2011, from 10:00 a.m. to 7:00 p.m., and Sunday, August 28, 2011, from 10:30 a.m. to 7:00 p.m., for the 2011 Racine Street Soccer and Health Festival.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$350.00 special event fee.

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

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

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

11-6575

Subject: Communication from Kenny's on Main requesting to close Hubbard Street from Main to Wisconsin on July 30, 2011, from 8 a.m. to 10 p.m., for a bike show/pig roast. (Res. 11-2639)

Recommendation of the Public Works and Services Committee

on 6-28-10: Permission be granted to Kenny's on Main, 1300 N. Main Street, to close Hubbard Street from Main Street to Wisconsin Avenue, on Saturday, July 30, 2011 from 8:00 a.m. to 10:00 p.m., for their 3rd Annual Bike Show/Pig Roast, 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.

[11-6584](#)

Subject: Communication from Scott Jensen, Michigan Pub, requesting permission to close the 200 block of Hubbard Street on Saturday, August 6, 2011, for a street festival. (Res. 11-2640)

Recommendation of the Public Works and Services Committee on 6-28-11: Permission be granted to Michigan Pub, to close Hubbard Street from Chatham Street to Michigan Boulevard, on Saturday, August 6, 2011, from 12 p.m. to 10 p.m., for the "Fill the Cupboard on Hubbard" street festival, 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.

[11-6593](#)

Subject: Communication from ButterBuds requesting the City to vacate the easement between its current property (2330 Chicory Road) and 3911-3931 South Memorial Drive. (Res. 11-2642)

Recommendation of the Public Works and Services Committee on 6-28-11: Since public interest requires it, that the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

The North 12.5 feet of the West 379.99 feet of Lot 1 and the South 12.5 feet of the West 379.99 feet of Lot 2 in Stephen F. Olsen Industrial Park, a recorded plat in the Southwest 1/4 of Section 29, Township 3 North, Range 23 East, in the City of Racine, Racine County, Wisconsin.

Further recommends that the sanitary sewer located in the easement area becomes a private sanitary sewer lateral.

Fiscal Note: Not applicable.

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

[11-6598](#)

Subject: Communication from the Purchasing Agent submitting bid results on Official Notice #10, Removal and Installation of Four (4) Twin-Two Product Mechanical Fuel Dispensers. (Res. 11-2643)

Recommendation of the Public Works and Services Committee on 6-28-11: That the contract for Four (4) Twin-Two Product Mechanical Fuel Dispensers be awarded to Walt's Petroleum Service, Inc., at their bid price of \$33,100.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of these services be appropriated from Account 401.000.5770, Machinery and Equipment, Equipment Maintenance.

Fiscal Note: Funds are available as herein delineated.

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

[11-6600](#)

Subject: Communication from the Midtown Church of Christ requesting permission to close 13th Street from Bluff Avenue to Terrace Avenue on July 17, 2011 for a summer youth program kick-off event. (Res. 11-2641)

Recommendation of the Public Works and Services Committee on 6-28-11: That Midtown Church of Christ be granted permission to close 13th Street from Terrace Avenue to Bluff Avenue, on Sunday, July 17, 2011, from 1:00 p.m. to 5:00 p.m., for a summer youth program.

Further recommends that permission be granted with the following stipulations:

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

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

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

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

[11-6606](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering requesting to rescind Resolution No. 11-2602 to enter into a 3-Party Contract with the State of Wisconsin DOT and Strand Associates, Inc., for Professional Design Engineering Services for reconstructing Durand Avenue (STH 11) from Kearney Avenue to Kentucky Street, State Project ID: 2260-07-70. (Res. 11-2647)

Recommendation of the Public Works and Services Committee on 6-28-10: That Resolution 11-2602, dated June 7, 2011, be rescinded.

Fiscal Note: Not applicable at this time.

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

[11-6607](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering re-submitting a Three-Party design contract for engineering services for Durand Avenue (STH 11) from Kearney Avenue to Kentucky Street, State Project ID: 2260-07-70. (Res. 11-2648)

Recommendation of the Public Works and Services Committee on 5-31-11: That the Mayor and City Clerk be authorized and directed to enter into a 3-party contract with the State of Wisconsin Department of Transportation and Strand Associates, Inc. for professional design engineering services for reconstructing Durand Avenue (STH 11) from

Kearney Avenue to Kentucky Street, State Project ID: 2260-07-70, for the not-to-exceed cost of \$1,133,045.31, which is funded 80% by the State of Wisconsin, or \$906,436.25, and 20% by the City of Racine, or \$226,609.06.

Further recommends that funds to defray the cost of these professional services are available in the 2012-2016 CIP 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.

[11-6616](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering submitting a street dedication for 1846 Racine Street. (Res. 11-2649)

Recommendation of the Public Works and Services Committee on 6-28-11: That the property at 1846 Racine Street, and more particularly described as follows, be dedicated for street right-of-way purposes:

That part of Block 35 in Racine Land and Improvement Co's Addition, a recorded plat in the City of Racine, Racine County, Wisconsin that is part of the Northwest ¼ of Section 21 Township 3 North, Range 23 East described as follows: the east 40.00' of Lots 13,14,15,16,17, &18

Said described tract containing 9,512.00 square feet more-or-less.

Further recommends that a resolution be introduced to the Common Council and referred to the City Plan Commission.

Fiscal Note: N/A

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

[11-6617](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting an architectural design services proposal from Butterfield, Rudie & Seitz to renovate the Department of Corrections office area at the City Hall Annex. (Res. 11-2645)

Recommendation of the Public Works and Services Committee on 6-28-11: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Butterfield, Rudie & Seitz to provide design services for renovating the Department of Corrections area at the City Hall Annex, in the not-to-exceed amount of \$4,550.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 991.200.5010, Annex-Remodel Probation and Parole.

Fiscal Note: Funds are available as herein delineated.

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

11-6621

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting to waive formal bidding for installation of a Johnson Controls, Inc. Lighting Control System for the City Hall renovation area. (Res. 11-2644)

Recommendation of the Public Works and Services Committee on 6-28-11: That the request 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 Johnson Controls, Inc. for installation of a Metasys lighting control system in the City Hall renovation area for the not-to-exceed price of \$7,643.00.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 990.100.5010, City Hall Renovations.

