



City of Racine

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

Meeting Agenda - Final Common Council

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

Tuesday, September 4, 2012

7:00 PM

Room 205, City Hall

- A. Call To Order
- B. Pledge of Allegiance To The Flag
- C. Approval of Journal of Council Proceedings (Minutes)
- D. Public Comments
- E. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

- [12-8084](#) **Subject:** Communication from the City Attorney submitting the claim of Joseph Miller for consideration.
- [12-8099](#) **Subject:** Communication from the City Attorney submitting the claim of Dennis Parry for consideration.
- [12-8101](#) **Subject:** communication from the City Attorney submitting the claim of Dawn Zens and Tim Zens for consideration.

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

- [12-8072](#) **Subject:** Communication from the Alderman of the 9th District, on behalf of Kristin Wilson (2819 1/2 Washington Ave.) requesting a preliminary resolution for paving of the alley bounded by Washington Ave. to Wright Ave; Quincy Ave. to Thurston Ave. (N-S). This is to be considered in the 2013 Public Hearings.
- [12-8097](#) **Subject:** Communication from the Living Light Community Center, 740

College Avenue, requesting permission to close Eighth Street from Park Avenue to College Avenue, on Saturday, September 29, 2012, for a community block party.

[12-8106](#)

Subject: Communication from Bonnie, Dale & Adam Nelson owner's of American Grill and Steamworks requesting permission to set-up hot dog cart on sidewalk space at 303 Main Street on Friday and Saturday from 9pm to shortly after bar close.

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

[12-8087](#)

Subject: (New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Paul's Pub at 2416 Lathrop Ave., Paul Lueke, Agent. (Previously licensed as English Room) (11th District)

F Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor

[12-8013](#)

Subject: Communication from the City Attorney submitting the claim of Keondra Baskin, 610 Tenth St. Upper, for consideration.

Recommendation of the Finance & Personnel Committee on

8-27-12: The claim of Keondra Baskin, 610 Tenth St. Upper, requesting reimbursement in the amount of \$115.26 for alleged damages arising from the execution of a search warrant at her apartment on May 25, 2012 be denied.

Fiscal Note: N/A

[12-8040](#)

Subject: Communication from the City Attorney submitting the claim of Ronell Hibbler, 1250 Orchard St., for consideration.

Recommendation of the Finance & Personnel Committee on

8-27-12: The claim of Ronell Hibbler, 1250 Orchard St., requesting reimbursement in the amount of \$1722.38 for alleged damages arising from an accident involving a DPW Truck and a car parked in the 1100 block of Hilker Place on July 25, 2012 be denied.

Fiscal Note: N/A

[12-8041](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to apply for a grant from the Wisconsin Department of Natural Resources in the amount of \$25,000 for Tree Inventory. (Grant Control #2012-024) (RES. No. 12-3296)

Recommendation of the Finance & Personnel Committee on

8-27-12: Permission be granted to the Director of Parks, Recreation and Cultural Services to apply for a grant from the Wisconsin Department of Natural Resources in the amount of \$25,000 for Tree Inventory.

Fiscal Note: Matching funds of \$25,000 will be budgeted in the 2013 Capital Improvement Plan.

12-8062

Subject: Communication from Alderwoman Weidner requesting payment, on behalf of the resident, for damage done by the Parks' staff to the sidewalk at 1831 Neptune Avenue. (RES. No. 12-3295)

Recommendation of the Finance & Personnel Committee on

8-27-12: Award payment of \$120.00 to the resident of 1831 Neptune Avenue, for damage allegedly done by Parks staff.

Fiscal Note: Payment of \$120.00 will be made from account 101.990.5910 Judgment and CLaims. There are funds available in this account for this payment.

12-8063

Subject: Communication from the Assistant Commissioner of Public Works/City Engineer requesting authorization to accept a Wisconsin DNR Grant for the repaving of the 5th Street Boat Launch Parking Improvements (Grant Control No. 2012-018). (RES. No. 12-3297)

Recommendation of the Finance & Personnel Committee on

8-27-12: Authorization be granted for the Assistant Commissioner of Public Works/City Engineer to accept a Wisconsin DNR Grant for the 5th Street Boat Launch Parking Improvements.

Fiscal Note: The total project cost is \$250,000 with 45% of the grant funding available in the amount of \$112,500, and 55% local share in the amount of \$137,500. The local share for this project will be budgeted by the Park, Recreation and Cultural Services Department in the 2013 Capital Improvement Program.

12-8100

Subject: (Direct Referral) Communication from the City Attorney submitting the claim of IAFF Local 321, Racine Police Association, and AFSCME Local 67 for consideration.

