



# City of Racine

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

## Meeting Minutes - Final Common Council

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

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Monday, April 20, 2009

7:00 PM

Room 205, City Hall

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### Old Council

#### A. Call To Order

**PRESENT:** 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Shakoor, II

#### B. Pledge of Allegiance To The Flag

*Mayor Friedel 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 Maack.*

#### D. Public Hearings

##### ZOrd.1-09

ZOrd. 01-09

An Ordinance rezoning 3333 and 3343 Douglas Avenue.

To amend the map of the Zoning Ordinance of the City of Racine.

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

##### Part 1:

That the property located at 3333 Douglas Avenue and more particularly described as follows:

“Block 23 of the North Racine Subdivision ( SE ¼ of Sec. 32, T.4 N., R. 23 E, Caledonia), Lots 26, 27, and 28, except portions reserved for public right-of-way purposes. Said land being in the City of Racine, Racine County, Wisconsin”

Be rezoned from “B-1” Neighborhood Convenience District, to “B-2”

Community Shopping District, and designated as Supplement No. \_\_\_\_\_, which Supplement is hereby made a part of this ordinance.

Part 2:

That the property located at 3343 Douglas Avenue and more particularly described as follows:

“Block 23 of the North Racine Subdivision ( SE ¼ of Sec. 32, T.4 N., R. 23 E, Caledonia), Lots 29 and 30, except portions reserved for public right-of-way purposes. Said land being in the City of Racine, Racine County, Wisconsin”

Be rezoned from “B-1” Neighborhood Convenience District, to “B-2” Community Shopping District, and designated as Supplement No. \_\_\_\_\_, which Supplement is hereby made a part of this ordinance.

Part 3:

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: Gregory Holding

*No one appeared.*

**His Honor, the Mayor, declared the public hearing closed**

Ord.06-09

Ordinance No. 6-09

To repeal and recreate Sec. 6-97 of the Municipal Code of the City of Racine, Wisconsin relating to Retail "Class A" intoxicating liquor licenses.

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

Part 1:

Section 6-97 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

"Sec. 6-97. Class “A” and “Class A” licenses.

(1) A Class "A" license authorizes retail sales of fermented malt beverages (e.g. beer and most "coolers") for consumption off the premises where sold and in original packages, containers and bottles. The fee for a Class "A" license is \$100.00 per year.

**State law reference** - Wis. Stats. § 125.25(1).

(2) A retail "Class A" intoxicating liquor license shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages and containers in quantities of not more than three wine gallons at any one time, and to be consumed off the licensed premises, except that wine may be sold in the original package or otherwise in any quantity, and excepting that provision of free wine samples as specified in Wis. Stats. § 125.06(13)(a) is prohibited. The fee for a retail "Class A" liquor license is \$500.00 per year.

**State law reference** - Retail "Class A" license, Wis. Stats. § 125.51(2).

(3) Number of licenses.

At the time of the enactment of this ordinance, there were forty (40) Class "A" license holders and twenty-six "Class A" holders. As part of a comprehensive effort to decrease the incidence of alcohol-related problems, to protect the safety and welfare of the community from increasing rates of alcohol related crime and violence and to reduce the strain on public resources, the Common Council seeks to reduce the number of "Class A" and Class "A" alcohol beverage licenses in the City in accordance with the following prospective quotas:

The total number of Class "A" licenses shall not exceed thirty-six (36); and

The total number of "Class A" licenses shall not exceed twenty-four (24).

(4) Geographic restrictions.

Notwithstanding any other provisions of this Chapter, no new retail "Class A" or Class "A" intoxicating liquor license shall be issued for any establishment located within a radius of 1,000 feet from any other licensed establishment (regardless of the type of Class A alcohol license held) or within a radius of 300 feet of any active place of worship, licensed day care center, school, community center or other facility predominantly attended by individuals under the age of twenty-one (21). Said distances are measured from lot line to lot line. Existing non-conforming licenses are grandfathered in the event of future sales of any such establishment(s).

(5) *Public hearing.* The Common Council shall hold a public hearing upon every Class "A" and "Class A" license application and/or petition and shall notify all property owners within a radius of five-tenths (.5) of a mile of the proposed site of the date of the hearing. The notice shall be given at least five (5) days before the hearing and may be given by mail or other publication.

(6) Exceeding quota or geographic concentration restrictions.

Notwithstanding the provisions of this Chapter, the Common Council may, by a two-thirds (2/3) vote of all the members present of the Common Council, grant a new retail Class "A" fermented malt beverage or a new retail "Class A" intoxicating liquor license in excess of the quota set forth in Section 6-97(3) or the geographic concentration restrictions set forth in Section 6-97(4). This license is not intended to permanently increase the quota, but rather to temporarily exceed the quota for reasons of benefiting the community as set forth in Section 6-97 (6,i-iv).

(a) It having been found by the Common Council in imposing the quotas or in exceeding the geographic concentration restrictions in this section that the proliferation of taverns and liquor stores can be a detriment to the City of Racine and the community by reducing property values, deteriorating the quiet enjoyment of neighborhoods and costing considerable tax dollars to police said business, it is determined that quota may be exceeded if the establishment meets the provisions set forth in this chapter and the following criteria be met:

i. The applicant shall submit to the City Clerk's Office a petition for exceeding quota. The petition shall include a business plan of operation and the relevant experience, background and signatures of the individual, partners or directors, officers and agent of a corporation or limited liability company, as well as the signature of the owner or owners of the building or land and any and all other information required in section 6-54 of the Code of Ordinances; and

ii. The applicant shall supply proof of ownership or lease of options to purchase or lease of land or a building that is properly zoned for the proposed venture; and

iii. The applicant shall show that the proposed establishment will have a greater economic impact upon the community than simply the addition of another tavern, liquor store, convenience store or restaurant; and

iv. The applicant shall show that the proposed establishment will benefit the community by substantially improving the tax base (i.e. the establishment will extensively rehabilitate a blighted or deteriorated building, will construct a new building on vacant land, will benefit the community by conferring some other tangible and substantial improvement for the area)."

Fiscal Note: N/A

Sponsors: Terry McCarthy

*The following individuals spoke on the ordinance:*

*Mary Esther Schaubelt*

*Jody Harding*

*George Meyers*

*Chris Rosin*

*Mercedes Dzindletta*

*Ken Brown*

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His Honor, the Mayor, declared the public hearing closed

Alderman Wisneski arrived at 7:06 p.m. and took his seat.

## E. Public Comments

*Jim Cairns  
Harry Garnette  
Kate Remington  
Jerry Coe  
Mary Lee Hetland  
Denis Navratil  
Mercedes Dzindzeleta  
Jim Spodick  
R.J. Van Swol  
Mark Meldgaard  
Elizabeth Jones  
Keith Fair*

## F. Communications

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

[09-3430](#)

**Subject:** Communication from the Acting Public Health Administrator requesting permission to accept grant funding from the Wisconsin Coastal Management Program. (Grant Control #2008-041)

**Referred to Finance and Personnel Committee**

[09-3446](#)

**Subject:** Communication from Edward Lang, Senior Vice President with Republic Services requesting an amendment to the variable/fixed Rate Demand Solid Waste Disposal Refunding Revenue Bonds (Republic Services, Inc. Project) Series 2004.

**Referred to Finance and Personnel Committee**

[09-3447](#)

**Subject:** Communication from the Finance Director requesting to discuss a timecard/pay policy relating to the new City of Racine Time Management System.

**Referred to Finance and Personnel Committee**

[09-3448](#)

**Subject:** communication from the City Attorney submitting the claim of Jorge Ibarra for consideration.

**Referred to Finance and Personnel Committee**

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

[09-3442](#)

**Subject:** Communication from the Purchasing Agent submitting bids for Official Notice #7 for One (1) 6,000 pound, 47" Tandem Drum Vibratory Roller.

**Referred to Public Works and Services Committee**

[09-3443](#)

**Subject:** Communication from the Commissioner of Public Works/City Engineer submitting an amendment to the KRM resolution to provide additional funding.

**Referred to Public Works and Services Committee**

[09-3444](#)

**Subject:** Communication from the Racine County Economic Development Corporation requesting permission to close Junction Avenue from Washington Avenue to Sixteenth Street, on Saturday, June 20, 2009, from 7:00 a.m. to 6:00 p.m. for the Second Annual Uptown Festival.

**Referred to Public Works and Services Committee**

[09-3445](#)

**Subject:** Communication from Beth Allison, 1615 County Turf Lane, requesting an alleyway encroachment at 1219 Blaine Avenue.

**Referred to Public Works and Services Committee**

[09-3454](#)

**Subject:** Communication from Lisa Burks, 4300 N. Pineridge Circle, requesting an easement so that existing sprinkler heads can remain on City property.

**Referred to Public Works and Services Committee**

[09-3455](#)

**Subject:** Communication from the Commissioner of Public Works/City Engineer requesting permission to submit a grant application to the Urban Nonpoint Source and Storm Water grant program.

**Referred to Public Works and Services Committee**

**Refer to Committee of the Whole, by Ald. Maack**

[09-3429](#)

**Subject:** communication from the 15th District Alderman proposing that aldermanic terms be changed from two years to three years. (Ord. sec. 1-2)

**Referred to Committee of the Whole**

**Refer to Board of Parks, Recreation, and Cultural Services, by Ald. Wisneski**

[09-3414](#)

**Subject:** Communication from the Old Timers Athletic Club requesting to place a concession wagon at Lakeview Park on July 4th.

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

## **G. Committee Reports**

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

[09-3383](#)

**Subject:** Communication from the Girls Inc. Specialist, YWCA of Racine requesting a reduction or waiver of the fees for the use of the Cesar Chavez Community Center on May 2, 2009 for a festival called "Action for Animals". (Res.09-1331)

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

**04-13-09:** That the fees for the use of the Cesar Chavez Community Center on May 2, 2009 for a festival called "Action for Animals" be waived.