Fiscal Note: Funds are available as herein delineated.

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

11-6630

Subject: (Direct Referral) Communication from the Interim Commissioner of Public Works/Operations submitting Change Order No. 3 to Contract 1-11 (K1-001), City Hall Renovations-Phase III (R1), Seater Construction Co., Inc., contractor. (Res. 11-2646)

Recommendation of the Public Works and Services Committee on 6-28-11: That Change Order No. 3 on Contract 1-11 (K1-001), City Hall Renovations-Phase III (R1), Seater Construction Co., Inc., contractor, be approved in the amount of \$34,025.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 990.100.5010, City Hall-Facilities Plan Implementation.

Fiscal Note: Funds are available as herein delineated.

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

[11-6620](#)

Subject: Resolution 11-2622, of June 21, 2011 being a final resolution relating to street improvements.

PORTLAND CEMENT CONCRETE PAVING

DeKoven Avenue - Clark St. to Racine St.

Erie Street - Prospect St. to Colbert St.

Rickeman Street - +/- 390 feet south of Liberty St. to Liberty St.

Railroad Street - Prospect St. to Hamilton St.

Superior Street - Liberty St. to State St.

Kewaunee Street - North Main St. to Chatham St.

SANITARY & WATER LATERALS

DeKoven Avenue - Clark St. to Racine St.

Railroad Street - Prospect St. to Hamilton St.

Kewaunee Street - North Main St. to Chatham St.

SANITARY SEWER

DeKoven Avenue - Clark St. to Racine St.

Kewaunee Street - North Main St. to Chatham St.

Recommendation of the Public Works and Services Committee on 6-28-11: That Resolution No. 11-2622, of June 21, 2011, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

DeKoven Avenue - Clark St. to Racine St.

Erie Street - Prospect St. to Colbert St.

Rickeman Street - +/- 390 feet south of Liberty St. to Liberty St.

Superior Street - Liberty St. to State St.

Kewaunee Street - North Main St. to Chatham St.

SANITARY & WATER LATERALS

DeKoven Avenue - Clark St. to Racine St.

Kewaunee Street - North Main St. to Chatham St.

SANITARY SEWER

DeKoven Avenue - Clark St. to Racine St.
Kewaunee Street - North Main St. to Chatham St.

and, as amended , Resolution No. 11-2622, of June 21, 2011, be adopted.

Fiscal Note: Funds will be appropriated in the 2012 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

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

Council Action

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

AYES: 12 - Marcus, Hart, Kaplan, Wiser, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

Public Safety and Licensing Committee Report, by Ald. Wisneski

11-6542

Subject: (New) Application of Coasters Inc., Charles Beth, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1301 N. Main Street. (4th District)

Recommendation of the Public Safety and Licensing Committee on 6-27-11: That the application of Coasters Inc., Charles Beth, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1301 N. Main Street. be approved.

Fiscal Note: N/A

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

11-6563

Subject: (Direct Referral) (New) Application of The Soup, Susan E. Bukacek, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 309 Main Street. (1st District)

Recommendation of the Public Safety and Licensing Committee on 6-27-11: That Application of The Soup, Susan E. Bukacek, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 309 Main Street. be approved.

Fiscal Note: N/A

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

[11-6564](#)

Subject: Communication from Deutscher Manner Verein (The German Club), Jeff Hill, Agent, requesting to amend the premises description at 701 Villa Street to include parking lot.

Recommendation of the Public Safety and Licensing Committee on 6-27-11: That the premise description at 701 Villa Street be amended to include parking lot.

Fiscal Note: N/A

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

[11-6577](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to present the bids for Contract 43-11 (K1-045), PRCS Asphalt Pavement Improvements. (Res. 11-2650)

Recommendation of the Public Safety and Licensing Committee on 6-27-11: That the base bid be approved for Contract 43-11(K1-045) Asphalt Paving Improvements with A.W.Oakes as lowest responsible bidder for \$181,691.30.

Fiscal Note: Funds available as listed: 990.700.5030 \$32,200.00; 991.700.5030 \$114,491.30; and 207.000.5750 \$38,000.00.

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

[11-6578](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to present the bids for Contract 42-11 (K1-044), Boiler Replacement at Humble Community Center. (Res. 11-2651)

Recommendation of the Public Safety and Licensing Committee on 6-27-11: That Contract 42-11 (K1-044) Boiler Replacement at Humble Community Center be approved with alternate plan 1, lowest responsible bidder Hyper Electric in the amount of \$72,915.00

Fiscal Note: Funds available from 991.650.5010 in the amount of \$72,915.00

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

[11-6579](#)

Subject: Communication from the Director of Parks, Recreation and

Cultural Services requesting permission to enter into an agreement to prepare plans and specifications and construction management for repaving Horlick Drive through Island Park. (Res. 11-2652)

Recommendation of the Public Safety and Licensing Committee on 6-27-11: That permission to enter into an agreement with Nielsen Madsen & Barber to prepare plans and specifications and construction management for repaving Horlick Drive through Island Park be approved at a cost not exceed \$14,800.00 plus reimbursable costs.

Fiscal Note: Funds are available from 891.030.5750.

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

Council Action

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

AYES: 12 - Marcus, Hart, Kaplan, Wiser, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoore, II, Shields and McCarthy

11-6523

Subject: [Direct Referral] Communication from Jay Christie Regarding Municipal Code 70-89. (Res. 11-2653)

Recommendation of the Board of Parks, Recreation and Cultural Services on 6/8/11: To approve the communication from Jay Christie regarding changing Municipal Code 70-89 to allow glassware to be used at the Zoo for special events and activities.

Recommendation of the Public Safety and Licensing Committee on 6-27-11: To approve the communication from Jay Christie regarding the amendment to the Municipal Code 70-89 Glass Container Prohibited to include *except on the grounds of the Racine Zoo on special occasions approved by a vote of the Board of Directors of the Racine Zoological Society.*

Fiscal Note: N/A

Alderman Wisneski requested that item 11-6523 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: 8 - Hart, Kaplan, Wiser, Wisneski, DeHahn, Mozol, Fair and Kaprelian-Becker

NOES: 4 - Marcus, Weidner, Holding and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

[10-5064](#)

Subject: Ord. 6-10

To repeal and recreate Chapter 2, Article VII., Code of Ethics, of the Municipal Code of the City of Racine, Wisconsin relating to Administration.