Recommendation of the Finance & Personnel Committee on

8-27-12: The claim of IAFF Local 321, Racine Police Association, and AFSCME Local 67 for claim damages in an unspecified amount for an alleged breach of contract on or about July 17, 2012 be denied.

Fiscal Note: N/A

Public Works and Services Committee Report, by Ald. Weidner**12-8059**

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 54-12 (K2-065), BUS Shelter - Concrete Pad Construction and Installation. (RES. No. 12-3306)

Recommendation of the Public Works and Services Committee on 8-28-12: That Contract 54-12 (K2-065), Bus Shelter - Concrete Pad Construction and Installation, be awarded to Dakota Intertek Corp., New Berlin, WI, at their bid price of \$87,522.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 105.900.5030, Capital Projects-Shelter Grant.

12-8002

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 1-12 (K2-001), 2012 Parking Ramp Maintenance (R1), Truesdell Corporation of WI, contractor. (RES. No. 12-3310)

Recommendation of the Public Works and Services Committee on 8-14-12: Defer

Recommendation of the Public Works and Services Committee on 8-28-12: That Change Order No. 1 to Contract 1-12 (K2-001), 2012 Parking Ramp Maintenance (R1), Truesdell Corporation of WI, contractor, as submitted, be approved in the deduct amount of \$209,599.70.

Fiscal Note: Change Order No. 1 will result in a decrease in contract price. Funding account to be adjusted is 106.992.5760, Parking - 2012 Building Improvements.

12-8028

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 52-12 (K2-063), 2012 Bridge Repairs. (RES. No. 12-3305)

Recommendation of the Public Works and Services Committee on 8-14-12: Defer

Recommendation of the Public Works and Services Committee on 8-28-12: That Contract 52-12 (K2-063), 2012 Bridge Repairs, be awarded to Vista Design & Construction, Inc., Milwaukee, WI, at their

bid price of \$180,380.00, they being the only responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 91,361.95 - Account 992.908.5020, Concrete Paving-Misc.
\$ 65,380.00 - Account 992.908.5220, Asphalt Resurfacing
\$ 3,000.00 - Account 991.908.5510, Sidewalks-New
\$ 10,000.00 - Account 991.908.5520, Sidewalks-Replacement
\$ 985.11 - Account 991.908.5020, Concrete Pavement Repl.
\$ 9,652.94 - Account 991.908.5010, Concrete Street Paving-Misc.
\$ 180,380.00 - Total

12-8049

Subject: Communication from the Assistant Commissioner of Public Works/Operations requesting to enter into an agreement with CenturyLink to provide long distance telephone service under the State of Wisconsin contract for this service. (RES. No. 12-3307)

Recommendation of the Public Works and Services Committee on 8-28-12: That the Commissioner of Public Works be authorized and directed to enter into an agreement with CenturyLink to provide long distance telephone service under the State of Wisconsin contract for this service.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 402.000.5530, Telephone. The changeover is expected to save approximately \$.015 per minute for interstate and intrastate calls.

12-8053

Subject: Communication from Quaneka Willis, Reid's New Golden Gate Funeral Home, requesting permission to close 19th Street between Taylor Avenue and Holmes Avenue on September 8 and 9, 2012, for an open house. (RES. No. 12-3299)

Recommendation of the Public Works and Services Committee on 8-28-12: That Reid's New Golden Gate Funeral Home be granted permission to close 19th Street from Taylor Avenue to Holmes Avenue, on Saturday and Sunday, September 8 and 9, 2012, from 9:00 a.m. to 7:00 p.m., for an open house.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed and a \$62.50 processing fee paid;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to

the sponsor;

D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;

E. The sponsor shall pay a \$250.00 special event fee.

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

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

12-8054

Subject: Communication from the Purchasing Agent submitting bids for Uniform/Textile Rental Services. (RES. No. 12-3303)

Recommendation of the Public Works and Services Committee on 8-28-12: That the Mayor and City Clerk be authorized and directed to enter into a contract with G&K Services, Menomonee Falls, WI, for uniform/textile rental services at their bid price of \$37,885.00 for the first two years and to allow a 3% increase in each of the final three years of this contract.