**Fiscal Note:** N/A

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

[09-3384](#)

**Subject:** Communication from the Grant Facilitator requesting permission to apply and accept the USDA Farmer's Market Promotion RFP (Grant Control No. 2009-010) in the amount of \$100,000 for the period of July 1, 2009 through June 30, 2010. (Res.09-1337)

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

**04-13-09:** Permission be granted for the Grant Facilitator to apply for and accept the USDA Farmer's Market Promotion RFP t (Grant Control No. 2009-010) in the amount of \$100,000 for the period of July 1, 2009 through June 30, 2010.

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

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

[09-3385](#)

**Subject:** Communication from the Grant Facilitator requesting permission to apply and accept the American Recovery and Reinvestment Act: Brownfields Job Training Grant through the Environmental Protection Agency (Grant Control No. 2009-011) in the amount of \$500,000 for the period of July 1, 2009 through June 30, 2010. (Res.09-1338)

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

**04-13-09:** Permission be granted for the Grant Facilitator to apply and accept the American Recovery and Reinvestment Act: Brownsfields Job Training Grant through the Environmental Protection Agency (Grant Control No. 2009-011) in the amount of \$500,000 for the period of July 1, 2009 through June 30, 2010.

**Fiscal Note:** A soft match is recommended on the part of the City.

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

[09-3386](#)

**Subject:** Request of the Director of City Development to apply for and accept a Homelessness Prevention Fund grant (Grant Control # 2009-012). (Res.09-1340)

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

**04-13-09:** Permission be granted for the Director of City Development to apply for and accept a Homelessness Prevention Fund Grant (Grant Control #2009-012) in the amount of \$817,554; and that the Mayor and City Clerk be authorized to execute grant agreements and other pertinent documents to secure the funding.

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

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

[09-3388](#)

**Subject:** Request of the Director of City Development to accept a Neighborhood Stabilization Program (NSP) grant (Grant Control # 2009-013). (Res.09-1341)

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

**04-13-09:** Permission be granted for the Director of City Development to accept a Neighborhood Stabilization Program (NSP) Grant (Grant Control #2009-013) in the amount of \$1,935,268 and that the Mayor and City Clerk be authorized to execute a grant agreement and any other documents necessary to secure the funding.

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

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

[09-3390](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting to transfer \$8,500 from Salaries 101.130.5010 to Professional Services 101.130.5610 for the American Recovery and Reinvestment Act through the WisDOT Economic Recovery (ER) Stage 2 Solicitation. (Res.09-1332)

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

**04-13-09:** \$8,500 be transferred from Salaries, 101.130.5010 to Professional Services, 101.130.5610 for the American Recovery and Reinvestment Act through WisDOT Economic Recovery (ER) Stage 2 Solicitation.

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

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



09-3399

**Subject:**Communication from Mayor Thomas Friedel requesting to meet with the Finance & Personnel Committee to discuss a change in CAR 25 staffing from three part time employees to one full time employee and one part time employee. (Res.09-1336)

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

**04-13-09:** That the staffing at Car 25 be changed from three part time employees to one full time employee and one part time employee.

**Fiscal Note:** Funds are available within the Car 25 budget.

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

09-3401

**Subject:** Communication from the Police Chief, requesting to apply for and accept the U.S. Department of Justice, Community Oriented Policing Services (COPS) Hiring Recovery Program (CHRP) (Grant Control # 2009-015.) (Res.09-1334)

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

**04-13-09:** Permission be granted for the Police Chief to apply for and accept the U.S. Department of Justice, Community Oriented Policing Services (COPS) Hiring Recovery Program (CHRP) Grant Control #2009-015) in the amount of \$813,345.00(Years 1-3).

**Recommendation of the Public Safety & Licensing Committee on**

**04-13-09:** That the Police Chief be granted permission to apply for and accept the U.S. Department of Justice, Community Oriented Policing Services (COPS) Hiring Recovery Program (CHRP) Grant Control #2009-015) in the amount of \$813,345.00(Years 1-3).

**Fiscal Note:** City's cost (4th Year) - \$302,514.00 - To be levied and collected over the four year program.

*Alderman Spangenberg requested that item 09-3401 be considered separately.*

*Alderman Spangenberg informed council members the amount in the committee's recommendation needed to be amended to \$813,545.00 and the amount in the fiscal note needed to be amended to \$302,514.00.*

**This Communication was Adopted As Amended:**

**AYES:** 12 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg and Hart

**NOES:** 1 - Mozol

**EXCUSED:** 1 - Shakoor, II

09-3402

**Subject:** Communication from the Police Chief, requesting to apply for and accept the 2009 Recovery Act: Edward Byrne Memorial Justice

Assistance Grant (JAG) (Grant Control # 2009-016). (Res.09-1335)

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

**04-13-09:** Permission be granted for the Police Chief to apply for and accept the 2009 Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$408,829.00.

**Recommendation of the Public Safety & Licensing Committee on**

**04-13-09:** That the Police Chief be granted permission to apply for and accept the 2009 Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$408,829.00.

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

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

[09-3404](#)

**Subject:** Communication from the City Attorney submitting the claim of Susan Schwaab and Russell Polansky for consideration. (Res.09-1333)

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

**04-13-09:** The claim of Susan K. Schwaab & Russell Polansky for repair and replacement expenses for damage to personal property at 3019 Chatham Street arising from a backup in their basement in the amount of \$20,000.00 be settled.

**Fiscal Note:** There are sufficient funds available in Account 101.160.5910 Judgments and Claims for the settlement.

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

[09-3405](#)

**Subject:** Communication from the Grant Facilitator requesting permission for the City to hire 20 youth for the Racine Summer Youth Jobs Program entitled: Remodeling Assistance Partnership Program. CDBG funds are allocated for this program. (Res.09-1339)

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

**04-13-09:** Permission be granted for the City to hire 20 youth for the Racine Summer Youth Jobs Program entitled: Remodeling Assistance Partnership Program.

**Fiscal Note:** \$65,230 of CDBG funds are allocated for this program.

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

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

**EXCUSED:** 1 - Shakoor, II

**09-3428**

**Subject:** (Direct Referral) Communication from the Deputy City Attorney requesting to meet in Closed Session pursuant to s. 19.85(1) (c), to discuss the collective bargaining agreement between the City of Racine and Local 430, AFL-CIO, International Brotherhood of Electrical Workers, for January 1, 2009 through December 31, 2010. (Res.09-1342)

**Recommendation of the Finance & Personnel Committee on 04-13-09:** Approve the collective bargaining agreement.

**Fiscal Note:** Funds are available in the Department of Public Works-electricians and the Water/Wastewater-electricians budgets. *Alderman Spangenberg requested that item 09-3428 be considered separately.*

*Alderman Weidner made a motion to refer the item back to committee for further review.*

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

**AYES:** 10 - Coe, Kaplan, Maack, Weidner, McCarthy, Holding, Wisneski, Spangenberg, Hart and Mozol

**NOES:** 3 - Anderson, Shields and DeHahn

**EXCUSED:** 1 - Shakoor, II

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

**09-3304**

**Subject:** Communication from the Commissioner of Public Works/City Engineer submitting a list of streets to be included in the Stimulus Program.

**Recommendation of the Public Works and Services Committee on 4-14-09:** The communication be received and filed.

**Fiscal Note:** N/A

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

**09-3412**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 1 to Contract 38-08 (K8-044), Professional Services - Renovations at

Impound Lot, Butterfield, Rudie & Seitz, consultant. (Res.09-1359)

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

**on 4-14-09:** That Amendment No. 1 to Contract 38-08 (K8-044), Professional Services - Renovations at Impound Lot, Butterfield, Rudie & Seitz, consultant, as submitted, be approved in the amount of \$1,280.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 986.310.5060, Impound Lot.

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

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

**09-3335**

**Subject:** Communication from the Racine County Convention and Visitors Bureau, in conjunction with The Promotion Company of Indianapolis, IN, requesting to use city right-of-way on Sunday, June 7, 2009, for the Hot Rod Magazine Power Tour. (Res.09-1347)

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

**on 4-14-09:** Permission be granted to The Promotion Company of Indianapolis, IN to close the following streets on Sunday, June 7, 2009, from 10:00 a.m. to 9:00 p.m., for the Hot Rod Magazine Power Tour:

Main Street from State Street to 6th Street  
3rd Street from Wisconsin Avenue to Lake Avenue  
5th Street from Wisconsin Avenue to Lake Avenue  
5th Street from Lake Avenue to Festival Park Drive  
Sam Johnson Parkway from Main Street to Lake Avenue  
Sam Johnson Parkway from Lake Avenue to Festival Park Drive  
6th Street from Main Street to Lake Avenue  
6th Street from Lake Avenue to Pershing Park Drive  
Pershing Park Drive from 6th Street to 11th Street  
11th Street from Lake Avenue to Pershing Park Drive  
Festival Park Drive from 5th Street to Sixth Street

Further recommend that they be granted permission to use the Gateway Parking Lot.

Further recommend 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. Sponsor shall notify all abutting property occupants 72 hours in advance of the event.
- E. The sponsor shall be responsible for the signing of the necessary detours for the State Highway route.
- F. The sponsor shall pay a \$1,150 special event fee.

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

**Fiscal Note:** There will be nominal costs incurred on a regular shift basis to provide limited assistance to implement this event.