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

Recommendation of the Board of Ethics on 4-14-11: That the Ordinance which was submitted April 2010 be approved.

Recommendation of the Public Safety & Licensing Committee on 5-9-11: That ordinance 6-10 be deferred for four weeks and the committees suggested changes be made by the City Attorney and brought back to committee on June 13, 2011.

Recommendation of the Public Safety and Licensing Committee on 6-27-11: That Ordinance 6-10 be approved as amended.

Fiscal Note: N/A

Alderman Wisneski requested that item 11-5064 be considered separately. Alderman Wisneski made a motion to amendment for clarification on several items in the ordinance, seconded by Ald. Kaplan. Motion was then withdrawn. Alderman Fair made a motion seconded by Ald. DeHahn to refer the item back to the Public Licensing and Safety committee.

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

AYES: 8 - Hart, Kaplan, Wiser, Wisneski, DeHahn, Mozol, Fair and Kaprelian-Becker

NOES: 4 - Marcus, Weidner, Holding and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

Traffic Commission Report, by Ald. Weidner

[11-6152](#)

Subject: (Direct Referral) Communication from Walter Robles, Janes Elementary School Interim Directing Principal, requesting to discuss a crossing guard on the northeast corner of N. Wisconsin Street and Barker Street.

Recommendation of the Traffic Commission on 03-21-11: Defer

Recommendation of the Traffic Commission on 05-16-11: Defer

Recommendation of the Traffic Commission on 06-20-11: Receive

and file.

Fiscal Note: N/A

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

AYES: 7 - Wisner, Weidner, Wisneski, Holding, Mozol, Kaprelian-Becker and Morgenroth

NOES: 5 - Marcus, Hart, Kaplan, DeHahn and Fair

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

Transit and Parking Commission Report, by Ald. DeHahn

[11-6566](#)

Subject: Communication from the Transit and Parking System Manager requesting to provide the general public an opportunity to comment on the proposed trolley fare increase.

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

Fiscal Note: N/A

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

[11-6567](#)

Subject: Communication from the Transit and Parking System Manager submitting the May Operating Report for the WI Coach Lines.

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

Fiscal Note: N/A

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

[11-6568](#)

Subject: Communication from the BUS General Manager submitting the May BUS Operating Report.

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

Fiscal Note: N/A

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

[11-6570](#)

Subject: Communication from the Transit and Parking System

Manager providing an update on the Library Parking Lot Pay Station Demonstration Project.

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

Fiscal Note: None

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

[11-6571](#)

Subject: Communication from the Transit and Parking System Manager submitting an update on transit related issues in the 2011-2013 State biennial budget.

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

Fiscal Note: N/A

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

[11-6572](#)

Subject: Communication from the Transit and Parking System Manager providing an update on the need to replace aging transit vehicles and the opportunity to capture federal funding.

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

Fiscal Note: N/A

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

Council Action

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

AYES: 12 - Marcus, Hart, Kaplan, Wiser, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoore, II, Shields and McCarthy

City Plan Commission Report, by Ald. Wisneski

[11-6624](#)

Subject: (Direct Referral) Consideration of a request from Matt Kranich for a Conditional Use permit to operate an indoor contractor storage facility 920 S. Memorial Drive. (PC-11) (Res. 11-2654)

Recommendation of the City Plan Commission on 6-29-11: That the item be approved subject to conditions.

Fiscal Note: N/A

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

AYES: 12 - Marcus, Hart, Kaplan, Wisner, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

Redevelopment Authority of the City of Racine Report by Ald. Holding

11-6588

Subject: Communication from the Director of City Development requesting that the City provide financial assistance to ButterBuds Food Ingredients for the expansion of its operations in the City of Racine. (Res. 11-2655)

Recommendation of the Redevelopment Authority on 6-22-11: That Intergovernmental Sewer Revenue Sharing Funds be used for the financial assistance and that the Mayor and City Clerk be authorized to execute a financial assistance agreement with ButterBuds.

Fiscal Note: ButterBuds will be provided with assistance in the form of a "tax rebate". The estimated value of the rebate is \$54,000 each year for ten years. (This estimate assumes no change in tax rate or assessed value). In exchange for the rebate, the company will commit to expand in Racine (retain 55 employees and add 22 more), acquire an adjacent property, and offer open positions to residents of the City of Racine. Funds for the rebate are available in the Intergovernmental Revenue Sharing (919) Account.

Alderman Marcus made a motion seconded by Ald. Fair to defer 11-6588 to the next council meeting. Motion failed by the following vote:

Ayes: Marcus

Noes: Kaprelian-Becker, Morgenroth, Mozol, Weidner, Wisner, Wisneski, DeHahn, Fair, Hart, Holding, Kaplan

Excused: McCarthy, Shakoor, Shields

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

AYES: 12 - Marcus, Hart, Kaplan, Wisner, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

Committee of the Whole Report, by Ald. Holding**11-6466**

Subject: Communication from RCEDC to make a presentation on current Economic Development activity and update on current activity with the BIDS.

Recommendation: 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.

11-6252

Subject: Communication from the Alderman of the 6th District requesting to re-establish the Committee on Housing & Neighborhoods to its original mission.

Recommended: That the Item be approved and the staff the City Attorney's office prepare a Resolution recreating the committee.

Fiscal Note: N/A

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

Council Action

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

AYES: 12 - Marcus, Hart, Kaplan, Wisner, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

Office of the Mayor Report, by Ald. Holding**11-6640**

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

Reappoint Lynn Monroe 333 Lake Ave Racine, 53403 to the Racine Board of Harbor Commissioners for a 3 year term expiring May 31, 2014.

Appoint Matt Montemurro 555 Main St Racine, 53403 to the Business Improvement District Board #1 - Downtown filling the current vacancy expiring December 1, 2013

Appoint Mike Cundari, 4411 Washington Ave Racine, 53405 to the Board of Review, filling the current vacancy expiring March 1, 2013.