Fiscal Note: Funds are available in the following accounts:

101.630.5250	Street Maintenance Work Supplies
404.000.5550	Building Complex Repairs & Maintenance
101.660.5260	King Center Janitorial Supplies
101.670.5260	Tyler-Domer Center Janitorial Supplies
101.680.5260	Bryant Center Janitorial Supplies
101.700.5670	Parks Building Maintenance & Supplies
101.490.5320	Professional Supplies-Lab

12-8055

Subject: Communication from Ryan LaFave, 3543 Republic Avenue, requesting to purchase the lot west of his property. (Res. No. 12-3302)

Recommendation of the Public Works and Services Committee on 8-28-12: Since public interest requires it, that the unimproved portion of Cleveland Avenue right-of-way between Republic Avenue and the Wisconsin Electric Power Company at 3330 19th Street, be vacated.

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

Fiscal Note: Not applicable.

12-8058

Subject: (Direct Referral) Communication from the Purchasing Agent submitting bid results for Recycling Transportation and Processing.

(RES. No. 12-3304)

Recommendation of the Public Works and Services Committee on 8-28-12: That the Mayor and City Clerk be authorized and directed to enter into a contract with John's Disposal Service for a five (5) year term beginning on January 1, 2013 and concluding on December 31, 2017, based upon a processing fee of \$45.00 per ton. The agreement also includes that the city will receive 80% of the recycling revenue.

Fiscal Note: The per ton fee to receive, process, market and haul recyclables will be charged to 289.000.5610, Professional Services. The City's portion of the recycling revenue per ton will be receipted to 289.000.6040, Sale of Recyclables. This process generally results in net revenue that averages approximately \$10,000/month.

12-8061

Subject: Communication from Downtown Racine Corporation requesting permission to close Main Street from State Street to 7th Street, and 6th Street from Main Street to Grand Avenue for Party on the Pavement on Saturday, October 6, 2012 from 12:00 p.m. - 7:00 p.m. (RES. No. 12-3298)

Recommendation of the Public Works and Services Committee on 8-28-12: That permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 7th Street and 6th Street from Main Street to Grand Avenue, on Saturday, October 6, 2012, from 12:00 p.m. to 7:00 p.m., for the 10th annual "Party on the Pavement" event.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed and a \$62.50 processing fee paid;
- 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; and
- F. The sponsor shall pay a special event fee of \$700.00.

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. This is standard practice for this event.

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

12-8068

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting to waive formal bidding for upgrading the temperature control system at the Racine Public Library. (RES. No. 12-3308)

Recommendation of the Public Works and Services Committee on 8-28-12: That the request to waive formal bidding procedures be approved in accordance with State Statutes that allow for the waiving of public bids for the purpose of maintaining uniformity of equipment and services.

Further recommends that the Mayor and City Clerk be authorized and directed to enter into an agreement with Johnson Controls, Inc. for HVAC Upgrades at the Library, for the not-to-exceed price of \$129,600.00.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 100,200.00 - Account 225.991.5010, Library HVAC Replacement
\$ 29,400.00 - Account 225.992.5010, Library HVAC Replacement
\$ 129,600.00 - Total

12-8073

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 33-12 (K2-038), Safety Building - Parking Area Repairs, Allied Waterproofing, Inc., contractor. (RES. No. 12-3309)

Recommendation of the Public Works and Services Committee on 8-28-12: That the work done by Allied Waterproofing, Inc. under Contract 33-12 (K2-038), Safety Building - Parking Area Repairs, be accepted and final payment authorized for a total contract amount of \$54,235.00.

Fiscal Note: Contract was authorized under Resolution No. 12-3141, dated May 15, 2012.

12-8080

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 30-12 (K2-032), Memorial Hall Stage Renovations, Camosy Construction, contractor. (RES. No. 12-3311)

Recommendation of the Public Works and Services Committee on 8-28-12: That Change Order No. 1 on Contract 30-12 (K2-032),

Memorial Hall - Stage Renovations, Camosy Construction, contractor, be approved in the amount of \$7,638.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 108.991.5510, Memorial Hall-Stage Upgrades.

12-8091

Subject: (Direct Referral) Communication from Human Capital Development Corp., Inc. requesting permission to use city property for added training and carpentry hands-on projects.

Recommendation of the Public Works Services Committee on 8-28-12: That Human Capital Development Corp., Inc. be granted permission to utilize the Park Service Garage, 712 Rickeman Ct., and Fire Dept Training Tower 700 Rickeman Ct. subject to Human Capital Development Corp., Inc. providing proof of Liability Insurance to the City.

Fisical Note: Not Applicable.

12-8095

Subject: (Direct Referral) Communication from the Transit and Parking System Manager requesting that formal bidding procedures be waived and the Purchasing Agent be authorized and directed to proceed with obtaining a replacement parking ramp entrance controller with credit card capability for the Gaslight Parking Ramp from TAPCO for an amount not-to-exceed \$22,000. (RES. No. 12-3300)

Recommendation of the Public Works and Services Committee on 8-28-12: That formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to negotiate with TAPCO Traffic and Parking Control for the purchase of a replacement parking ramp entrance controller with credit card capability for the Gaslight Parking Ramp.