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

[09-3337](#)

**Subject:** Communication from the Sales/Marketing Director of the Racine County Convention and Visitors Bureau requesting permission to use city right-of-way on Thursday, July 23, 2009, for the 2009 International Cycling Classic. (Res.09-1348)

**Recommendation of the Public Works and Services Committee on 4-14-09:** The Racine County Convention and Visitors Bureau be granted permission to close the following streets to hold the 2009 International Cycling Classic to be held on Thursday, July 23, 2009, from 8:00 a.m. to 9:00 p.m.,

Main Street from State Street to Fifth Street,  
Fifth Street from Main Street to College Avenue,  
College Avenue from Fifth Street to Water Street,  
Water Street from College Avenue to Wisconsin Avenue,  
Wisconsin Avenue from 4th Street to Third Street,  
Third Street from Wisconsin Avenue to Lake Avenue;

and to partially close the following streets:

Lake Avenue from Third Street to Gaslight Drive,  
Gaslight Drive from Lake Avenue to Main Street;

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. Sponsor shall be responsible for the signing of the necessary detours for the State Highway route.

F. The sponsor shall pay a \$700.00 special event fee.

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

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

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

[09-3343](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/Operations submitting a request from A.W. Oakes & Son, Inc. to rent office space at the City Hall Annex in conjunction with the 6th Street reconstruction project. (Res.09-1354)

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

**on 4-14-09:** The Mayor and City Clerk be authorized and directed to enter into a lease agreement with A.W. Oakes & Sons, Inc. for 275 square feet in Room 123 of the City Hall Annex, for the time period of April 1, 2009 to the completion of the Sixth Street reconstruction project. The rental rate, per month, will be \$284.85 plus telephone service.

**Fiscal Note:** This lease will generate an estimated revenue of \$2,278.80 for 2009.

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

[09-3359](#)

**Subject:** Communication from David Popoff requesting permission to close the 300 block of Hamilton Street on June 28, 2009 for the 4th Annual Eagle's Club/George's Tavern Classic Car Show. (Res.09-1349)

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

**on 4-14-09:** The owners of The Eagle's Club and George's Tavern be granted permission to close Hamilton Street from Main Street to Chatham Street, on Sunday, June 28, 2009, from 12:00 p.m. to 7:00 p.m., in conjunction with the 3rd Annual Eagle's Club/George's Tavern Classic Car Show to benefit the Eagle's Charity - Lew Reed Spinal Injury Cord Fund, 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. The sponsor shall be responsible for all detour signage during the event; and
- 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, to assist in implementing this event.

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

[09-3365](#)

**Subject:** Communication from the Alderman of the 6th District, on behalf of John & Joyce Aber, 3144 Windsor Drive, requesting to vacate the sidewalk at 3144 Windsor Drive. (Res.09-1351)

**Recommendation of the Public Works and Services Committee on 4-14-09:** The property owner of 3144 Windsor Drive be granted permission to remove the sidewalk west of the existing driveway in accordance with City policy.

**Fiscal Note:** The cost of removing the sidewalk will be borne by the property owner.

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

[09-3381](#)

**Subject:** Communication from Redline Tavern Corporation requesting to close North Wisconsin Street, between Hamilton and Hubbard, on July 18, 2009, for the 6th Annual "Cruz in for the Cause" benefit for the non-profit organization "SafeHaven of Racine". (Res.09-1350)

**Recommendation of the Public Works and Services Committee on 4-14-09:** Permission be granted to Redline Tavern Corporation, 1200 N. Wisconsin Street, to close N. Wisconsin Street from Hamilton Street to Hubbard Street, on Saturday, July 18, 2009, from 9 a.m. to 9 p.m., for the 6th annual "Cruz in for the Cause" benefit for Safehaven of Racine, 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.**

[09-3382](#)

**Subject:** Communication from Racine Neighborhood Watch requesting to use the City Hall Annex parking lot for its plant sale fundraiser pickup on Saturday, May 16, 2009, from 5 a.m. until 3 p.m. (Res.09-1352)

**Recommendation of the Public Works and Services Committee on 4-14-09:** The Mayor and City Clerk be authorized and directed to enter into a Hold Harmless Agreement with Racine Neighborhood Watch to use the City Hall Annex parking lot and lawn area abutting Grand Avenue on Saturday, May 16, 2009, from 5:00 a.m. to 3:00 p.m. in conjunction with a fundraiser.

**Fiscal Note:** Not applicable.

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

[09-3409](#)

**Subject:** Request from Pete Karas requesting to close 500 block of Park Avenue on April 19, 2009 for campaign event.

**Recommendation of the Public Works and Services Committee on 4-14-09:** The communication be received and filed.

**Fiscal Note:** N/A

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

[09-3410](#)

**Subject:** (Direct Referral) Communication from the Commissioner of



Public Works/City Engineer submitting a request for final payment on Contract 20-08 (K8-022), 2008 Pavement Inspections and Planning, Earth Tech, (AECOM), consultant. (Res.09-1357)

**Recommendation of the Public Works and Services Committee on 4-14-09:** The professional services provided by Earth Tech (AECOM) under Contract 20-08 (K8-022), 2008 Pavement Inspections and Planning, be accepted and final payment authorized for a total contract amount of \$78,554.22.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0645, dated February 20, 2008.

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

[09-3411](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Work/City Engineer submitting a request for final payment on Contract 22-08 (K8-026), 2008 City Resurfacing, A.W. Oakes & Son, contractor. (Res.09-1358)

**Recommendation of the Public Works and Services Committee on 4-14-09:** The work done by A.W. Oakes & Son, Inc. under Contract 22-08 (K8-023), 2008 City Resurfacing, be accepted and final payment authorized for a total contract amount of \$840,134.55.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0784, dated May 6, 2008.

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

[09-3422](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 51-08(09) (K8-059), City Hall Exterior Restoration.

**Recommendation of the Public Works and Services Committee on 1-13-09:** The bids for Contract 51-08(09) (K8-059), City Hall Exterior Restoration be received and filed.

Further recommends that the Commissioner of Public Works be authorized and directed to rebid this project.

**Fiscal Note:** Funding is available in the 2008 and 2009 Capital Improvement Program for this public works project.

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

[09-3421](#)

**Subject:** (Direct Referral) Communication from Porters of Racine

requesting to install a sign in the NW corner of the Courthouse Plaza during construction. (Res.09-1353)

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

**on 4-14-09:** That Porters of Racine be granted permission to install a temporary sign in the public right-of-way of 7th Street, in the loading zone adjacent to the Unitarian Universalist Church, with the following stipulations:

- A. A hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.
- B. A certificate of liability insurance be filed.
- C. Porters of Racine shall place said sign.
- D. Any damages caused to said sign shall be the responsibility of Porters of Racine.

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

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

[09-3423](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 21-09 (K9-022), 2009 City Resurfacing (R1). (Res.09-1355)

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

**on 4-14-09:** That Contract 21-09 (K9-022), 2009 City Resurfacing, be awarded to Payne & Dolan, Inc., Waukesha, WI, at their bid price of \$774,210.03, they being the lowest responsible bidder.

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

\$ 55,000.00 - Account 906.000.4820, Special Assessment Funds  
\$398,055.92 - Account 989.908.5220, Asphalt Resurfacing  
\$ 43,739.59 - Account 987.908.5130, Asphalt Resurfacing  
\$145,000.00 - Account 104.989.5420, Storm Sewer Misc. Locs.  
\$ 40,000.00 - Account 287.988.5310, Sanitary Sewer, Var. Locs.  
\$ 52,000.00 - Account 989.590.5010, Replace City Circuits  
\$ 10,814.52 - Account 988.590.5010, Replace City Circuits  
\$ 12,000.00 - Account 988.908.5520, Sidewalk Replacement  
\$ 15,000.00 - Account 988.908.5210, New Curb and Gutter  
\$ 2,600.00 - Water Utility  
\$774,210.03 - Total

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

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

[09-3424](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 31-09 (K9-032), Memorial Hall Exterior Restoration.

**Recommendation of the Public Works and Services Committee on 4-14-09:** The bids for Contract 31-09 (K9-032), Memorial Hall Exterior Restoration be received and filed.

Further recommends that the Commissioner of Public Works be authorized and directed to rebid this project.

**Fiscal Note:** Funding is available in the 2009 Capital Improvement Program for this public works project.

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

[09-3425](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 32-09 (K9-033), Police Impound Lot Renovations (R1). (Res.09-1356)

**Recommendation of the Public Works and Services Committee on 4-14-09:** That Contract 32-09 (K9-033), Police Impound Lot Renovations (R1), be awarded to Rasch Construction & Engineering, Inc., Kenosha, WI, at their base bid price of \$497,000.00, they being the lowest responsible bidder.

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

\$345,000.00 - Account 987.310.5060, Impound Lot

\$152,000.00 - Account 988.310.5060, Impound Lot

\$497,000.00 - Total

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

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

## Council Action

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

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

**EXCUSED:** 1 - Shakoob, II

[09-3426](#)

**Subject:** Resolution No. 09-1329 of April 8, 2009, relating to the

following street improvements:

**PORTLAND CEMENT CONCRETE PAVING**

Summit Avenue from Layard Avenue to the dead end.  
St. Patrick Street from Summit Avenue to the dead end.  
Harmony Drive from Douglas Avenue to +/-184' east of Douglas Ave.  
Fourth Avenue from South Street to Shoreland Drive.  
Alley- Ehlert Street/Glen Street; Luedtke Avenue/Root River E-W.  
Alley - Ehlert Street/Glen Street; Luedtke Avenue/Root River N-S.  
Alley - Prospect Street/Harriet Street; Booker Street/State Street.

**SEWER AND WATER LATERALS**

Harmony Drive from Douglas Avenue to +/-184' east of Douglas Ave.  
Fourth Avenue from South Street to Shoreland Drive.

**SANITARY SEWER**

Harmony Drive from Douglas Avenue to +/-184' east of Douglas Ave.