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

AYES: 12 - Marcus, Hart, Kaplan, Wiser, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

Board of Harbor Commissioners Report, by Ald. Wisneski

11-6083

Subject: Communication from Dave Blank, President/CEO of Real Racine, requesting permission to dock the ship, Dennis Sullivan, in the Racine Harbor in August.

Recommendation of the Harbor Commission on 03-17-11: Defer

Recommendation of the Harbor Commission on 04-21-11: Defer

Recommendation of the Harbor Commission on 05-19-11: Defer

Recommendation of the Harbor Commission on 06-16-11:

Approve the request to dock the Dennis Sullivan on August 19, 20, and 21, 2011 at the floating dock near the pump-out station subject to Real Racine acquiring a local match funding.

Fiscal Note: N/A

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

AYES: 12 - Marcus, Hart, Kaplan, Wiser, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

Redistricting Committee Report by Ald. Holding

11-6637

Subject: Maps and related redistricting information from Racine County relating to their adopted tentative supervisory district plan

Recommendation of the Redistricting Committee on June 29,

2011: Recommends that thirty-three municipal wards for the City of Racine be created as shown on the map presented on 6-29-2011 Ward Plan attached hereto as Exhibit One, said Exhibit on file in the City Clerks Office and Racine Public Library;

Further Recommends that the polling place for each ward be designated and shown on the City of Racine Polling Place List and attached as Exhibit Two;

Further Recommends that a resolution be created and once adopted be forwarded with attachments to the Racine County Clerk and the Legislative Reference Bureau within five days of adoption

Alderman Holding presented the redistricting plan and noted maps would be available for viewing at the City Clerk's Office and at the Public Library as well as on the City of Racine Website.

A motion was made by Alderman Gregory Holding, seconded by Alderman Aron Wisneski, that this be Received and Filed as Reported. The motion PASSED by the following vote:

AYES: 12 - Marcus, Hart, Kaplan, Wisner, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

G. Consent Agenda

[Res.11-2628](#)

Request from the Executive Director and Curator of Collections of the Racine Art Museum requesting to negotiate the next long-term agreement for Wustum Museum that was approved by the Board of Parks, Recreation & Cultural Services on 3-10-10.

Resolved, that the 5-year contract extension with the Racine Art Museum be approved.

Fiscal Note: Payments to Racine Art Museum will increase \$7925 in 2012, \$8,163 in 2013, \$8,408 in 2014, \$8,660 in 2015, and \$8,920 in 2016.

Sponsors: Q.A. Shakoor, II

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

[Res.11-2629](#)

Request to apply for grant funding for the fire department radio infrastructure communications upgrade project.

Resolved, that permission be granted for the Fire Chief to apply for the SC Johnson's Wax grant in the amount up to \$100,000 to be utilized for the radio infrastructure communications upgrade project.

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

Sponsors: Q.A. Shakoor, II

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

Res.11-2630

Request from Fire Chief to waive formal bidding for a fire fighting foam trailer that is funded by the 2010 Urban Area Security Initiative Grant.

Resolved, that formal bidding procedures be waived and the Purchasing Agent be authorized and directed to purchase a fire-fighting foam trailer from United Plastics Fabricating Inc., N. Andover MD with the stipulation that the equipment be competitively priced.

Fiscal Note: The trailer will be purchased with funds from the 2010 Urban Area Security Initiative grant (City Grant Control No. 2010-050) in the amount of \$45,000 from the Department of Homeland Security. No match required on the part of the City.

Sponsors: Q.A. Shakoor, II

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

Res.11-2631

Request from Fire Chief that the Mayor and City Clerk be authorized to extend the Wisconsin Emergency Management/State Regional Hazardous Materials Response Team contract for six months.

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement to extend the six-month contract for the Wisconsin Emergency Management/State Regional Hazardous Materials Response Team for the period of July 1, 2011 through December 31, 2011.

Fiscal Note: The City will receive \$53,000 for its efforts with no match required. It is anticipated the Dept. of Military Affairs and WI Emergency Management will work with the Regional Teams after the State budget is settled to extend this contract through 2013.

Sponsors: Q.A. Shakoor, II

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

Res.11-2632

Request from the Interim Chief of Police to apply for the 2011 Bulletproof Vest Partnership grant.

Resolved, that permission be granted for the Interim Chief of Police to apply for the 2011 Bulletproof Vest Partnership grant (Grant Control No. 2011-019) in the amount of \$26,577.44.

Fiscal Note: The grant will reimburse 50% of the costs of vests purchased in 2011. No match required on the part of the City.

Sponsors: Q.A. Shakoor, II

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

Res.11-2633

Request from the Interim Chief of Police to discuss extension of a lease agreement with Racine Harley-Davidson for two motorcycles.

Resolved, that the Mayor and City Clerk be authorized and directed to extend the lease agreement with Racine Harley-Davidson for two motorcycles in the amount of \$1.00 each for the period of one year with the expiration date of June 30, 2012.

Fiscal Note: The cost of \$1.00 for each motorcycle for the period of one year.

Sponsors: Q.A. Shakoor, II

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

Res.11-2634

Request from the Interim Chief of Police to discuss the waiver of formal bidding and the Purchasing Agent negotiate sole-source procurement with Streicher's for the purchase of ninety-five (95) compliant vests.

Resolved, that the formal bidding procedures be waived and the Purchasing Agent be authorized and directed to purchase ninety-five (95) Second Chance MN01 (body armor) NIJ 0101.06 compliant vests from Streichers with the stipulation that the vests be competitively priced.

Fiscal Note: \$60,000 is the total cost for the vests. There is sufficient funds in account # 101.311.5430 Equipment and Furniture under \$5,000.

Sponsors: Q.A. Shakoor, II

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

Res.11-2635

Request from Grant Faciliator to apply for the Second Chance Act Adult Offender Reentry Program for Planning and Demonstration 2011 Grant through the U.S. Department of Justice.

Resolved, that permission be granted for the Grant Facilitator to apply for the Second Chance Act Adult Offender Reentry Program for Planning and Demonstration 2011 Grant in the amount up to \$50,000 through the U.S. Department of Justice (Grant Control No. 2011-020) to be utilized for the Community Reentry Program.

Fiscal Note: There is a 50% in-kind and cash match. One-half of that will be cash and the other half will be in-kind that will be provided by Racine Vocational Ministry. A waiver will be submitted for the cash match with the grant application.