Fiscal Note: The estimated cost of this equipment of \$22,000.00 and funding is available in Account 106.992.5760, Parking Ramp Improvements.

Public Safety and Licensing Committee Report, by Ald. Holding

12-8009

Subject: Communication from the City Administrator requesting to appear to discuss changes to the City of Racine Municipal Code concerning Hawkers and Peddlers Licenses.

Recommendation of the Public Safety and Licensing Committee on 8-13-12: That the item be deferred until the next meeting.

Recommendation of the Public Safety and Licensing Committee on 8-28-12: That the changes presented by staff be approved and referred to the City Attorney's Office for the creation of an ordinance.

Fiscal Note: N/A

[12-8016](#)

Subject: (New) Application of D & M Management Group, LLC, Wayne Embry, Agent for a Class "A" Fermented Malt Beverage License for 3818 Durand Avenue (11th District)

Recommendation of the Public Safety and Licensing Committee on 8-28-12: That the item be received and filed.

Fiscal Note: N/A

[12-8038](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting authorization of final payment for Contract 08-11 Fountain Mechanical Consultation Administration of the Sam Johnson Parkway Fountain Upgrade. (RES. No. 12-3312)

Recommendation of the Public Safety and Licensing Committee on 8-28-12: That final payment for Contract 08-11 Fountain Mechanical Consultation Administration of the Sam Johnson Parkway Fountain Upgrade be approved.

Fiscal Note: Funds may be appropriated from 930-082-5860, Renovate Boat Ramp Restrooms.

Traffic Commission Report, by Ald. Weidner

[12-7614](#)

Subject: Communication from the Alderman of the 12th District, on behalf of Bob Brown (3725 Haven Ave.), requesting that east/west facing stop signs be added at the intersection of Haven Avenue and Monroe Avenue.

Recommendation of the Traffic Commission on 05-21-12: Defer

Recommendation of the Traffic Commission on 07-16-12: Defer

Recommendation of the Traffic Commission on 08-20-12: Receive and file

Fiscal Note: N/A

[12-7870](#)

Subject: Communication from the Alderman of the 4th District, on behalf of Tom Ryan (1414 Michigan Blvd.) and James Rooney (1500 Michigan Blvd.), requesting an All-Way stop at Barker Street and Michigan Blvd. (RES. No. 12-3313)

Recommendation of the Traffic Commission on 07-16-12: Defer

Recommendation of the Traffic Commission on 08-20-12: "No parking at any time" be approved on Michigan Blvd. at the following locations: east side, from Barker Street south 124 feet; east side, from Barker Street north 91 feet; west side, from Barker Street south 87 feet; west side, from Barker Street north 120 feet.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$240.00 and an annual maintenance cost of \$100.00.

[12-7951](#)

Subject: Communication from Toni Ostermann (2006 St. Clair St.) requesting a 4-way stop on the corner of Yout Street and Erie Street.

Recommendation of the Traffic Commission on 08-20-12: Receive and file

Fiscal Note: N/A

[12-8098](#)

Subject: In accordance with Section 2-95 of the Municipal Code of the general ordinances of the City of Racine, recommends that the following requests for changes in traffic code be granted:

A. Recommends that Section 94-141 (1) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking at any time" be amended:

By Including:

1. Michigan Blvd., east side, from Barker Street south 124 feet
2. Michigan Blvd., east side, from Barker Street north 91 feet
3. Michigan Blvd., west side, from Barker Street south 120 feet
4. Michigan Blvd., west side, from Barker Street north 87 feet

City Plan Commission Report, by Ald. Wisner

[12-7897](#)

Subject: Communication from the City Attorney recommending that the

condition numbered 8., pertaining to a 10-foot wide strip of land for a walking/bike path on the property, be removed and recreated to require the execution of a Restrictive Covenant for a 10-foot wide strip of land for its future acquisition for a public pedestrian walk/bike path, with such Restrictive Covenant document to be prepared by City of Racine. (cross reference Res. 10-2319 and 10-2232) (PC-12) (RES. No. 12-3314)

Recommendation of the City Plan Commission on 8-29-12: That condition "8" be removed and recreated, that the restrictive covenant be prepared and that the Mayor and City Clerk be authorized to execute said restrictive covenant.

Fiscal Note: N/A

[12-8012](#)

Subject: (Direct Referral) Removal and recreation of condition number 8 of Res.10-2232 and Res.10-2319, pertaining to a 10-foot wide strip of land for a walking/bike path on the property known as 526 Marquette Street. (PC-12) (RES. No. 12-3315)

Recommendation of the City Plan Commission on 8-29-12: That condition number 8 of Res.10-2232 and Res.10-2319, pertaining to a 10-foot wide strip of land for a walking/bike path on the property at 526 Marquette Street be removed and recreated as follows:

"8. That a Restrictive Covenant be prepared for execution addressing a 10-foot wide strip of land for its future acquisition for a public pedestrian walk/bike path adjacent to the Root River."

Fiscal Note: N/A

[12-8090](#)

Subject: (Direct Referral) A request from Richard and John Coury seeking to amend an existing conditional use permit for the renovation of, and addition to the senior living facility at 5111 Wright Avenue. (RES. No. 12-3316)

Recommendation of the City Plan Commission on 8-29-12: That the item be approved subject to conditions.

Fiscal Note: N/A

[12-8092](#)

Subject: (Direct Referral) A request from Emily Jean Day, representing Kong Enterprises, LLC., seeking a conditional use permit for the Oddfellow's Bistro at 817 Main Street. (PC-12) (RES. No. 12-3317)

Recommendation of the City Plan Commission on 8-29-12: That the item be approved subject to conditions.

Fiscal Note: N/A

[12-8093](#)

Subject: (Direct Referral) A request from Innovative Construction Solutions, representing Broad Reach Retail Partners, LLC seeking an amendment to a conditional use permit for a façade renovation at Badger Plaza out lot building at 4111 Durand Avenue. (PC-12) (RES. No. 12-3318)

Recommendation of the City Plan Commission on 8-29-12: That the item be approved subject to conditions.

Fiscal Note: N/A

[12-8094](#)

Subject: (Direct Referral) A request from Jay Jeschke of Heartland Food Corp., for an amendment to a conditional use permit for a façade, landscape, and signage amendments to the Burger King restaurant located at 3456 Douglas Avenue. (PC-12) (RES. No. 12-3319)

Recommendation of the City Plan Commission on 8-29-12: That the item be approved subject to conditions.

Fiscal Note: N/A

G. Consent Agenda- Resolutions

[Res.12-3295](#) 1831 Neptune Avenue.

Resolved, that payment of \$120.00 was awarded to the resident of 1831 Neptune Avenue, for damage allegedly done by Parks staff.

Fiscal Note: Payment of \$120.00 will be made from account 101.990.5910 Judgment and claims. There are funds available in this account for this payment.

Sponsors: Q.A. Shakoor, II

[Res.12-3296](#) Tree Inventory (Grant Control #2012-024)

Resolved, that permission is granted to the Director of Parks, Recreation and Cultural Services to apply for a grant from the Wisconsin Department of Natural Resources in the amount of \$25,000 for Tree Inventory.

Fiscal Note: Matching funds of \$25,000 will be budgeted in the 2013 Capital Improvement Plan.

Sponsors: Q.A. Shakoor, II

Res.12-3297 5th Street Boat Launch Parking Improvements (Grant Control No. 2012-018)

Resolved, that authorization is granted for the Assistant Commissioner of Public Works/City Engineer to accept a Wisconsin DNR Grant for the 5th Street Boat Launch Parking Improvements.

Fiscal Note: The total project cost is \$250,000 with 45% of the grant funding available in the amount of \$112,500, and 55% local share in the amount of \$137,500. The local share for this project will be budgeted by the Park, Recreation and Cultural Services Department in the 2013 Capital Improvement Program.

Sponsors: Q.A. Shakoor, II

Res.12-3298 Party on the Pavement

Resolved, that permission is granted to the Downtown Racine Corporation to close Main Street from State Street to 7th Street and 6th Street from Main Street to Grand Avenue, on Saturday, October 6, 2012, from 12:00 p.m. to 7:00 p.m., for the 10th annual "Party on the Pavement" event.

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

- A. A hold harmless agreement be executed and a \$62.50 processing fee paid;
- 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; and
- F. The sponsor shall pay a special event fee of \$700.00.

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. This is standard practice for this event.

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

Sponsors: Sandy Weidner

Res.12-3299 Reid's New GoldenGate Funeral Home

Resolved, that Reid's New Golden Gate Funeral Home is granted permission to close 19th Street from Taylor Avenue to Holmes Avenue, on Saturday and Sunday, September 8 and 9, 2012, from 12:00 noon to 6:00 p.m., for an open house.

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

- A. A hold harmless agreement be executed and a \$62.50 processing fee paid;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. The sponsor shall pay a \$250.00 special event fee.

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

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

Sponsors: Sandy Weidner

Res.12-3300 Gaslight Parking Ramp

Resolved, that formal bidding procedures be waived and that the Purchasing Agent is authorized and directed to negotiate with TAPCO Traffic and Parking Control for the purchase of a replacement parking ramp entrance controller with credit card capability for the Gaslight Parking Ramp.

Fiscal Note: The estimated cost of this equipment of \$22,000.00 and funding is available in Account 106.992.5760, Parking Ramp Improvements.

Sponsors: Sandy Weidner

Res.12-3302 Ryan LaFave 3543 Republic Avenue, requesting to purchase the lot west of his property.

Resolved, that since public interest requires it, that the unimproved portion of Cleveland Avenue right of way between Republic Avenue and the Wisconsin Electric Power Company at 3330 19th Street, be vacated.

Further resolved, that a preliminary resolution be introduced to the

Common Council and referred to the City Plan Commission.

Fiscal Note: Not applicable.

Sponsors: Sandy Weidner

Res.12-3303 Bids for Uniform/Textile Rental Services

Resolved, that the Mayor and City Clerk is authorized and directed to enter into a contract with G&K Services, Menomonee Falls, WI, for uniform/textile rental services at their bid price of \$37,885.00 for the first two years and to allow a 3% increase in each of the final three years of this contract.

Fiscal Note: Funds are available in the following accounts:

101.630.5250 Street Maintenance Work Supplies
404.000.5550 Building Complex Repairs & Maintenance
101.660.5260 King Center Janitorial Supplies
101.670.5260 Tyler-Domer Center Janitorial Supplies
101.680.5260 Bryant Center Janitorial Supplies
101.700.5670 Parks Building Maintenance & Supplies
101.490.5320 Professional Supplies-Lab

Sponsors: Sandy Weidner

Res.12-3304 Recycling Transportation and Processing

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a contract with John's Disposal Service for a five (5) year term beginning on January 1, 2013 and concluding on December 31, 2017, based upon a processing fee of \$45.00 per ton. The agreement also includes that the city will receive 80% of the recycling revenue.

Fiscal Note: The per ton fee to receive, process, market and haul recyclables will be charged to 289.000.5600, Contracted Services. The City's portion of the recycling revenue per ton will be receipted to 289.000.6070, Residential Recycling Revenue. This process generally results in net revenue that averages approximately \$10,000/month.

Sponsors: Sandy Weidner

Res.12-3305 Contract 52-12 (K2-063)

Resolved, that Contract 52-12 (K2-063), 2012 Bridge Repairs, is awarded to Vista Design & Construction, Inc., Milwaukee, WI, at their bid price of \$180,380.00, they being the only responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 91,361.95 - Account 992.908.5020, Concrete Paving-Misc.
\$ 65,380.00 - Account 992.908.5220, Asphalt Resurfacing
\$ 3,000.00 - Account 991.908.5510, Sidewalks-New
\$ 10,000.00 - Account 991.908.5520, Sidewalks-Replacement
\$ 985.11 - Account 991.908.5020, Concrete Pavement Repl.
\$ 9,652.94 - Account 991.908.5010, Concrete Street Paving-Misc.
\$ 180,380.00 - Total

Sponsors: Sandy Weidner

Res.12-3306 Contract 54-12 (K2-065)

Resolved, that Contract 54-12 (K2-065), Bus Shelter - Concrete Pad Construction and Installation, is awarded to Dakota Intertek Corp., New Berlin, WI, at their bid price of \$87,522.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 105.900.5030, Capital Projects-Shelter Grant.

Sponsors: Sandy Weidner

Res.12-3307 CenturyLink

Resolved, that the Mayor and City Clerk are authorized and directed to enter into an agreement with CenturyLink to provide long distance telephone service under the State of Wisconsin contract for this service.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 402.000.5530, Telephone. The changeover is expected to save approximately \$.015 per minute for interstate and intrastate calls.

Sponsors: Sandy Weidner

Res.12-3308 Racine Public Library

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

Further resolved, that the Mayor and City Clerk are authorized and directed to enter into an agreement with Johnson Controls, Inc. for HVAC Upgrades at Library, for the not-to-exceed price of \$129,600.00.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 100,200.00 - Account 225.991.5010, Library HVAC Replacement
\$ 29,400.00 - Account 225.992.5010, Library HVAC Replacement
\$ 129,600.00 - Total

Sponsors: Sandy Weidner

Res.12-3309 Final payment on Contract 33-12 (K2-038)

Resolved, that the work done by Allied Waterproofing, Inc. under Contract 33-12 (K2-038), Safety Building - Parking Area Repairs, is accepted and final payment authorized for a total contract amount of \$54,235.00.