**CURB AND GUTTER**

Summit Avenue from Layard Avenue to the dead end.  
St. Patrick Street from Summit Avenue to the dead end.

**Recommendation of the Public Works Committee on 4-14-09:**

That Resolution No. 09-1329, of April 8, 2009, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

Alley - Ehlert Street/Glen Street; Luedtke Avenue/Root River E-W  
Alley - Ehlert Street/Glen Street; Luedtke Avenue/Root River N-S

and, as amended , Resolution No. 09-1329, of April 8, 2009, be adopted.

**Fiscal Note:** Funds will be appropriated in the 2010 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

*Alderman Holding requested that item 09-3426 be considered separately.*

**This Communication was Referred to the Public Works and Services Committee**

[09-3427](#)

**Subject:** Ordinance No. 8-09, dated April 8, 2009, to amend Sec. 82-109 of the Municipal Code of the City of Racine, Wisconsin relating to Sidewalks - Snow Removal.

**Recommendation of the Public Works and Services Committee on 4-14-09:** The communication be received and filed.

**Fiscal Note:** N/A

*Alderman Holding requested that item 09-3427 be considered separately.*

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

**AYES:** 12 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

**NOES:** 1 - Weidner

**EXCUSED:** 1 - Shakoor, II

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

#### **09-3275**

**Subject:** Communication from Joseph Hrouda requesting to renew the Boat Launch and Concession contract for three years with a two year option. (Res.09-1362)

**Recommendation of the Public Safety & Licensing Committee on 3-09-09:** That the item be deferred for two weeks as it needs to go before Parks, Recreation and Cultural Services.

**Recommendation of the Board of Parks, Recreation & Cultural Services on 3-11-09:** Defer

**Recommendation of the Public Safety & Licensing Committee on 4-13-09:** That the item be deferred for two weeks as an agreement is being worked out unless an agreement is worked out at the Board of Parks, Recreation & Cultural Services meeting this coming week.

**Recommendation of the Board of Parks, Recreation, & Cultural Services on 4-15-09:** That the request be denied and recommend approval of a one-year contract and if the contract does not come into being that the City explore other options including going back to negotiations.

**Fiscal note:** To be determined

*Alderman Wisneski requested that item 09-3275 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:** 9 - Anderson, Kaplan, Maack, Weidner, McCarthy, Holding, Wisneski, Spangenberg and Hart

**NOES:** 4 - Coe, Shields, DeHahn and Mozol

**EXCUSED:** 1 - Shakoor, II

#### **09-3312**

**Subject:** (New) Application of Lakeside Liquor, Caroline Chun, Agent for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 420 Sixth Street. (1st District)

**Recommendation of the Public Safety & Licensing Committee on 3-23-09** That the (New) Application of Lakeside Liquor, Caroline Chun, Agent for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 420 Sixth Street be deferred until the applicant completes required paperwork.

**Recommendation of the Public Safety & Licensing Committee on 4-13-09:**

That the (New) Application of Lakeside Liquor, Caroline Chun, Agent for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 420 Sixth Street be denied due to the fragility of the neighborhood and the high concentration of existing liquor establishments in the area.

**Fiscal Note:** N/A

*Alderman Wisneski requested that item 09-3312 be considered separately.*

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

**AYES:** 12 - Coe, Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

**NOES:** 1 - Shields

**EXCUSED:** 1 - Shakoor, II

**09-3318**

**Subject:** Ordinance No. 6-09

To repeal and recreate Sec. 6-97 of the Municipal Code of the City of Racine, Wisconsin relating to Retail "Class A" intoxicating liquor licenses.

**RECOMMENDATION OF THE PUBLIC SAFETY & LICENSING COMMITTEE ON 3-9-09:** That the item be deferred for two weeks to gather more information related to: various radius' 2000', 1000' or 500'; geographic restrictions and other geographical concerns.

**RECOMMENDATION OF THE PUBLIC SAFETY & LICENSING COMMITTEE ON 3-23-09** That the Ordinance No. 6-09 be brought back to the April 13, 2009 Public Licensing and Safety meeting and that a Public Hearing be scheduled prior to the Common Council Meeting on April 20th, 2009.

**RECOMMENDATION OF THE PUBLIC SAFETY & LICENSING COMMITTEE ON 4-13-09:** That ordinance 06-09 be adopted.

**Fiscal Note:** N/A

*Alderman Wisneski requested that item 09-3318 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:** 10 - Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg and Mozol

**NOES:** 2 - Coe and Shields

**EXCUSED:** 1 - Shakoov, II

**NON VOTING:** 1 - Hart

[09-3387](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter in an agreement with Nielsen Madsen & Barber, S.C. to prepare topographic survey and to apply for a DNR permit to construct within the floodplain for replacing three greens and one tee at Johnson Park Golf Course. (Res.09-1345)

**Recommendation of the Public Safety & Licensing Committee on 04-13-09:** That the Director of Parks, Recreation & Cultural Services be authorized to enter in an agreement with Nielsen Madsen & Barber, S.C. to prepare topographic survey and to apply for a DNR permit to construct within the floodplain for replacing three greens and one tee at Johnson Park Golf Course.

Fiscal Note: Funds are available in account 107-000-5750, Johnson Greens & Tees.

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

[09-3389](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting permission to enter in an agreement with Lohmann Golf Designs, Inc. to prepare plans and specifications for replacing three greens and one tee at Johnson Park Golf Course. (Res.09-1346)

**Recommendation of the Public Safety & Licensing Committee on 04-13-09:** That the Director of Parks, Recreation & Cultural Services be authorized permission to enter in an agreement with Lohmann Golf Designs, Inc. to prepare plans and specifications for replacing three greens and one tee at Johnson Park Golf Course.

Fiscal Note: Funds are available in account 107.000.5750, Johnson Greens & Tees.

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

[09-3403](#)

**Subject:** Communication from the Purchasing Agent recommending

to award the bid for one 35,000 GVW Diesel Cab & Chassis with 30 cubic yard forestry chip box to Lakeside International Truck at their bid price of \$96,765.00. (Res.09-1343)

**Recommendation of the Public Safety & Licensing Committee on 04-13-09:** That the bid for one 35,000 GVW Diesel Cab & Chassis with 30 cubic yard forestry chip box be awarded to Lakeside International Truck at their bid price of \$96,765.00, they being the lowest responsible bidder.

Fiscal Note: Funds are available in account 989-700-5010.

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

09-3408

**Subject: Direct Referral:** Change order #1 and final payment for engineering services for preparing an "Exception to Construct on an Abandon Landfill" permit for the Wisconsin Department of Natural Resources for Lockwood Park by AECOM, Inc. (Res.09-1344)

**Recommendation of the Public Safety & Licensing Committee on 04-13-09:** That Change order #1 and final payment for engineering services for preparing an "Exception to Construct on an Abandon Landfill" permit for the Wisconsin Department of Natural Resources for Lockwood Park by AECOM, Inc, be approved.

Fiscal Note: Funds are available in Account 101.700.5750.

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

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

**EXCUSED:** 1 - Shakoob, II

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

08-2782

**Subject:** Communication from the Alderman of the 5th District submitting the request of the HVMPA (Horlick Music Department) to place banners, flags and signs, including a permanent digital sign at 2119 Rapids Drive to advertise upcoming events. (Ord.11-09)

**Recommendation of the Public Works and Services Committee on 10-28-08:** The communication be received and filed.



**Fiscal Note:** Not applicable.

**Recommendation of the Board of Parks, Recreation & Cultural Services 11-20-08:** that the request be received and filed.

**Fiscal Note:** N/A

**Recommendation of the City Plan Commission on 4-8-09:** That an ordinance be created and a public hearing scheduled.

**Fiscal Note:** N/A

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

[09-3400](#)

**Subject:** (Direct Referral) Consideration of a request from the Redevelopment Authority of the City of Racine seeking to rezone property at 1500 May Street and 1501 West Street from B-2 Community Shopping District to R-3 Limited General Residence District. (ZOrd.2-09)

**Recommendation of the City Plan Commission on 4-8-09:** That an ordinance be prepared and a public hearing scheduled.

**Fiscal Note:** N/A

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

[09-3439](#)

**Subject:** (ZOrd.1-09) An ordinance to rezone 3333 and 3343 Douglas Avenue from B-1 Neighborhood Convenience District to B-2 Community Shopping District.

**Recommendation of City Plan Commission on 4-8-09:** That the ordinance be adopted.

**Fiscal Note:** N/A

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

Council Action

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

**AYES:** 11 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Holding, Wisneski, Spangenberg and Mozol

**EXCUSED:** 1 - Shakoor, II

**ABSTENTIONS:** 1 - McCarthy

NON VOTING: 1 - Hart

### Housing Loan Board Report, by Ald. Coe

[09-3449](#)

**Subject:** Authorization to acquire 1125 Grand Avenue from Racine County. (Res.09-1360)

**Recommendation of the Loan Board of Review on 4-16-09:** That the Common Council authorize the appropriate city officials to acquire 1125 Grand Avenue, a tax delinquent property from Racine County for renovation and resale.

**Fiscal Note:** The acquisition and renovation will be funded through the Neighborhood Stabilization Program, federal foreclosure funds.

*Alderman Weidner made a motion to refer the item to Committee of the Whole for further discussion. The vote ended in a "tie" vote so the Chair voted "aye". Motion carried.*

**A motion was made that this Communication be Referred to the Committee of the Whole, . The motion CARRIED by the following vote:**

**Chairman Friedel voted "aye".**

**AYES:** 6 - Kaplan, Maack, Weidner, McCarthy, Holding and Wisneski

**NOES:** 6 - Coe, Anderson, Shields, DeHahn, Spangenberg and Mozol

**EXCUSED:** 1 - Shakoor, II

**NON VOTING:** 1 - Hart

### Committee of the Whole Report, by Ald. Maack

[09-3393](#)

**Subject:** (Direct Referral) Communication from Racine Zoological Society Board of Directors wishing to present updates of developments at the Zoo.