Sponsors: Q.A. Shakoor, II

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

Res.11-2638

Request for permission to use city right-of-way for the 2011 Racine Street Soccer and Health Festival to be held on August 27, 2011.

Resolved, that Emmaus Lutheran Church be granted permission to close Summit Avenue from English Street to Yout Street, Yout Street from Summit Avenue to Carlisle Avenue, and English Street from Summit Avenue to Carlisle Avenue, on Saturday, August 27, 2011, from 10:00 a.m. to 7:00 p.m., and Sunday, August 28, 2011, from 10:30 a.m. to 7:00 p.m., for the 2011 Racine Street Soccer and Health Festival.

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

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$350.00 special event fee.

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

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

Sponsors: Sandy Weidner

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

Res.11-2639

Request to close Hubbard Street from Main to Wisconsin on July 30, 2011, from 8 a.m. to 10 p.m., for a bike show/pig roast.

Resolved, that permission be granted to Kenny's on Main, 1300 N. Main Street, to close Hubbard Street from Main Street to Wisconsin Avenue, on Saturday, July 30, 2011 from 8:00 a.m. to 10:00 p.m., for their 3rd Annual Bike Show/Pig Roast, 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 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: Sandy Weidner

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

Res.11-2640

Request for permission to close the 200 block of Hubbard Street on Saturday, August 6, 2011, for a street festival.

Resolved, that permission be granted to Michigan Pub, to close Hubbard Street from Chatham Street to Michigan Boulevard, on Saturday, August 6, 2011, from 12 p.m. to 10 p.m., for the "Fill the Cupboard on Hubbard" street festival, 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 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: Sandy Weidner

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

Res.11-2641

Request for permission to close 13th Street from Bluff Avenue to Terrace Avenue on July 17, 2011 for a summer youth program kick-off event.

Resolved, that Midtown Church of Christ be granted permission to close 13th Street from Terrace Avenue to Bluff Avenue, on Sunday, July 17, 2011, from 1:00 p.m. to 5:00 p.m., for a summer youth program.

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

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

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

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

Sponsors: Sandy Weidner

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

Res.11-2642

Request to the City to vacate the easement between its current property (2330 Chicory Road) and 3911-3931 South Memorial Drive.

Resolved, since public interest requires it, that the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

The North 12.5 feet of the West 379.99 feet of Lot 1 and the South 12.5 feet of the West 379.99 feet of Lot 2 in Stephen F. Olsen Industrial Park, a recorded plat in the Southwest 1/4 of Section 29, Township 3 North, Range 23 East, in the City of Racine, Racine County, Wisconsin.

Further resolved, that the sanitary sewer located in the easement area becomes a private sanitary sewer lateral.

Fiscal Note: Not applicable.

Sponsors: Sandy Weidner

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

Res.11-2643

Submission of bid results on Official Notice #10, Removal and Installation of Four (4) Twin-Two Product Mechanical Fuel Dispensers.

Resolved, that the contract for Four (4) Twin-Two Product Mechanical Fuel Dispensers be awarded to Walt's Petroleum Service, Inc., at their bid price of \$33,100.00, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of these services be appropriated from Account 401.000.5770, Machinery and Equipment, Equipment Maintenance.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

Res.11-2644

Request to waive formal bidding for installation of a Johnson Controls, Inc. Lighting Control System for the City Hall renovation area.

Resolved, that the request 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 resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Johnson Controls, Inc. for installation of a Metasys lighting control system in the City Hall renovation area for the not-to-exceed price of \$7,643.00.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 990.100.5010, City Hall Renovations.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

Res.11-2645

Submission of an architectural design services proposal from Butterfield, Rudie & Seitz to renovate the Department of Corrections office area at the City Hall Annex.

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Butterfield, Rudie & Seitz to provide design services for renovating the Department of Corrections area at the City Hall Annex, in the not-to-exceed amount of \$4,550.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 991.200.5010, Annex-Remodel Probation and Parole.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

Res.11-2646

Submission of Change Order No. 3 to Contract 1-11 (K1-001), City Hall Renovations-Phase III (R1), Seater Construction Co., Inc., contractor.

Resolved, that Change Order No. 3 on Contract 1-11 (K1-001), City Hall Renovations-Phase III (R1), Seater Construction Co., Inc., contractor, be

approved in the amount of \$34,025.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 990.100.5010, City Hall-Facilities Plan Implementation.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

Res.11-2647

Request to rescind Resolution No. 11-2602 to enter into a 3-Party Contract with the State of Wisconsin DOT and Strand Associates, Inc., for Professional Design Engineering Services for reconstructing Durand Avenue (STH 11) from Kearney Avenue to Kentucky Street, State Project ID: 2260-07-70.

Resolved, that Resolution 11-2602, dated June 7, 2011, be rescinded.

Fiscal Note: Not applicable at this time.

Sponsors: Sandy Weidner

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

Res.11-2648

Resubmission of a Three-Party design contract for engineering services for Durand Avenue (STH 11) from Kearney Avenue to Kentucky Street.

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 3-party contract with the State of Wisconsin Department of Transportation and Strand Associates, Inc. for professional design engineering services for reconstructing Durand Avenue (STH 11) from Kearney Avenue to Kentucky Street, State Project ID: 2260-07-70, for the not-to-exceed cost of \$1,133,045.31, which is funded 80% by the State of Wisconsin, or \$906,436.25, and 20% by the City of Racine, or \$226,609.06.

Further resolved, that funds to defray the cost of these professional services are available in the 2012-2016 CIP Budget.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

Res.11-2649

Submission of a street dedication for 1846 Racine Street.

Resolved, that the property at 1846 Racine Street, and more particularly described as follows, be dedicated for street right-of-way purposes:

That part of Block 35 in Racine Land and Improvement Co's Addition, a recorded plat in the City of Racine, Racine County, Wisconsin that is part of the Northwest ¼ of Section 21 Township 3 North, Range 23 East described as follows: the east 40.00' of Lots 13,14,15,16,17, &18

Said described tract containing 9,512.00 square feet more-or-less.

Further resolved, that a resolution be introduced to the Common Council and referred to the City Plan Commission.