Fiscal Note: Contract was authorized under Resolution No. 12-3141, dated May 15, 2012.

Sponsors: Sandy Weidner

Res.12-3310 Change Order No. 1 to Contract 1-12 (K2-001)

Resolved, that Change Order No. 1 to Contract 1-12 (K2-001), 2012 Parking Ramp Maintenance (R1), Truesdell Corporation of WI, contractor, as submitted, is approved in the deduct amount of \$209,599.70.

Fiscal Note: Change Order No. 1 will result in a decrease in contract price. Funding account to be adjusted is 106.992.5760, Parking - 1012 Building Improvements.

Sponsors: Sandy Weidner

Res.12-3311 Change Order No. 1 to Contract 30-12 (K2-032)

Resolved, that Change Order No. 1 on Contract 30-12 (K2-032), Memorial Hall - Stage Renovations, Camosy Construction, contractor, is approved in the amount of \$7,638.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 108.991.5510, Memorial Hall-Stage Upgrades.

Sponsors: Sandy Weidner

Res.12-3312 Final payment for Contract 08-11

Resolved, that final payment for Contract 08-11 Fountain Mechanical Consultation Administration of the Sam Johnson Parkway Fountain Upgrade is approved.

Fiscal Note: Funds may be appropriated from 930-082-5860, Renovate

Boat Ramp Restrooms.

Sponsors: Gregory Holding

Res.12-3313 All-Way stop at Barker Street and Michigan Blvd.

Resolved, that "No parking at any time" is approved on Michigan Blvd. at the following locations: east side, from Barker Street south 124 feet; east side, from Barker Street north 91 feet; west side, from Barker Street south 87 feet; west side, from Barker Street north 120 feet.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$240.00 and an annual maintenance cost of \$100.00

Sponsors: Sandy Weidner

Res.12-3314 Restrictive Covenant for a 10-foot wide strip of land for its future acquisition for a public pedestrian walk/bike path, with such Restrictive Covenant document to be prepared by City of Racine. (cross reference Res. 10-2319 and 10-2232) (PC-12)

Resolved, that condition "8" be removed and recreated, that the restrictive covenant be prepared and that the Mayor and City Clerk be authorized to execute said restrictive covenant.

Fiscal Note: N/A

Sponsors: Dennis Wiser

Res.12-3315 526 Marquette Street. (PC-12)

Resolved, that condition number 8 of res.10-2232 and res.10-2319, pertaining to a 10-foot wide strip of land for a walking/bike path on the property at 526 Marquette Street be removed and recreated as follows:

"8. That a Restrictive Covenant be prepared for execution addressing a 10-foot wide strip of land for its future acquisition for a public pedestrian walk/bike path adjacent to the Root River."

Fiscal Note: N/A

Sponsors: Dennis Wiser

Res.12-3316 5111 Wright Avenue

Resolved, that the request from Richard and John Coury seeking to amend an existing conditional use permit for the renovation of, and addition to, the Senior Living Facility at 5111 Wright Avenue is approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on August 29,

2012 are approved subject to the conditions contained herein.

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

c. That the building offset/yard areas as illustrated in the plans shall constitute the ordinance required offsets/yards areas as only applicable to this location.

d. That the public sidewalk shall be extended and connected by the developer along the entire frontage of Ostergaard Avenue prior to the issuance of an occupancy permit for the renovated existing building.

e. That an exception to provide 43 off street parking spaces, representing a seven (7) space deficit, is acceptable given the operational characteristics of the facility as described in the application materials; a 30 unit residential care apartment complex with an attached 30 resident capacity community based residential facility, both for senior citizens.

f. That exceptions to the spacing requirements, aldermanic district resident limit, and the increase to a 60 resident facility are acceptable given the operational characteristics of the facility as a residential care apartment complex and a community based residential facility for senior citizens, as described in the application materials, and in light of the past use of the subject property as a housing complex for 56 senior citizens.

g. That prior to the issuance of a building permit for the building addition, detailed site, building, lighting, landscaping, and signage plans be submitted for the review and approval of the Director of City Development. At a minimum, plans shall illustrate and describe dimensions, colors, design, placement and textures of the building and all exterior building materials and fixtures along with product samples and/or specification sheets for each. At a minimum, landscaping plans shall illustrate species, size and placement.

h. That only one driveway be permitted out to Ostergaard Avenue and that the driveway be aligned with the center line of Highwood Drive.

i. That all site lighting consist of box type cut-off fixtures and be positioned so as not to cause glare on neighboring streets or properties.

j. That prior to the issuance of an occupancy permit for the building addition, the landscape and site lighting plan be implemented as approved.

k. That if prior to the issuance of occupancy permits the requirements in

conditions “d” and “j” are not completed then a financial surety shall be provided to the City in an amount equal in value to the required improvements described in condition “d” and “j” above, subject to the following terms:

1. Financial surety documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City’s favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial security.

2. The City is authorized by this Conditional Use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not completed by the time of the issuance of an occupancy permit, or by an earlier date as may be required herein. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.

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

l. That all signs be professionally made, comply with the zoning ordinance, and be submitted to the Director of City Development for review and approval prior to installation.

m. That all curb cuts be approved by the Commissioner of Public Works.

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

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

Fiscal Note: N/A

Sponsors: Dennis Wisner

[Res.12-3317](#) 817 Main Street

Resolved, that the request from Emily Jean Day, representing Kong

Enterprises, LLC., seeking a conditional use permit for the Oddfellow's Bistro at 817 Main Street is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on August 29, 2012 are approved subject to the conditions contained herein.
- b. That all signs be professionally made and comply with the zoning ordinance requirements and be submitted to the Director of City Development for review and approval.
- c. That all codes and ordinances be complied with and required permits acquired.
- d. That curbing or wheel stops be placed along the Main Street side walk adjacent to the parking spaces.
- e. That the property be maintained in a neat and orderly fashion with loose trash and garbage being removed from outside areas on a daily basis.
- f. That all trash and recyclables be stored in closed containers and screened from view.
- g. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- h. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Dennis Wiser

Res.12-3318 4111 Durand Avenue

Resolved, that the request from Innovative Construction Solutions, representing Broad Reach Retail Partners, LLC seeking an amendment to a conditional use permit for a façade renovation at Badger Plaza out lot building at 4111 Durand Avenue is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on August 29, 2012 are approved subject to the conditions contained herein.
- b. That the two tenant and three tenant scenarios as depicted in the

approved plans are herein approved.

c. That all applicable building and occupancy permits be obtained from the Building Inspection Department.

d. That the new parapet walls shall be consistent in materials and colors with the parapet walls on the building at 4101 Durand Avenue.

e. That no signage is approved with this submittal, and any proposed signage must be approved by the Director of City Development prior to permits being issued. Submittal for approval of a uniform signage plan is required.

f. That a landscape plan be submitted for the review and approval of the Director of City Development, and implemented by April 30, 2013.

g. That prior to commencement of work on the parapets, a financial surety shall be provided to the City in an amount equal in value to the required landscaping improvements described in condition f. above, subject to the following terms:

1. Financial surety documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial security.

2. The City is authorized by this Conditional Use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not completed by time of the issuance of an occupancy permit, or by an earlier date as may be required herein. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.

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

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

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

Fiscal Note: N/A

Sponsors: Dennis Wiser

[Res.12-3319](#) 3456 Dougals Avenue

Resolved, that the request from Jay Jeschke of Heartland Food Corporation for a major amendment to the Burger King Restaurant at 3456 Douglas Avenue for numerous external modifications, signage changes, landscaping and parking lot changes to the building and site is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on August 29, 2012 and dated August 15, 2012 are approved, subject to the conditions contained herein.
- b. That all modifications to the building as proposed in the aforementioned plans shall be followed and all building changes be done in accordance with said approved plans.
- c. That all codes and ordinances shall be complied with and required permits acquired.
- d. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- e. That the hours of operation be from 6:00 a.m. - 11:00 p.m. seven days a week.
- f. That signage is approved with this submittal, and any additional proposed signage or changes to signage shall receive approval by the Department of City Development, and all necessary permits acquired from the Building Department prior to installation.
- g. That no additional pole signs shall be permitted on this site. The existing pole sign and cabinet shall be painted black from its current blue color.
- h. That wheel stops shall be installed on all parking spaces located along the periphery of the lot.
- i. That all landscaping shall be planted no later than May 1, 2013. If not completed, the applicant shall submit a financial surety based on a minimum of 2 estimates, to be provided by the applicant, for the cost of

the materials and labor to complete the requirement. The financial surety shall be provided in a format acceptable to the City of Racine.

j. That no building permit be obtained until review and comment is completed by the Douglas Avenue Business Improvement District and the Douglas Avenue Business Association.

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

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

Fiscal Note: N/A

Sponsors: Dennis Wisner

H. Adjourn

Office of The City Clerk

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