**Recommended:** 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.**

[09-3394](#)

**Subject:** (Direct Referral) Communication from the City Attorney presenting a proposed Policy for the Use of City Hall. (Res.09-1330)

**Recommended:** that the following policy be adopted:

#### USE OF CITY HALL COUNCIL CHAMBERS POLICY

## I. General.

The City Hall was constructed to serve the general public by providing a facility conducive to the conduct of public business. Technological advances and the installation of recording and broadcast equipment in the Council Chambers have made the Council Chambers a particularly desirable area for the civic purpose of informing and educating the public.

## II. Use of Council Chambers.

1. The use of the Council Chambers shall be permitted with or without charge, when available to any governmental entities, public service agencies or non-profit organizations on a first-come, first-serve basis. Definition of "not for profit corporation" or "nonprofit corporation" means a corporation or association that is registered with the State of Wisconsin and no part of their income is distributed to its members, directors, or officers. The term does not include representation of any political party or religious group.

No group, committee or representative shall be permitted the use of Council Chambers for the purpose of selling, buying, advertising services or products, or for the purpose of campaigning. Use of Council Chambers by persons or organizations for purposes contrary to federal or state laws or City of Racine ordinances is not allowed. Additionally, the Council Chambers shall not be used for private or religious ceremonies or activities.

2. No admission fees or tuition may be charged to those in attendance.

## III. Use Priority.

1. Classification of Activity Types.

Priority One. Priority One activities are those of the Racine City government, including elected and appointed officials, staff meetings, standing committee meetings, official City committees, commissions and boards.

Priority Two. Priority Two activities are those of other governmental agencies, including the federal government, the State of Wisconsin, Racine Unified School District or other similar organizations.

Priority Three. Priority Three activities are those of non-governmental entities, including non-profit organizations, community organizations and other similar organizations.

Priority One activities shall have priority over all other uses. If there is a scheduling conflict, the Priority One activity will have priority. Any other activity will be cancelled or rescheduled to accommodate the Priority One activity. Any exceptions to this rule must receive the approval of the Mayor, or in the Mayor's absence, the City Administrator. In the event of a

conflict, the Building Supervisor shall contact the group or individual whose activity conflicts with the Priority One activity as soon as possible and attempt to reschedule the conflicting activity.

Priority Two activities shall have priority over Priority Three activities. City sponsored activities shall have priority over non-City sponsored activities. If there is a scheduling conflict between a Priority Two activity and a Priority Three activity, the Priority Three activity will be cancelled or rescheduled to accommodate the Priority Two activity. In the event of such a conflict, the Mayor's Administrative Assistant shall contact the group or individual whose activity conflicts with the Priority Two activity as soon as possible and attempt to reschedule the conflicting activity.

In the case of conflicting activities with the same priority designation (such as two (2) Priority Three entities requesting a reservation for the same date and time), priority shall be given to the first to request a reservation.

## 2. Dispute Resolution.

In the event that a dispute arises regarding an application for use of the Council Chambers, the Mayor or the Mayor's designee will make a determination as to whether the proposed forum, informational meeting or activity is legal, lawful and complies with this Use Policy. If the applicant disagrees with the decision rendered by the Mayor or the Mayor's designee, the applicant may appeal the decision to the City Council.

## 3. Use Policy Subject to Change.

Any other rules or regulations pertinent to the effective and efficient operation and preservation of the Building will be established as necessary by the governing body and enforced by the Mayor or the Mayor's designee.

The City's governing body reserves the right to amend and terminate the Use Policy and related rules at any time when deemed necessary or desirable by the governing body.

## 4. Liability.

i. All groups using the Council Chambers must agree to hold the City of Racine harmless from any and all claims by persons arising from use of the facility.

ii. Prior to approval, applicants must state that the applying organization does not discriminate on the basis of race, creed, color, national origin, sex, age, religion, disability, marital or veteran status or any other basis that is protected under local, state or federal law.

iii. Authorized use shall be limited to those facilities specified in the *Application*.

## IV. Procedure for Applying.

1. Application forms may be obtained from the Department of Public Works during normal office hours, or be mailed to the applicant.

2. Application blanks shall be fully completed by requesting organizations and returned to the Department of Public Works at least one week but not more than eight weeks prior to the scheduled use. If an application is on file from a previous request, a request may be accepted by telephone. Reservations shall not be official until the Department of Public Works has signed the application and informed the applicant of its status.

3. Any group or organization using the Council Chambers for the purpose of convening a public meeting must conform with "open meeting law" requirements pursuant to Wisconsin Statutes.

4. Use of other City Hall facilities shall be governed by past practice or, to the extent they exist, departmental policies.

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

**AYES:** 12 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg and Mozol

**EXCUSED:** 1 - Shakoor, II

**NON VOTING:** 1 - Hart

**Office of the Mayor Report, by Ald. Maack****09-3440**

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

**Access Corridor Development Review Committee:**

Reappoint Alderman David Maack, for a one year term ending May 1, 2010.

Reappoint Alderman Michael Shields, for a one year term ending May 1, 2010.

Reappoint Alderman Jim Kaplan, for a one year term ending May 1, 2010.

Reappoint Alderman James Spangenberg, for a one year term ending May 1, 2010.

Reappoint Linea Anthony, 1341 Washington Avenue, for a three year term ending May 1, 2012.

Affirmative Action Human Rights Commission:

Reappoint Alderman Raymond DeHahn, for a one year term ending May 1, 2010.

Reappoint Ron Thomas, 1429 Grove Avenue, for a three year term ending May 1, 2012.

Reappoint Marie Hargrove, 4144 LaSalle Street, for a three year term ending May 1, 2012.

Board of Zoning Appeals:

Appoint Mark Celeste, 3333 Erie Street, for a three year term ending April 1, 2012.

Board of Ethics:

Reappoint Russell Missureli, 3243 Barbara Drive, for a six year term ending May 1, 2015.

Civic Centre Commission:

Reappoint Alderman Jeff Coe, for a one year term ending May 1, 2010.

Cable Television Commission:

Reappoint Alderman Jeff Coe, for a one year term ending May 1, 2010.

Reappoint Ron Thomas, 1429 Grove Avenue, for a three year term ending May 1, 2012.

Reappoint Walter Feldt, 1843 Wisconsin Avenue, for a three year term ending May 1, 2012.

Reappoint Alderman Gregory Holding, for a one year term ending May 1, 2010.

Appoint Laurence Gregg, 3400 Wright Avenue, for a three year term ending May 1, 2012.

City Plan Commission:

Reappoint Brent Oglesby, 1427 Thurston Avenue, for a three year term ending May 1, 2012.

Reappoint Eric Marcus, 1520 College Avenue, for a three year term ending May 1, 2012.

Reappoint Alderman Gregory Holding, for a one year term ending May 1, 2010.

Reappoint Elaine Ekes, 2910 Green Street, for a three year term ending May 1, 2012.

Health and Sanitation Appeals Board:

Reappoint Alderman Sandy Weidner, for a one year term ending May 1, 2010.

Reappoint Bernice Moore, 917 Racine Street, for a three year term ending May 1, 2012.

Traffic Commission:

Appoint Jeremiah Ladd, 1015 Hayes Avenue, to fill a vacant position ending May 1, 2011.

Board of Standards:

Reappoint Alderman James Spangenberg, for a one year term ending May 1, 2010.

Reappoint Vincent Angel, 3017 Taylor Avenue, for a three year term ending May 1, 2012.

Appoint Thomas Bunker, 804 Lathrop Avenue, to fill a vacant position, for a three year term ending May 1, 2012.

Wastewater Commission:

Appoint Thomas Bunker, 804 Lathrop Avenue, to fill a vacant position, for a term ending October 1, 2009.

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

**AYES:** 12 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg and Mozol

**EXCUSED:** 1 - Shakoor, II

**NON VOTING:** 1 - Hart

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

[09-3299](#)

**Subject:** Communication from the President of 4th Fest of Greater Racine requesting permission to use city right-of-way for the 4th of

July parade and permission to use North Beach for the fireworks.  
(Res.09-1364)

**Recommendation of the Public Works and Services Committee on 3-31-09:** Permission be granted to Fourth Fest of Greater Racine, Inc. to close certain city streets on Saturday, July 4, 2009, from 7:00 a.m. to 12:30 p.m., to hold the 2009 Independence Day Parade.

Further recommends that the Commissioner of Public Works/City Engineer be authorized and directed to communicate with the U. S. Coast Guard requesting permission to close the Main Street Bridge to boat traffic on Saturday, July 4, 2009, from 7:45 a.m. to 1:00 p.m., and both the Main Street and State Street Bridges on Saturday, July 4, 2009, from 9:05 p.m. to 10:40 p.m., for the Fourth Fest activities.

Further recommends that in the interest of public safety, the Commissioner of Public Works/City Engineer and Chief of Police be authorized and directed to close Goold Street, Yout Street, English Street, High Street, St. Patrick Street, Kewaunee Street, and Barker Street, from Main Street to Michigan Boulevard; Michigan Boulevard, from Goold Street to Hamilton Street; Chatham Street, from north of Yout Street to Hamilton Street; and Hoffert Drive, on Saturday, July 4, 2009, between the hours of 7:00 p.m. and 10:00 p.m., with a rain date of Sunday, July 5, 2009, to provide for a Municipal Band Concert, to be held at North Beach Gazebo, and the fireworks display, as part of the Independence Day festivities.