Fiscal Note: N/A

Sponsors: Sandy Weidner

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

Res.11-2650

Permission requested to present the bids for Contract 43-11 (K1-045), PRCS Asphalt Pavement Improvements.

Resolved, that the base bid be approved for Contract 43-11(K1-045) Asphalt Paving Improvements with A.W.Oakes as lowest responsible bidder for \$181,691.30.

Fiscal Note: Funds available as listed: 990.700.5030 \$32,200.00; 991.700.5030 \$114,491.30; and 207.000.5750 \$38,000.00.

Sponsors: Aron Wisneski

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

Res.11-2651

Permission requested to present the bids for Contract 42-11 (K1-044), Boiler Replacement at Humble Community Center.

Resolved, that Contract 42-11 (K1-044) Boiler Replacement at Humble Community Center be approved with alternate plan 1, lowest responsible bidder Hyper Electric in the amount of \$72,915.00

Fiscal Note: Funds available from 991.650.5010 in the amount of \$72,915.00

Sponsors: Aron Wisneski

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

Res.11-2652

Permission requested to enter into an agreement to prepare plans and specifications and construction management for repaving Horlick Drive through Island Park.

Resolved, that permission to enter into an agreement with Nielsen Madsen & Barber to prepare plans and specifications and construction management for repaving Horlick Drive through Island Park be approved at a cost not exceed \$14,800.00 plus reimbursable costs.

Fiscal Note: Funds are available from 891.030.5750.

Sponsors: Aron Wisneski

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

Res.11-2654

Request from Matt Kranich for a Conditional Use permit to operate an indoor contractor storage facility 920 S. Memorial Drive. (PC-11).

THAT THE PLANS SUBMITTED BY MATT KRANICH OF RACINE HOME INSULATORS, LLC, FOR CONDITIONAL USE APPROVAL FOR AN INDOOR CONTRACTOR STORAGE FACILITY AT 920 S. MEMORIAL DRIVE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the plans presented to the Plan Commission on June 29, 2011 be approved, subject to the conditions contained herein.
- b. That all applicable codes and ordinances shall be complied with and occupancy permits be obtained from the Building Inspection Department.
- c. That the hours of operation shall be Monday through Saturday, from 7:00 a.m. - 5:00 p.m.
- d. That the parking area and drive aisle shall be re-surfaced, and the parking area striped and wheel stops installed, prior to issuance of an occupancy permit.
- e. That the brick and block portions of the building shall be re-painted and the boards covering the windows shall be removed prior to issuance of an occupancy permit. If the windows require repair or replacement, this shall also be completed prior to issuance of an occupancy permit.
- f. That all items currently stored in the parking and yard areas of the site shall be removed from the premises prior to the issuance of an occupancy permit.
- g. That there shall be no outside storage of any building materials or equipment, except for box trucks and employee vehicles, on the site. All materials are to be stored inside the building, and any assembly that occurs shall be done inside the building.
- h. That no signage is approved with this Conditional Use. Signage shall be reviewed separately and require a separate permit. Additionally, any proposed modifications to the two billboards at the site shall require separate review by the Department of City Development and the Building Department, and are not considered as part of this Conditional Use approval in any way.
- i. That an opaque dumpster enclosure, 6-feet in height, be constructed where indicated on the site plan prior to issuance of an occupancy permit.

j. That if the required improvements are not completed at the time of occupancy, a financial security shall be provided to the City in an amount equal in value to the required improvements.

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 said financial security.

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 completed by September 1, 2011. 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.

By operating under this Conditional Use, the applicant and owner give permission to the City to enter upon the property for the purposes described herein.

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

l. That this conditional use permit is subject to review by the Plan Commission for compliance to the listed conditions.

Resolved, that the item be approved subject to conditions.

Fiscal Note: N/A

Sponsors: Aron Wisneski

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

Res.11-2655

Authorization to execute an agreement with ButterBuds Food Ingredients to provide financial assistance for its expansion at 2330 Chicory Road and 3911-3931 S. Memorial Drive.

Resolved, that the Mayor and City Clerk be authorized and directed to execute an agreement with ButterBuds Food Ingredients, a division of Cumberland Packing Corporation, to provide financial assistance for its expansion at 2330 Chicory Road and 3911-3931 S. Memorial Drive.

Further resolved, that the agreement include a requirement that ButterBuds Food Ingredients give preference to City residents when filling open positions.

Fiscal Note: ButterBuds will be provided with assistance in the form of a "tax rebate." The estimated value of the rebate is \$54,000 each year for ten years (this estimate assumes no change in tax rate or assessed value). In exchange for the rebate, the company will commit to expand in Racine (retain 55 employees and add 22 more), acquire an adjacent property, and offer open positions to residents of the City of Racine. Funds for the rebate are available in the Intergovernmental Revenue Sharing (919) Account.

Sponsors: Q.A. Shakoor, II

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

Council Action

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

AYES: 12 - Marcus, Hart, Kaplan, Wiser, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

Res.11-2636

Request from Anchor Fitness for permission to use city right-of-way for their First Annual Marina Mayhem 5K/10K Challenge event on Sunday, September 25, 2011.

Resolved, that Anchor Fitness be granted permission to close the Main Street Bridge to boat traffic for the First Annual Marina Mayhem 5K/10K Challenge, to be held on Sunday, September 25, 2011, from 7:30 a.m. to 10:00 a.m., with the following stipulations:

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

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

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

Sponsors: Sandy Weidner

Alderman Weidner asked for separate consideration for 11-2636. Alderman Weidner made a motion to adopt 11-2636, seconded by DeHahn.

A motion was made by Alderman Weidner, seconded by Alderman DeHahn, that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 12 - Marcus, Hart, Kaplan, Wisner, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

Res.11-2637

Request from Chicago Cubs Charities for permission for a bike ride to pass through the City of Racine to benefit community work on August 27, 2011.

Resolved, that Chicago Cubs Charities be granted permission to use City right-of-way on Saturday, August 27, 2011, for the "Wrigley Field Road Tour...100 Miles to Go" bike ride, with the stipulation that the participants will abide by all traffic regulations.

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

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

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

Sponsors: Sandy Weidner

Alderman Weidner asked for separate consideration for 11-2637. Alderman Weidner made a motion to adopt 11-2637, seconded by DeHahn.