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

**Fiscal Note:** Since the City is a co-sponsor of the event, there are no stipulations.

**Recommendation of the Board of Parks, Recreation & Cultural Services 4-15-09:** that the request be approved.

**Fiscal note:** No cost to the City

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

[09-3392](#)

**Subject:** Communication from the Relay Director of the Madison-Chicago 200 Relay requesting the use of the parking lots at North Beach Park from 3:00 a.m. to 8:00 a.m. on June 13, 2009.  
(Res.09-1365)



**Recommendation of the Board of Parks, Recreation & Cultural Services 4-15-09:** that the request be approved.

**Fiscal note:** \$150.00 revenue to the City

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

[09-3398](#)

**Subject:** Communication from Mayor Thomas Friedel requesting a meeting with the Board of Parks, Recreation & Cultural Services to discuss golf course surcharge fees/expenditures. (Res.09-1361)

**Recommendation of the Board of Parks, Recreation & Cultural Services on 4-15-09:** That the request be approved.

**Fiscal note:** N/A

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

Council Action

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

**AYES:** 12 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg and Mozol

**EXCUSED:** 1 - Shakoor, II

**NON VOTING:** 1 - Hart

## H. Consent Agenda

[Res.09-1330](#)

A Resolution of the City Council of the City of Racine, Wisconsin establishing the City Hall Council Chambers Use Policy

Whereas, the City of Racine ("City") owns and operates City Hall which houses a number of meeting rooms including Council Chambers that can and are used to hold meetings and other special events; and

Whereas, the City frequently receives requests from non-City entities to use the Council Chambers due to its recording and broadcasting capabilities; and

Whereas, the City allows use of its Council Chambers by non-City entities; and

Whereas, City business is a priority, coordination of Council Chambers use is important to balance its use for City business and non-City use; and

Whereas, use of the City's Council Chambers would work most effectively and fairly by establishing uniform procedures for application and authorization of its use.

Now, therefore, the City of Racine, Wisconsin hereby resolves as follows:

Section 1. Policies for Public Use of the City Hall Council Chambers. The City Council hereby adopts the Council Chambers Reservation Policies, attached hereto as Exhibit A, establishing and outlining the procedures and authorization for use of the Council Chambers; and

Section 2. Authorization to Implement Policies. City staff are hereby authorized to take all steps necessary to successfully implement and enforce the Council Chambers Reservation Policies.

Section 3. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.

Section 5. Effective Date. This resolution shall be effective immediately upon passage by the Common Council of the City of Racine.

Resolved by the City Council of the City of Racine, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

CITY OF RACINE:

\_\_\_\_\_  
Thomas Friedel, Mayor

Attest:

\_\_\_\_\_  
Janice Johnson-Martin, City Clerk

Approved as to form:

\_\_\_\_\_  
Robert K. Weber, City Attorney

Sponsors: David L. Maack

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

[Res.09-1331](#)

Permission to waive fees for use of Cesar Chavez Community Center on May 2, 2009

Resolved, that permission be granted to waive the fees for the use of the Cesar Chavez Community Center on May 2, 2009 for a festival called

"Action for Animals".

Fiscal Note: N/A

Sponsors: James T. Spangenberg

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

**Res.09-1332**

Permission to transfer funds for the American Recovery and Reinvestment Act through the WisDOT

Resolved, that permission be granted to transfer \$8,500 from Salaries, Account No. 101.130.5010, to Professional Services, Account No. 101.130.5610, for the American Recovery and Reinvestment Act through WisDOT Economic Recovery (ER) Stage 2 Solicitation.

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

Sponsors: James T. Spangenberg

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

**Res.09-1333**

Settlement of Claim for 3019 Chatham Street

Resolved, that the claim of Susan K. Schwaab & Russell Polansky for repair and replacement expenses for damage to personal property at 3019 Chatham Street arising from a backup in their basement in the amount of \$20,000.00 be settled.

Fiscal Note: There are sufficient funds available in Account 101.160.5910, Judgments and Claims, for the settlement.

Sponsors: James T. Spangenberg

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

**Res.09-1334**

Permission for Police Chief to apply for and accept U.S. Department of Justice Community Oriented Policing Services Hiring Recovery Program Grant

Resolved, that the Police Chief be granted permission to apply for and accept the U.S. Department of Justice, Community Oriented Policing Services (COPS) Hiring Recovery Program (CHRP), Grant Control #2009-015) in the amount of \$813,345.00 (Years 1-3).

Fiscal Note: City's cost (4th Year) - \$302,514.00 - To be levied and collected over the four year program.

Sponsors: James T. Spangenberg and Q.A. Shakoor, II

*Alderman Maack requested that item Res.09-1334 be considered separately.*

**A motion was made that the resolution be Adopted As Amended.**

**AYES:** 12 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg and Mozol

**EXCUSED:** 1 - Shakoor, II

**NON VOTING:** 1 - Hart

**Res.09-1335**

Permission for Police Chief to apply and accept 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant

Resolved, that the Police Chief be granted permission to apply for and accept the 2009 Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$408,829.00.

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

Sponsors: James T. Spangenberg and Q.A. Shakoor, II

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

**Res.09-1336**

Permission to change staffing for CAR 25

Resolved, that the staffing at Car 25 be changed from three part time employees to one full time employee and one part time employee.

Fiscal Note: Funds are available within the Car 25 budget.

Sponsors: James T. Spangenberg

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

**Res.09-1337**

Permission for Grant Facilitator to apply and accept USDA Farmer's Market Promotion RFP Grant

Resolved, that the Grant Facilitator be granted permission to apply for and accept the USDA Farmer's Market Promotion RFP (Grant Control No. 2009-010) in the amount of \$100,000 for the period of July 1, 2009 through June 30, 2010.

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

Sponsors: James T. Spangenberg

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

**Res.09-1338**

Permission for Grant Facilitator to apply and accept American Recovery and Reinvestment Act Brownfields Job Training Grant

Resolved, that the Grant Facilitator be granted permission to apply and

accept the American Recovery and Reinvestment Act: Brownfields Job Training Grant through the Environmental Protection Agency (Grant Control No. 2009-011), in the amount of \$500,000 for the period of July 1, 2009 through June 30, 2010.

Fiscal Note: A soft match is recommended on the part of the City.

Sponsors: James T. Spangenberg

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

**Res.09-1339**

Permission to hire youth for the Racine Summer Youth Jobs Program

Resolved, that permission be granted to the City to hire 20 youth for the Racine Summer Youth Jobs Program entitled: Remodeling Assistance Partnership Program.

Fiscal Note: \$65,230 of CDBG funds are allocated for this program.

Sponsors: James T. Spangenberg

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

**Res.09-1340**

Permission for Director of City Development to apply and accept Homelessness Prevention Fund Grant and Mayor and City Clerk execute documents

Resolved, that permission be granted for the Director of City Development to apply for and accept a Homelessness Prevention Fund Grant (Grant Control #2009-012) in the amount of \$817,554; and that the Mayor and City Clerk be authorized to execute grant agreements and other pertinent documents to secure the funding.

Further resolved, that after the grant is awarded that the allocation of funds to subgrantees be reviewed and approved by the Community Development Committee.

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

Sponsors: James T. Spangenberg

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

**Res.09-1341**

Permission for Director of City Development to accept Neighborhood Stabilization Program Grant and Mayor and City Clerk execute grant agreement and documents

Resolved, that permission be granted for the Director of City Development to accept a Neighborhood Stabilization Program (NSP) Grant (Grant Control #2009-013) in the amount of \$1,935,268, and that

the Mayor and City Clerk be authorized to execute the grant agreement and any other documents necessary to secure the funding.

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

Sponsors: James T. Spangenberg

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

**Res.09-1342**

Collective Bargaining Agreement between City and Local 430, AFL-CIO International Brotherhood of Electrical Workers be approved

Resolved, that the Collective Bargaining Agreement between the City of Racine and Local 430, AFL-CIO International Brotherhood of Electrical Workers, for January 1, 2009 through December 31, 2010 be approved.

Fiscal Note: Funds are available in the Department of Public Works-Electricians and the Water/Wastewater-Electricians budgets.

Sponsors: James T. Spangenberg

*Alderman Maack requested that item Res.09-1342 be considered separately.*

**A motion was made Referred to the Finance and Personnel Committee**

**Res.09-1343**

Bid for Official Notice #6 be awarded to Lakeside International Truck for purchase of Diesel Cab & Chassis

Resolved, that the bid for one 35,000 GVW Diesel Cab & Chassis with 30 cubic yard forestry chip box be awarded to Lakeside International Truck at its bid price of \$96,765.00, it being the lowest responsible bidder.

Fiscal Note: Funds are available in Account 989.700.5010.

Sponsors: Q.A. Shakoor, II

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

**Res.09-1344**

Change Order No. 1 and final payment be approved for engineering services for preparing permit to DNR for Lockwood Park by AECOM, Inc.

Resolved, that Change Order No. 1 and final payment for engineering services for preparing an "Exception to Construct on an Abandon Landfill" permit for the Wisconsin Department of Natural Resources for Lockwood Park by AECOM, Inc, be approved.

Fiscal Note: Funds are available in Account 101.700.5750.

Sponsors: Q.A. Shakoor, II

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

Res.09-1345

Permission to enter into agreement with Nielsen Madsen & Barber to prepare survey and apply for DNR permit to replace three greens and one tee at Johnson Park Golf Course

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Nielsen Madsen & Barber, S.C. to prepare topographic survey and to apply for a DNR permit to construct within the floodplain for replacing three greens and one tee at Johnson Park Golf Course.

Fiscal Note: Funds are available in Account 107-000-5750, Johnson Greens & Tees.

Sponsors: Q.A. Shakoor, II

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

Res.09-1346

Permission to enter into agreement with Lohmann Golf Designs, Inc., to prepare plans and specifications for replacing three greens and one tee at Johnson Park Golf Course

Resolved, that the Mayor and City Clerk be authorized and directed to enter in an agreement with Lohmann Golf Designs, Inc., to prepare plans and specifications for replacing three greens and one tee at Johnson Park Golf Course.

Fiscal Note: Funds are available in Account 107.000.5750, Johnson Greens & Tees.

Sponsors: Q.A. Shakoor, II

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

Res.09-1347

Permission granted to The Promotion Company to use City Right-of-Way for Hot Rod Magazine Power Tour on June 7, 2009

Resolved, that permission be granted to The Promotion Company of Indianapolis, IN to close the following streets on Sunday, June 7, 2009, from 10:00 a.m. to 9:00 p.m., for the Hot Rod Magazine Power Tour:

Main Street from State Street to 6th Street  
3rd Street from Wisconsin Avenue to Lake Avenue  
5th Street from Wisconsin Avenue to Lake Avenue  
5th Street from Lake Avenue to Festival Park Drive  
Sam Johnson Parkway from Main Street to Lake Avenue  
Sam Johnson Parkway from Lake Avenue to Festival Park Drive  
6th Street from Main Street to Lake Avenue  
6th Street from Lake Avenue to Pershing Park Drive  
Pershing Park Drive from 6th Street to 11th Street  
11th Street from Lake Avenue to Pershing Park Drive

Festival Park Drive from 5th Street to Sixth Street

Further resolved, that they be granted permission to use the Gateway Parking Lot.

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

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. Sponsor shall notify all abutting property occupants 72 hours in advance of the event;
- E. The sponsor shall be responsible for the signing of the necessary detours for the State Highway route;
- F. The sponsor shall pay a \$1,150 special event fee.

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

Fiscal Note: There will be nominal costs incurred on a regular shift basis to provide limited assistance to implement this event.

Sponsors: Gregory Holding

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

**Res.09-1348**

Permission granted to the Racine County Convention and Visitors Bureau to use City Right-of-Way for 2009 International Cycling Classic on July 23, 2009

Resolved, that the Racine County Convention and Visitors Bureau be granted permission to close the following streets to hold the 2009 International Cycling Classic to be held on Thursday, July 23, 2009, from 8:00 a.m. to 9:00 p.m.,

Main Street from State Street to Fifth Street,  
Fifth Street from Main Street to College Avenue,  
College Avenue from Fifth Street to Water Street,  
Water Street from College Avenue to Wisconsin Avenue,  
Wisconsin Avenue from 4th Street to Third Street,  
Third Street from Wisconsin Avenue to Lake Avenue;

and to partially close the following streets:

Lake Avenue from Third Street to Gaslight Drive,  
Gaslight Drive from Lake Avenue to Main Street;



with the following stipulations:

- A. A hold harmless agreement be executed.
- B. Proof of liability insurance be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. Sponsor shall be responsible for the signing of the necessary detours for the State Highway route.
- F. The sponsor shall pay a \$700.00 special event fee.

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

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

Sponsors: Gregory Holding

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

**Res.09-1349**

Permission granted to close 300 block of Hamilton Street on June 28, 2009 for 4th Annual Eagle's Club/George's Tavern Classic Car Show

Resolved, that the owners of The Eagle's Club and George's Tavern be granted permission to close Hamilton Street from Main Street to Chatham Street, on Sunday, June 28, 2009, from 12:00 p.m. to 7:00 p.m., in conjunction with the 4th Annual Eagle's Club/George's Tavern Classic Car Show to benefit the Eagle's Charity - Lew Reed Spinal Injury Cord Fund, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way;
- F. The sponsor shall be responsible for all detour signage during the event; and
- 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, to assist in implementing this event.

Sponsors: Gregory Holding

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

**Res.09-1350**

Permission granted to Redline Tavern Corporation to close North Wisconsin Street, from Hamilton to Hubbard, on July 18, 2009 for the 6th Annual "Cruz in for the Cause" Benefit

Resolved, that permission be granted to Redline Tavern Corporation, 1200 N. Wisconsin Street, to close N. Wisconsin Street from Hamilton Street to Hubbard Street, on Saturday, July 18, 2009, from 9 a.m. to 9 p.m., for the 6th annual "Cruz in for the Cause" benefit for Safehaven of Racine, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way;
- F. Any tents placed on the public right-of-way shall not be anchored by any means to the roadway surface;
- G. The sponsor shall pay a \$250.00 special event fee.

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

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

Sponsors: Gregory Holding

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

**Res.09-1351**

Permission granted to vacate sidewalk at 3144 Windsor Drive

Resolved, that the property owner of 3144 Windsor Drive be granted permission to remove the sidewalk west of the existing driveway in accordance with City policy.

Fiscal Note: The cost of removing the sidewalk will be borne by the property owner.

Sponsors: Gregory Holding

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

**Res.09-1352**

Permission to enter into a Hold Harmless Agreement with Racine Neighborhood Watch for use of City Hall Annex Parking Lot on May 16, 2009

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Hold Harmless Agreement with Racine Neighborhood Watch to use the City Hall Annex parking lot and lawn area abutting Grand Avenue on Saturday, May 16, 2009, from 5:00 a.m. to 3:00 p.m. in conjunction with a fundraiser.

Fiscal Note: Not applicable.

Sponsors: Gregory Holding

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

**Res.09-1353**

Permission granted for Porters of Racine to install a temporary sign in public right-of-way on 7th Street contingent upon entering into a Hold Harmless Agreement with stipulations

Resolved, that Porters of Racine be granted permission to install a temporary sign in the public right-of-way of 7th Street, in the loading zone adjacent to the Unitarian Universalist Church, with the following stipulations:

- A. A hold harmless agreement be executed, in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.
- B. Proof of liability insurance be filed.
- C. Porters of Racine shall place said sign.
- D. Any damages caused to said sign shall be the responsibility of Porters of Racine.

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

Sponsors: Gregory Holding

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

**Res.09-1354**

Permission to enter into lease agreement with A.W. Oakes & Sons, Inc. for rental of Room 123 of City Hall Annex

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a lease agreement with A.W. Oakes & Sons, Inc., for 275 square feet in Room 123 of the City Hall Annex, for the time period of April 1, 2009 to the completion of the Sixth Street reconstruction project. The rental rate, per month, will be \$284.85 plus telephone service.

Fiscal Note: This lease will generate an estimated revenue of \$2,278.80 for 2009.

Sponsors: Gregory Holding

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

**Res.09-1355**

Contract 21-09 (K9-022), 2009 City Resurfacing, be awarded to Payne & Dolan, Inc.

Resolved, that Contract 21-09 (K9-022), 2009 City Resurfacing, be awarded to Payne & Dolan, Inc., Waukesha, WI, at its bid price of \$774,210.03, it being the lowest responsible bidder.

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

\$ 55,000.00 - Account 906.000.4820, Special Assessment Funds  
\$398,055.92 - Account 989.908.5220, Asphalt Resurfacing  
\$ 43,739.59 - Account 987.908.5130, Asphalt Resurfacing  
\$145,000.00 - Account 104.989.5420, Storm Sewer Misc. Locs.  
\$ 40,000.00 - Account 287.988.5310, Sanitary Sewer, Var. Locs.  
\$ 52,000.00 - Account 989.590.5010, Replace City Circuits  
\$ 10,814.52 - Account 988.590.5010, Replace City Circuits  
\$ 12,000.00 - Account 988.908.5520, Sidewalk Replacement  
\$ 15,000.00 - Account 988.908.5210, New Curb and Gutter  
\$ 2,600.00 - Water Utility  
\$774,210.03 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

**Res.09-1356**

Contract 32-09 (K9-033), Police Impound Lot Renovations (R1) be awarded to Rasch Construction & Engineering, Inc.

Resolved, that Contract 32-09 (K9-033), Police Impound Lot Renovations (R1), be awarded to Rasch Construction & Engineering, Inc., Kenosha, WI, at its base bid price of \$497,000.00, it being the lowest responsible bidder.

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

\$345,000.00 - Account 987.310.5060, Impound Lot  
\$152,000.00 - Account 988.310.5060, Impound Lot  
\$497,000.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

**Res.09-1357**

Professional services provided under Contract 20-08 (K8-022), 2008 Pavement Inspections and Planning, be approved and final payment authorized to Earth Tech (AECOM)

Resolved, that the professional services provided by Earth Tech (AECOM) under Contract 20-08 (K8-022), 2008 Pavement Inspections and Planning, be accepted and final payment authorized for a total contract amount of \$78,554.22.

Fiscal Note: Contract was authorized under Resolution No. 08-0645, dated February 20, 2008.

Sponsors: Gregory Holding

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

**Res.09-1358**

Work done by A.W. Oakes & Son, Inc., under Contract 22-08 (K8-023), 2008 City Resurfacing, be approved and final payment authorized

Resolved, that the work done by A.W. Oakes & Son, Inc. under Contract 22-08 (K8-023), 2008 City Resurfacing, be accepted and final payment authorized for a total contract amount of \$840,134.55.

Fiscal Note: Contract was authorized under Resolution No. 08-0784, dated May 6, 2008.

Sponsors: Gregory Holding

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

**Res.09-1359**

Amendment No. 1 to Contract 38-08 (K8-044), Professional Services - Renovations at Impound Lot, Butterfield, Rudie & Seitz, be approved

Resolved, that Amendment No. 1 to Contract 38-08 (K8-044), Professional Services - Renovations at Impound Lot, Butterfield, Rudie & Seitz, consultant, as submitted, be approved in the amount of \$1,280.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 986.310.5060, Impound Lot.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

**APPROVED.****Res.09-1360**

Authorization to acquire 1125 Grand Avenue from Racine County

Resolved, that appropriate city officials be authorized and directed to acquire 1125 Grand Avenue, a tax delinquent property, from Racine County for renovation and resale.