A motion was made by Alderman Weidner, seconded by Alderman DeHahn, that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 12 - Marcus, Hart, Kaplan, Wisner, Weidner, Wisneski, DeHahn, Holding, Mozol, Fair, Kaprelian-Becker and Morgenroth

EXCUSED: 3 - Shakoor, II, Shields and McCarthy

Res.11-2653

Municipal Code 70-89

Resolved, that the communication from Jay Christie regarding the amendment to the Municipal Code 70-89 Glass Container Prohibited to include *except on the grounds of the Racine Zoo on special occasions approved by a vote of the Board of Directors of the Racine Zoological Society* be approved.

Fiscal Note: N/A

Sponsors: Aron Wisneski

A motion was made by Alderman Holding, seconded by Alderman DeHahn, that this Resolution be Adopted. The motion was APPROVED by the following

Council vote:

H. Ordinances

Ord.5-11

Repeal and recreate Article 22, Sec. XXX. Stationary Engineer.

Resolved, that the repeal and recreation of Ch. 22, Sec. XXX. Stationary Engineer be approved.

Ordinance No. XX-11

To amend Article 22, repeal and recreate Sec. XXX of the Municipal Code of the city of Racine, Wisconsin relating to Stationary Engineers.

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

Part 1:

Sec. XXX of the Municipal Code of the City of Racine is hereby **repealed** and recreated to read as follows:

“Sec. 22-1131. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ASME means the American Society of Mechanical Engineers' Boiler and Unfired Pressure Vessel Code.

ASOPE means the American Society of Power Engineers.

Automatically controlled boiler means a boiler equipped with the following safety devices:

- (1) In the case of a low pressure boiler other than a hot water boiler:
 - a. An automatic low water fuel cutoff installed in compliance with COMM 41.30 or ASME section HG-605.
 - b. A pressure combustion regulator installed in compliance with ASME section HG-604.
 - c. Electrical wiring, circuitry and controls, installed in compliance with ASME sections HG-631, HG-632 and HG-633 and including a manually operated remote heating plant shutdown switch or circuit breaker installed outside the boiler room.
 - d. Controls and heat generating apparatus installed in compliance with ASME section HG-640.
 - e. Pressure gauges installed in compliance with ASME section HG-601.

f. Water level indicators and water level controls installed in compliance with ASME section HG-603.

(2) In the case of a hot water boiler:

a. An automatic low water fuel cutoff installed in compliance with COMM 41.30 or in compliance with ASME section HG-614.

b. A temperature combustion regulator installed in compliance with ASME section HG-613.

c. Electrical wiring, circuitry and controls installed in compliance with ASME sections HG-631, HG-632 and HG-633, including a manually operated remote heating shutdown switch or circuit breaker installed outside the boiler room.

d. Controls and heat generating apparatus installed in compliance with ASME section HG-640.

e. Pressure or altitude gauges installed in compliance with ASME section HG-611.

f. Thermometers installed in compliance with ASME section HG-612.

(3) In the case of a high pressure boiler:

a. An automatic low water fuel cutoff installed in compliance with COMM 41.30 or in compliance with ASME section C6.301(b).

b. A pressure combustion regulator installed in compliance with ASME section C6.301(a).

c. Electrical wiring, circuitry and controls for the operation of the boiler or boilers installed in compliance with the state and city electrical codes.

d. An automatic fuel-trip device installed in compliance with ASME section C6.201(13), C6.201(14) or C6.201(15).

e. Pressure gauges installed in compliance with ASME section PG-60(f).

f. Water level indicators installed in compliance with ASME section PG-60(a).

Boiler means any device intended for use in heating water or other fluids, under pressure in order to generate steam or other vapors.

Boiler horsepower means a unit equivalent to a maximum fuel input of 40,000 Btu's per hour, or a maximum electrical input of ten kilowatts per hour.

COMM means the Wisconsin Administrative Code Rules of the Department of Commerce.

High pressure boiler means a boiler on which the safety valves are set at a pressure of more than 15 psig and that exceeds the dimensions of a miniature boiler.

Hot water heating boiler or *hydronic boiler* means a boiler in which no steam is generated from which hot water is circulated for heating purposes and then returned to the boiler and which operates at a pressure not exceeding 160 psig or a temperature of 250 degrees Fahrenheit at or near the boiler outlet.

Low pressure boiler means a boiler on which the safety valves are set at pressures not exceeding 15 psig.

Miniature boiler means a power boiler or high temperature water boiler which does not exceed any of the following limits:

- (1) Sixteen inches inside diameter of shell;
- (2) Twenty square feet of heating surface, except for electric boilers;
- (3) Five cubic feet gross volume exclusive of casing and insulation;
- (4) One hundred psig maximum allowable working pressure.

(Ord. No. 31-92, pt. 1, § 22.18.010, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04; Ord. No. 28-09, pt. 1, 2-2-10)

Cross references: Definitions generally, § 1-2.

Sec. 22-1132. Penalty for violation of article.

Upon conviction, any person found to be in violation of this article shall forfeit an amount as provided in section 1-15.

(Ord. No. 31-92, pt. 1, § 22.18.130, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04)

Sec. 22-1133. Smoke indicating devices required.

The stationary engineer shall ensure that the owner or operator of every power and heating plant, except those under ten horsepower which are not required to have a licensed operator, shall provide means whereby the stationary engineer may be able to know, without leaving the boiler or furnace room, whether or not prohibited smoke is issuing from the stack, so that possible necessary correction may be made at the time. Such means of observation shall be by either:

- (1) A window or other opening through which an unobstructed view of the top of the stack may be had from the boiler or furnace room;
- (2) A mirror so placed as to reflect the top of the stack and be visible from

the boiler or furnace room; or

(3) A smoke indicator, alarm or recorder, approved by the examining board of stationary engineers; if such boiler exceeds 50 horsepower but is less than 300 horsepower, such means of observation shall be either a smoke indicator or alarm if such boiler exceeds 300 horsepower, a recorder shall be used. For the purpose of this section, 12 square feet of boiler heating surface shall be equivalent to one horsepower.

(Code 1973, § 11.21.010; Ord. No. 33-03, pt. 1, 1-20-04)

Secs. 22-1134--22-1145. Reserved.

DIVISION 2 RESERVED

***Cross references:** Administration, ch. 2.

Sec. 22-1146. RESERVED

(Ord. No. 31-92, pt. 1, § 22.18.030, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04; Ord. No. 28-05, pt. 1, 12-21-05; Ord. No. 28-09, pt. 2, 2-2-10)

Sec. 22-1147 RESERVED

(Ord. No. 31-92, pt. 1, § 22.18.040, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04)

Sec. 22-1148. RESERVED

(Ord. No. 31-92, pt. 1, § 22.18.120, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04)

Secs. 22-1149--22-1160. Reserved.

DIVISION 3. STATIONARY Engineers PERMIT TO OPERATE

Sec. 22-1161. Required.

No person shall operate, control, manage or commit to be operated any stationary boiler, engine or any portion of a steam plant or appliances connected therewith when working under pressure except those boilers exempt under COMM 41.18, and except as follows:

(1) An engineer or an assistant engineer with an appropriate valid Stationary Engineers permit to operate under this article who is in full-time attendance in the boiler room may operate a manually controlled boiler.

(2) An engineer or an assistant engineer holding an appropriate valid Stationary Engineers permit to operate under this article may operate an automatically controlled boiler provided that such person is periodically in attendance in the boiler room on at least a daily basis, except that for high pressure plants an engineer or assistant engineer shall be in constant attendance if any persons, other than boiler personnel, are present in the

building in which the boiler is located.

(Ord. No. 31-92, pt. 1, § 22.18.020, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04)

Sec. 22-1162. Application.

A verified application for a permit to perform work as an engineer in the city shall be made on forms furnished by the city clerk

The applicant shall list education and work experience relating to the operation of boiler plants. Applications for stationary engineers permit to operate should contain the name of the engineer in charge of the plant where the applicant worked, whenever possible or include two signed professional work references verifying experience as a stationary engineer.

(Ord. No. 31-92, pt. 1, § 22.18.050, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04)

Sec. 22-1163. Qualifications; fees; temporary license.

(a) Application for a permit to operate under this chapter may be made by any person holding an

American Society of Power Engineers (ASOPE) license. The city clerk shall determine applicants particular classification of permit based on the corresponding ASOPE classifications. The city's permit classifications shall correspond to the ASOPE classifications with the exceptions in paragraphs (b), (c) and (d) of this section

(b) No permit under this article shall be granted to an applicant unless such person has held the next inferior license and has been actively employed in duties thereunder for a period of one year. The permit shall be prominently displayed in a conspicuous place in the boiler room or power plant at the engineers place of employment.

(c) An applicant for a second class facility operations engineer's permit shall present evidence of successful completion of a stationary engineer's course at an accredited technical school or training program and shall present evidence of successful completion of the ASOPE second class facility operations engineer's exam.

(d) A third class facility operations engineers permit may be applied for by any person who meets all qualifications under subsection (b) of this section, if the first ten-week phase of the accredited course has been successfully completed and the ASOPE examination has been passed.

(Ord. No. 31-92, pt. 1, § 22.18.060, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04; Ord. No. 28-09, pt. 3, 2-2-10)

Sec. 22-1164. Classes of Stationary Engineer Permits to Operate

Six Stationary Engineer Permits to Operate classes are specified in this section. A permit shall authorize the holder to take charge of, operate and manage the equipment indicated, except that a holder of any class of permit may operate equipment one class in excess of such permit if such engineer is an assistant to an engineer holding the next superior permit

(1) *Chief power plant engineers permit:* Low pressure steam or hydronic plant of any size; a high pressure plant of any size and a steam motive power plant of any size.

(2) *First class power plant engineers permit* Low pressure steam or hydronic plant of any size; a high pressure plant not exceeding 1,500 BHP; and steam motive power plant not exceeding 7,500 HP.

(3) *Second class power plant engineers permit:* A low pressure steam or hydronic plant of any size; a high pressure plant not exceeding 500 BHP; a steam motive power plant not exceeding 2,500 HP.

(4) *Third class power plant operations engineers permit:* A low pressure steam or hydronic plant of any size; a high pressure plant not exceeding 300 HP; a steam motive power plant not exceeding 1,000 HP.

(5) *Second class facility operations engineer permit:* A low pressure steam plant or a hydronic plant of any size; a high pressure steam plant not exceeding 110 BHP or a steam motive power plant not exceeding 500 BHP.

(6) *Third class facility operations engineer permit:* A low pressure steam or hydronic plant not exceeding 150 BHP; a high pressure steam plant not exceeding 25 BHP.

The city's permit classifications shall correspond to the following NIULPE or ASOPE classifications:

TABLE INSET:

Racine Stationary Engineers Permit	ASOPE License
Third Class Facility Operations Engineers Permit	Facility Operating Engineer Third Class
Second Class Facility Operations Engineers Permit	Facility Operating Engineer Second Class
Third Class Power Plant Operations Third Class Engineers Permit	Power Plant Operating Engineer
	or
	Facility Operating Engineer First Class
Second Class Power Engineers Permit	Power Plant Operating Engineer Second Class

any violation of the substantive provisions of this article, or for any other neglect or incapacity which impairs the licensee's abilities to perform the duties required by COMM 41 and 42 and this article. Within five days after such revocation, the engineer may petition the city clerk for a hearing on the matter, The city clerk may appoint a hearing panel of no more than 3 persons who hold an ASOPE Chief Power Plant Engineer or higher license. Which hearing shall be held within 30 days following such petition. At the hearing, testimony shall be given under oath and the city clerk's witnesses and the engineers witnesses shall testify under oath subject to cross-examination. The panel shall make findings and conclusions in writing and provide them to the city clerk for action within five business days following such hearing. The city clerk shall notify the engineer of said findings within 5 business days of receipt of the finding and conclusions.

(Ord. No. 31-92, pt. 1, § 22.18.110, 10-20-92; Ord. No. 33-03, pt. 1, 1-20-04)

Secs. 22-1169--22-1190. Reserved.”

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: City Attorney

Referred to Public Safety and Licensing Committee

I. Adjourn

The meeting was adjourned at 8:55 by Alderman Hart. The next scheduled meeting of the Council is July 19, 2011.

ATTEST: JANICE M. JOHNSON-MARTIN

CITY CLERK