Fiscal Note: The acquisition and renovation will be funded through the Neighborhood Stabilization Program, federal foreclosure funds.

Sponsors: Jeff Coe

*Alderman Maack requested that item Res.09-1360 be considered separately.*

**A motion was made by Alderman Maack that this Resolution be Referred to the Committee of the Whole. The motion was APPROVED by the following vote:**

**AYES:** 8 - Shields, Kaplan, Maack, Weidner, McCarthy, Holding, Wisneski and Mozol

**NOES:** 4 - Coe, Anderson, DeHahn and Spangenberg

**EXCUSED:** 1 - Shakoor, II

**NON VOTING:** 1 - Hart

**Res.09-1361**

Approval of Golf Course Green Fee Surcharge Changes

Resolved, that the Golf Course Green Fee Surcharge Changes be approved as follows:

1. Collect a \$0.50 fee per nine holes to be used for green and tee improvements at the course at which it is collected.
2. Create a separate revenue line item within the Golf Course Enterprise Fund to account for the fees received. Match these fees, dollar for dollar, with currently available undesignated unreserved Golf Course Fund Balance. Account for these non-lapsing funds in a segregated reserved Fund Balance account (107.000.4120, Fund Balance-Green Fee Surcharge).
3. Create a 5-year Capital Improvement Plan for green and tee improvements using the Green Fee surcharge reserves.

Fiscal Note: No new tax dollars. All costs will be contained within the Golf Course Enterprise Fund.

Sponsors: Aron Wisneski

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

**Res.09-1362**

Approval of a one year contract with J & D Enterprises for operation of the Boat Launch and Concession at Pershing Park

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a one year contract with Joseph Hrouda, d/b/a J & D Enterprises, for operating the boat launch and concession at Pershing Park.

Fiscal Note: N/A

Sponsors: Aron Wisneski and Q.A. Shakoor, II

*Alderman Maack requested that item Res.09-1362 be considered separately.*

**A motion was made by Alderman Maack that this Resolution be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 9 - Anderson, Kaplan, Maack, Weidner, McCarthy, Holding, Wisneski, Spangenberg and Mozol

**NOES:** 3 - Coe, Shields and DeHahn

**EXCUSED:** 1 - Shakoor, II

**NON VOTING:** 1 - Hart

[Res.09-1364](#)

Permission granted to 4th Fest of Greater Racine to use City right-of-way for the 4th of July parade and permission to use North Beach for fireworks

Resolved, that permission be granted to Fourth Fest of Greater Racine, Inc. to close certain city streets on Saturday, July 4, 2009, from 7:00 a.m. to 12:30 p.m., to hold the 2009 Independence Day Parade.

Further resolved, that the Commissioner of Public Works/City Engineer be authorized and directed to communicate with the U. S. Coast Guard requesting permission to close the Main Street Bridge to boat traffic on Saturday, July 4, 2009, from 7:45 a.m. to 1:00 p.m., and both the Main Street and State Street Bridges on Saturday, July 4, 2009, from 9:05 p.m. to 10:40 p.m., for the Fourth Fest activities.

Further resolved, that in the interest of public safety, the Commissioner of Public Works/City Engineer and Chief of Police be authorized and directed to close Goold Street, Yout Street, English Street, High Street, St. Patrick Street, Kewaunee Street, and Barker Street, from Main Street to Michigan Boulevard; Michigan Boulevard, from Goold Street to Hamilton Street; Chatham Street, from north of Yout Street to Hamilton Street; and Hoffert Drive, on Saturday, July 4, 2009, between the hours of 7:00 p.m. and 10:00 p.m., with a rain date of Sunday, July 5, 2009, to provide for a Municipal Band Concert, to be held at North Beach Gazebo, and the fireworks display, as part of the Independence Day festivities.

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

Fiscal Note: Since the City is a co-sponsor of the event, there are no stipulations.

Sponsors: Aron Wisneski and Gregory Holding

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

**Res.09-1365**

Permission to use Parking Lots at North Beach Park on June 13, 2009 for Madison-Chicago 200 Relay

Resolved, that permission be granted to the Madison-Chicago 200 Relay to use Parking Lots at North Beach Park on June 13, 2009 from 3:00 am. to 8:00 am.

Fiscal Note: The City will receive \$150.00 for use of the parking lots.

Sponsors: Aron Wisneski

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

Council Action

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

**AYES:** 12 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg and Mozol

**EXCUSED:** 1 - Shakoor, II

**NON VOTING:** 1 - Hart

## I. Ordinances

**ZOrd.2-09**

An Ordinance rezoning 1500 May Street and 1501 West Street.

To amend the map of the Zoning Ordinance of the City of Racine, Wisconsin.

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

Part 1:

That the property located at 1500 May Street and more particularly described as follows:

“Parcel 3 of CSM Number 2491, Document Number 1892483 ( NE ¼ of the SE ¼ of Sec. 8, T.3 N., R. 23 E, City of Racine, Block 4 and Lot 7, Block 5 Palmetter and Briggs Addition to the City of Racine, Racine County, Wisconsin”



Be rezoned from "B-2" Community Shopping District, to "R-3" Limited General Residence District, and designated as Supplement No. \_\_\_\_\_, which Supplement is hereby made a part of this ordinance.

Part 2:

That the property located at 1501 West Street and more particularly described as follows:

"Parcel 4 of CSM Number 2491, Document Number 1892483 ( NE ¼ of the SE ¼ of Sec. 8, T.3 N., R. 23 E, City of Racine, Block 4 and Lot 7, Block 5 Palmeter and Briggs Addition to the City of Racine, Racine County, Wisconsin"

Be rezoned from "B-2" Community Shopping District, to "R-3" Limited General Residence District, and designated as Supplement No. \_\_\_\_\_, which Supplement is hereby made a part of this ordinance.

Part 3:

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: Gregory Holding

**Referred to City Plan Commission**

Ord.09-09

Ordinance No. 09-09

To repeal Sec. 2-113 of the Municipal Code of the City of Racine, Wisconsin relating to Administration -Rules of Procedure; Call of council.

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

Part 1:

Section 2-113 of the Municipal Code of the City of Racine is hereby repealed.

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:** David L. Maack

**Referred to Executive Committee**

**Ord.10-09**

Ordinance No. 10-09

To repeal Sec. 2-93 of the Municipal Code of the City of Racine, Wisconsin relating to Administration - Committees; Petitions for street oiling.

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

Part 1:

Section 2-93 of the Municipal Code of the City of Racine is hereby repealed.

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:** Gregory Holding

**Referred to Public Works and Services Committee**

**Ord.11-09**

Ordinance No. 11-09

To amend Sec. 114-1033 of the Municipal Code of the City of Racine, Wisconsin relating to Sign regulations - Electronic message signs.

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

Part 1:

Section 114-1033 of the Municipal Code of the City of Racine is hereby amended by adding the following at the beginning of the section:

*“(a) Electronic Signs, (Educational Facilities)”*

For purposes of this section, Educational Facility shall be defined as a primary, secondary, or technical school (public, private, or parochial) involved in the instruction of students as its primary function. This definition shall not include community centers, religious institutions without a K-8th grade school, job training facilities, or other similar organizations providing student instruction.

(1) Standards

All electronic signage for educational facilities shall be constructed as set forth in this part and shall comply with the following standards:

a. Zone Districts

Allowed as a Conditional Use in any zone district in which the school is located.

b. Sign Area

1. One monument sign is allowed per site. The sign may have an electronic face on both sides of the sign.

2. The maximum size of the sign may not exceed 60 square feet, including borders, trim, etc. A maximum of 50% of the total sign area may be electronic.

3. Height may not exceed six (6) feet, as measured from average finished grade to the highest point on the sign cabinet.

4. The monument sign is allowed in addition to all other signage as allowed per Article X of the City of Racine Zoning Code.

c. Setback and Location

1. Minimum setback from any property line is 25’.

2. May not be located within 200’ of a residential zone or use, and may not

directly face a residential zone or use.

d. Electronic Message Restrictions

1. Messages are limited to advertisements of school activities and functions. No commercial advertising is allowed.
2. The sign lighting may be on between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday.
3. Maximum of four (4) lines of electronic message are allowed per sign face. Lettering height will be determined by the posted speed limit on the adjacent street:
  - (a). 0-30 mph: four (4) inches in height maximum
  - (b). 31-45 mph: six (6) inches in height maximum
  - (c). 46+ mph: ten (10) inches in height
4. The use of scrolling, flashing, blinking, chasing, traveling, or similar animation is prohibited.
5. Each message change shall be accomplished in one second or less, and each message shall remain in a fixed position for a minimum of sixty (60) seconds.
6. No additional electronic signage will be permitted in addition to, or in lieu of, an electronic monument sign.
7. No electronic monument signage shall interfere with or be in conflict with any traffic control devices. This shall be determined by the Commissioner of Public Works.

e. Design Standards

1. The sign design must be architecturally compatible with the school design, utilizing similar materials and established style as found in the principle structure.
2. A landscape plan shall be submitted as part of the Conditional Use. The landscaping shall address the area within six (6) feet of the sign, utilizing plantings that are complimentary to the sign base, appearance, and location of the sign. The landscape plan is subject to review and approval of the Director of City Development.”

Part 2:

Amend 114-1033 by adding “(b) *Electronic Signs, (Non-Residential Uses)*” before the original paragraph, “Electronic message signs are allowed...”

Part 3:

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: Gregory Holding

**Referred to City Plan Commission**

**J. Miscellaneous Business**

*Alderman Maack reminded everyone that this Tornado Awareness Week.*

**K. Adjourn**

*The meeting was adjourned at 9:40p.m. by Alderman Kaplan. The next scheduled meeting of the Council is Wednesday, May 6, 2009.*

ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK