



City of Racine

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

Meeting Minutes - Final Common Council

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

Tuesday, August 16, 2011

7:00 PM

Room 205, City Hall

A. Call To Order

Mayor Dickert called the meeting to order at 7:00 P.M.

PRESENT: 13 - Fair, Marcus, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Morgenroth and Hart

EXCUSED: 2 - Kaprelian-Becker and Mozol

B. Pledge of Allegiance To The Flag

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

C. Approval of Journal of Council Proceedings (Minutes)

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

D. Public Comments

*Manuel Guajardo
Sue DeKeuster
Nancy Meinholz
Gordy Kacala
Norb DeKeuster
Marvin Letven
Florence Boyer
Alfonso Garner
Richard Kemper
Calvin Simmons*

E. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[11-6746](#) **Subject:** Communication from the Fire Chief requesting permission to modify Section 38 of the City Ordinances related to Emergency Services.

Referred to Finance and Personnel Committee

[11-6763](#) **Subject:** Communication from the Assistant Finance Director requesting to appear before the Finance & Personnel Committee to discuss the 2010 Financial Statements of the City of Racine.

Referred to Finance and Personnel Committee

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

[11-6744](#) **Subject:** Communication from J. Bradley (1967 Taylor Ave.) requesting a public hearing for paving of the alley bounded by Jerome Blvd. to 20th St.; Taylor Ave. to Kearney Ave.

Referred to Public Works and Services Committee

[11-6762](#) **Subject:** Communication from Douglas Hudson of Norwood Commercial Contractors, Inc. requesting to purchase 1846 Racine Street.

(Also refer to City Plan Commission)

Referred to Public Works and Services Committee

Referred to City Plan Commission

[11-6764](#) **Subject:** Communication from St. Edward's Parish requesting to close 15th Street between West Boulevard and Grove Avenue for their church festival on Saturday, September 24, 2011.

Referred to Public Works and Services Committee

[11-6772](#) **Subject:** Communication from Calvin Simmons, 1437 Geneva Street, requesting to close the 1400 block of Geneva Street on August 27, 2011 for a Kids Back-to-School Block Party.

Alderman Weidner requested that item 11-6772 be considered separately.

Alderman Weidner made a motion to suspend the rules seconded by Alderman DeHahn and to consider the item due to the timeliness of the event. There were no objections to suspension of the rules.

A motion was made by Alderman Sandy Weidner, seconded by Alderman Raymond DeHahn, Received and Filed as Reported. The motion was Approved by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Morgenroth and Hart

EXCUSED: 2 - Kaprelian-Becker and Mozol

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

[11-6738](#) **Subject:** Communication from Lalabhai Patel, Khodiar Food Mart, 965 Dr. Martin Luther King Drive, submitting a petition to exceed the Class A quota limit.

Referred to Public Safety and Licensing Committee

[11-6760](#) **Subject:** (New) The application of Maurice Caldwell and Jeanette Caldwell, Affordable Luxury Limo for a Public Passenger Vehicle Operator's Business License, and Public Passenger Driver's License for Maurice Caldwell

Referred to Public Safety and Licensing Committee

Refer to Traffic Commission, by Ald. Weidner

[11-6745](#) **Subject:** Communication from James Eastman, (Merchants Moving & Storage - 1215 State St.), requesting parking be allowed on Union Street between State Street and Liberty Street.

Referred to Traffic Commission

[11-6757](#) **Subject:** Communication from the Alderman of the 1st District and Wisconsin Lutheran School (734 Villa St.) requesting No Parking from 7:00 A.M. to 3:00 P.M. signs be installed at 734 Villa Street.

Referred to Traffic Commission

[11-6758](#) **Subject:** Communication from the Alderman of the 1st District and Wisconsin Lutheran School (734 Villa St.) requesting 15 mph speed limit signs be placed at 734 Villa St.

Referred to Traffic Commission

[11-6759](#) **Subject:** Communication from the Alderman of the 1st District and Wisconsin Lutheran School (734 Villa St.) requesting a 4-way stop sign be placed at the corner of 8th St. and Villa St.

Referred to Traffic Commission

Refer to Transit and Parking Commission, by Ald. DeHahn

[11-6747](#) **Subject:** Communication from the Transit and Parking System Manager requesting to discuss Uptown parking issues.

Referred to Transit and Parking Commission

- [11-6748](#) **Subject:** Communication from the Transit and Parking System Manager submitting the final version of the City of Racine Parking Utility Financial Analysis Report.
Referred to Transit and Parking Commission
- [11-6749](#) **Subject:** Communication from the Transit and Parking System Manager requesting the review of the 2012 Racine Parking Utility budget.
Referred to Transit and Parking Commission
- [11-6750](#) **Subject:** Communication from the Transit and Parking System Manager requesting the review of the 2011 and previous years' Wisconsin Coach Lines Racine Commuter Operating agreements.
Referred to Transit and Parking Commission
- [11-6751](#) **Subject:** Communication from the Transit and Parking System Manager requesting the review of the 2011 WisDOT Mass Transit Operating Grant Agreement for the Belle Urban System (BUS).
Referred to Transit and Parking Commission
- [11-6752](#) **Subject:** Communication from the Transit and Parking System Manager requesting the review of the 2011 WisDOT Mass Transit Operating Grant Agreement for Racine Commuter.
Referred to Transit and Parking Commission
- [11-6753](#) **Subject:** Communication from the BUS Transit Manager submitting the July BUS Monthly Operating Report.
Referred to Transit and Parking Commission
- [11-6754](#) **Subject:** Communication from the BUS Transit Manager wishing to discuss a proposed BUS management reorganization plan.
Referred to Transit and Parking Commission
- [11-6755](#) **Subject:** Communication from the Transit and Parking System Manager requesting to review the proposed 2012 BUS budget.
Referred to Transit and Parking Commission
- [11-6756](#) **Subject:** Communication from the Transit and Parking System Manager requesting to review the 2011 Belle Urban System Town of Yorkville operating agreement.
Referred to Transit and Parking Commission

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor[11-6698](#)

Subject: Communication from the City Attorney submitting the claim of Vernon and Christine Steffen for consideration.

Recommendation of the Finance & Personnel Committee on

8-8-11: The claim of Vernon and Christine Steffen requesting reimbursement in the amount of \$825.03 for landscaping in the right-of-way that was allegedly damaged by snow banks over the course of the Winter of 2010-11 be denied.

Fiscal Note: N/A

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

[11-6710](#)

Subject: communication from the City Attorney submitting the claim of Richard and Marcia Matavka for consideration.

Recommendation of the Finance & Personnel Committee on

8-8-11: The claim of Richard and Marcia Matavka requesting reimbursement in the amount of \$300.00 for a fence that was allegedly damaged by a falling tree during the storm on May 8, 2011, be denied.

Fiscal Note: N/A

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

[11-6672](#)

Subject: Communication from Deborah Embry, Grant Facilitator, to apply for and accept a grant award from the Wisconsin Office of Justice Assistance for \$81,900. (Grant control # 2011-023) (Res. 11-2694)

Recommendation of the Finance & Personnel Committee on

8-8-11: Permission be granted to the Grant Facilitator to apply for and accept a grant award from the Wisconsin Office of Justice Assistance for \$81,900. (Grant control #2011-023)

Fiscal Note: There is no match required of the City.

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

[11-6711](#)

Subject: Communication from the Public Health Administrator requesting permission to amend the Women, Infants and Children (WIC) Contract for the fiscal period January 1, 2011 through December 31, 2011 due to de-obligation of WIC program funds.

(Grant Control #2010-046)

Recommendation of the Finance & Personnel Committee on

8-8-11: The Public Health Administrator amend the WIC contract for the fiscal period January 1, 2011 through December 31, 2011. (Grant control #2010-046).

Fiscal Note: There is no match required of the City.

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

[11-6712](#)

Subject: Communication from the Public Health Administrator requesting permission to accept an additional amount of \$16,300 from the Division of Public Health, Department of Health Services for Women, Infants and Children (WIC) Infrastructure. (Grant Control #2010-046) (Res. 11-2695)

Recommendation of the Finance & Personnel Committee on

8-8-11: The Public Health Administrator apply for and accept an additional amount of \$16,300 from the Division of Public Health, Department of Health Services for Women, Infants and Children Infrastructure. (Grant Control #2010-046)

Fiscal Note: There is no match required of the City.

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

[11-6719](#)

Subject: Communication from the Director of City Development requesting certification of compliance for the City of Racine Industrial/Commercial Building Revolving Loan Fund.

Recommendation of the Finance & Personnel Committee on

8-8-11: The City certify that for the semi-annual reporting period ending March 31, 2011: the Industrial/Commercial Building Revolving Loan Fund (I/CB-RLF) Plan is consistent with and supportive of the area's current economic adjustment strategy; and the I/CB-RLF is being operated in accordance with the policies and procedures contained in the I/CB-RLF Plan and the loan portfolio meets the standards contained therein.

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 Q.A. Shakoor, II, seconded by Alderman Terry

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

AYES: 13 - Fair, Marcus, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Morgenroth and Hart

EXCUSED: 2 - Kaprelian-Becker and Mozol

Public Works and Services Committee Report, by Ald. Weidner

11-6642

Subject: Communication from Rep. Robert Turner regarding street lighting concerns of residents in the 1900 block of Linden Avenue. (Res. 11-2696)

Recommendation of the Public Works and Services Committee on 8-9-11: In accordance with Section 2-94 of the Municipal Code of the general ordinances of the City of Racine, the following street lighting changes be approved: Install one (1) 200-watt high-pressure sodium street light on an existing pole in the 1900 block of Linden Avenue.

Fiscal Note: The estimated cost of this lighting is \$200.00 for installation and the annual operating cost is \$200.00.

Alderman Weidner requested that item 11-6642 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 - Fair, Marcus, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Wisneski, Morgenroth and Hart

NOES: 1 - Holding

EXCUSED: 2 - Kaprelian-Becker and Mozol

11-6599

Subject: (Direct Referral) Communication from the Chairman of the Board of Harbor Commissioners requesting a change in residency requirements to fill a vacancy on the Harbor Commission.

Recommendation of the Public Works and Services Committee on 8-9-11: That 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.

11-6720

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting Amendment No. 3 to Contract 3-11 (K1-003), Professional Services for Design Services for Repairs to the Spring Street Bridge, Ayres Associates,

Inc., contractor. (Res. 11-2699)

Recommendation of the Public Works and Services Committee on 8-9-11: That Amendment No. 3 to Contract 3-11 (K1-003), Professional Services - Design Services for Repairs to the Spring Street Bridge, Ayres Associates, Inc., consultant, as submitted, be approved in the amount of \$5,750.00.

Fiscal Note: Funding to defray the cost of these professional services to be appropriated from Account 991.520.5010, Mill/Cast Overlay Spring Street Bridge.

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

[11-6725](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering requesting approval of a relocation order and plat for the 2012 Three Mile Road Project. (Res. 11-2701)

Recommendation of the Public Works and Services Committee on 8-9-11: The relocation order, as submitted by the Assistant Commissioner of Public Works/Engineering, which details the acquisition of 5 partial parcels necessary for the 2012 Three Mile Road project, be approved.

Further recommends that the basis of the City's offer to purchase be established by independent appraisal.

Further recommends that the City Attorney and Commissioner of Public Works be authorized and directed to take the necessary steps to facilitate the acquisition of the parcels required for this project.

Fiscal Note: The estimated cost to acquire these 5 partial parcels is estimated at \$80,000.00. Funding to be appropriated in the 2012-2016 Capital Improvement Program using inter-governmental revenue funds.

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

[11-6726](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 4 to Contract 1-11 (K1-001), City Hall Renovations-Phase III (R1), Seater Construction Co., Inc., contractor. (Res. 11-2698)

Recommendation of the Public Works and Services Committee on 8-9-11: That Change Order No. 4 on Contract 1-11 (K1-001), City Hall Renovations-Phase III (R1), Seater Construction Co., Inc.,

contractor, be approved in the amount of \$3,358.38.

Fiscal Note: Funding to defray the cost of this change order to be appropriated from Account 990.100.5010, City Hall-Facilities Plan Implementation.

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

[11-6727](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 53-10 (K0-068), Traffic Signal Interconnect and Signal Timing CMAQ.

Recommendation of the Public Works and Services Committee on 8-9-11: That the bids be received and filed.

Further recommends that the Commissioner of Public Works/City Engineer be authorized and directed to re-advertise for bids for this project.

Fiscal Note: N/A

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

[11-6731](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 3 to State Project ID: 2350-13-00, Douglas Avenue (STH 32) - Goold Street to Three Mile Road, Graef, consultant. (Res. 11-2700)

Recommendation of the Public Works and Services Committee on 8-9-11: That Amendment No. 3 to State Contract ID: 2350-13-00/70, Douglas Avenue (Hwy. 32), Goold Street to Three Mile Road, Graef, Inc., consultant, be approved in the amount of \$10,058.12, with the City's share being \$2,011.62 and the State's share being \$8,046.50.

Fiscal Note: Funding to defray the cost of the City's share of these professional services to be appropriated from Account 991.908.5160, Douglas Avenue - Goold to Three Mile Road.

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

[11-6732](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 56-10 (K0-071), Professional Services-Emergency Stand-By Generator Design for Racine Fire Department, David L. Hansen & Associates, Inc., consultant. (Res. 11-2697)

Recommendation of the Public Works and Services Committee

on 8-9-11: That the professional services provided by David L. Hanson & Associates, Inc., under Contract 56-10 (K0-071), Professional Services - Emergency Stand By Generator Design for Racine Fire Department, be accepted and final payment authorized for a total contract amount of \$9,500.00.

Fiscal Note: Contract was authorized under Resolution No. 10-2252, dated November 3, 2010.

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

11-6735

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a professional services proposal from Arnold & O'Sheridan, Inc. for review of the parking deck at the Safety Building.

Recommendation of the Public Works and Services Committee

on 8-9-11: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Arnold & O'Sheridan, Inc. for a condition evaluation of the parking deck at the Safety building, in the not-to-exceed amount of \$3,200.00.

Further recommends that the item be referred to the Finance and Personnel Committee for funding

Fiscal Note: Funding to be determined.

A motion was made that this Communication be Referred to the Finance and Personnel Committee, . The motion was APPROVED.

Council Action

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

AYES: 13 - Fair, Marcus, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Morgenroth and Hart

EXCUSED: 2 - Kaprelian-Becker and Mozol

Public Safety and Licensing Committee Report, by Ald. Wisneski**11-6682**

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to enter into an agreement with Mobile Reduction Specialists, Inc. for disposal of trees from City of Racine parks and street trees at no charge to the City. (Res. 11-2702)

Recommendation of the Public Safety and Licensing Committee on 7-25-11: That the item be deferred for two weeks and the City Forester be requested to appear at the next meeting to give the committee more information.

Alderman Wisneski made a motion to recall 11-6682 from the Public Safety and Licensing Committee and recommended approval of the item as all the concerns had been addressed. Seconded by Alderman Holding. Motion Carried.

Director Snow spoke on the item.

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

AYES: 12 - Fair, Marcus, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski and Morgenroth

EXCUSED: 2 - Kaprelian-Becker and Mozol

ABSTENTIONS: 1 - Hart

City Plan Commission Report, by Ald. Wisneski

11-6716

Subject: (Direct Referral) Consideration of a request from Pamela Bogan seeking a Conditional Use Permit for a candy store at 1132 S. Memorial Drive. (PC-11) (Res. 11-2691)

Recommendation of the City Plan Commission on 7-27-2011: That the item be approved subject to conditions.

Recommendation of the City Plan Commission on 8-10-2011: That the item be approved subject to amended conditions.

Fiscal Note: N/A

Alderman Wisneski requested that item 11-6716 be considered separately. Director O'Connell spoke on the matter. Mayor Dickert stepped down to speak on the issue. Discussion concerned the deletion of the mandate to remove the outside bars from the windows to the inside.

Alderman Marcus made a motion to refer the item back to committee, seconded by Alderman Fair. Motion failed by the vote ending in a tie:

Ayes: Shakoor, Shields, DeHahn, Fair, Hart, and Marcus

Noes: Morgenroth, Weidner, Wisner, Wisneski, Kaplan, and McCarthy

Non-Voting: Holding

Excused: Mozol and Kaprelian-Becker

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

AYES: 10 - Fair, Marcus, Shields, Kaplan, DeHahn, Shakoor, II, McCarthy, Wisner, Morgenroth and Hart

NOES: 2 - Weidner and Wisneski

EXCUSED: 2 - Kaprelian-Becker and Mozol

NON VOTING: 1 - Holding

11-6736

Subject: (Direct Referral) Consideration of a request from Nitin Patel of Douglas ADN LLC, representing Save On Cigarettes, seeking a Conditional Use Permit at 3745 Douglas Avenue for a tobacco store featuring a cigarette rolling machine and tobacco accessories. (PC-11) (Res. 11-2703)

Recommendation of the City Plan Commission on 8-10-2011: That the item be approved subject to conditions.

Fiscal Note: N/A

Alderman Wisneski requested that item 11-6736 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 - Fair, Marcus, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, Wiser, Holding, Wisneski, Morgenroth and Hart

NOES: 1 - McCarthy

EXCUSED: 2 - Kaprelian-Becker and Mozol

Mayor's Report, by Ald. Holding

11-6761

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

Appoint Michelle Woods 1700 Green Street Racine, 53402 to the Library Board for a 3 year term expiring June 1, 2014

A motion was made by Alderman Gregory Holding, seconded by Alderman Jim Kaplan, Received and Filed as Reported. The motion was Approved by the following vote:

AYES: 12 - Fair, Marcus, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, Wiser, Holding, Wisneski, Morgenroth and Hart

EXCUSED: 2 - Kaprelian-Becker and Mozol

NON VOTING: 1 - McCarthy

Housing Loan Board Report, by Ald. Wiser

11-6743

Subject: Request of Assistant Director, Joseph Heck to accept Ms. Deanna & Ms. Danielle Quale's offer to purchase 2026 Orchard Street (NSP property). (Res. 11-2705)

Recommendation of the Loan Board of Review on 8-11-11: That the request be approved. Further recommend that the Mayor, City Clerk, and Assistant Director of City Development be authorized to execute any necessary selling documents.

Fiscal Note: The City will receive \$58,500 in proceeds, minus closing costs.

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

AYES: 13 - Fair, Marcus, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Morgenroth and Hart

EXCUSED: 2 - Kaprelian-Becker and Mozol

Redevelopment Authority of the City of Racine Report, by Ald. Shakoor

[11-6721](#)

Subject: (Direct Referral) Communication from First Weber Group submitting an offer to purchase 1526 Washington Avenue. (Res. 11-2704)

Recommendation of the Redevelopment Authority on 8-1-11: That the Common Council approve the sale of 1526 Washington Avenue to Mei H. Li and Yudong Zeng.

Fiscal Note: Purchase price \$111,000; cash offer, no financing contingency, buyer has provided proof of sufficient available funds. The Authority listed the building at \$120,000. The net sale, after broker's commission, will be approximately \$104,340. Proceeds will be applied to the expenses of the Uptown redevelopment, particularly funds advanced from Tax Incremental District No. 16.

Director Brian O'Connell spoke on this item.

Alderman Marcus made a motion to refer 11-6721 back to committee, seconded by Alderman Fair. Motion failed by the following vote:

Ayes: Marcus

Noes: Morgenroth, Shakoor, Shields, Weidner, Wisner, Wisneski, DeHahn, Fair, Hart, Holding, Kaplan, Marcus and McCarthy

Excused: Mozol and Kaprelian-Becker.

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

AYES: 12 - Fair, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Morgenroth and Hart

NOES: 1 - Marcus

EXCUSED: 2 - Kaprelian-Becker and Mozol

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

[11-6540](#)

Subject: Communication from David Stalker regarding placing a monument at Horlick Field.

Recommendation of the Board of Parks, Recreation and Cultural Services on 7-13-11: To defer to the next meeting.

Fiscal Note: N/A

Recommendation of the Board of Parks, Recreation and Cultural Services on 8-10-11: To approve the communication from David Stalker regarding placing a monument at Horlick Field.

Fiscal Note: No cost to the City. The monument will be donated by David Stalker.

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

[11-6675](#)

Subject: [Direct Referral] Myers Beach Water Quality

Recommendation of the Board of Parks, Recreation and Cultural Services on 7-13-11: That Parks, Recreation and Cultural Services pursue discontinuing the designation of the Samuel Myers and Carre-Hogle beaches as official bathing beaches.

Recommendation of the Public Works and Services Committee on 7-26-11: That the communication be received and filed.

Fiscal Note: N/A

Recommendation of the Board of Parks, Recreation and Cultural Services on 8-10-11: To receive and file.

Fiscal Note: N/A

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

[11-6728](#)

Subject: [Direct Referral] Communication from Gary Chu requesting permission to use City parking lots in conjunction with the Racine Multihull Regatta on August 10-14, 2011. (Res. 11-2706)

Recommendation of the Board of Parks, Recreation and Cultural Services on 8-10-11: To approve the Communication from Gary Chu requesting permission to use City parking lots in conjunction with the

Racine Multihull Regatta on August 10-14, 2011.

Further recommend that permission be granted with the following stipulations:

- A. A hold harmless agreement is executed;
- B. A liability insurance certificate is filed prior to the event;
- C. Any overtime costs incurred by any City department to assist with this project is charged to the sponsor;
- D. That access to the pathway for general public use is available at all times.

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

Fiscal Note: \$150.00 in revenue. There will be nominal costs to various City departments on a regular shift basis to assist in implementing this event.

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

[11-6733](#)

Subject: [Direct Referral] Investigate the Feasibility of an Intergovernmental Agreement In Order for City Residents to Use the Racine Harbor Pool.

Recommendation of the Board of Parks, Recreation and Cultural Services on 8-10-11: To Receive and File the communication to investigate the Feasibility of an Intergovernmental Agreement In Order for City Residents to Use the Racine Harbor Pool; further, to include the hours of operation and cost of the use of the pool on the PRCS Facebook page.

Fiscal Note: N/A

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

[11-6734](#)

Subject: [Direct Referral] Park Pride Recommendations for the City of Racine Park and Open Space Plan.

Recommendation of the Board of Parks, Recreation and Cultural Services on 8-10-11: To adopt the Park Pride recommendations for consideration in the City of Racine Park and Open Space Plan.

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 Terry McCarthy, seconded by Alderman Dennis Wisner, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Morgenroth and Hart

EXCUSED: 2 - Kaprelian-Becker and Mozol

G. Consent Agenda

Res.11-2694 Request to apply for and accept a grant award from the Wisconsin Office of Justice Assistance for \$81,900.

Resolved, that permission be granted to the Grant Facilitator to apply for and accept a grant award from the Wisconsin Office of Justice Assistance for \$81,900. (Grant control #2011-023)

Fiscal Note: There is no match required of the City.

Sponsors: Q.A. Shakoor, II

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

Res.11-2695 Permission to accept an additional amount of \$16,300 from the Division of Public Health, Department of Health Services for Women, Infants and Children (WIC) Infrastructure.

Resolved, that the Public Health Administrator apply for and accept an additional amount of \$16,300 from the Division of Public Health, Department of Health Services for Women, Infants and Children Infrastructure. (Grant Control #2010-046)

Fiscal Note: There is no match required of the City.

Sponsors: Q.A. Shakoor, II

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

Res.11-2697 Request for final payment on Contract 56-10 (K0-071), Professional Services-Emergency Stand-By Generator Design for Racine Fire Department, David L. Hansen & Associates, Inc., consultant.

Resolved, that the professional services provided by David L.Hanson & Associates, Inc., under Contract 56-10 (K0-071),Professional Services - Emergency Stand By Generator Design for Racine Fire

Department, be accepted and final payment authorized for a total contract amount of \$9,500.00.

Fiscal Note: Contract was authorized under Resolution No. 10-2252, dated November 3, 2010.

Sponsors: Sandy Weidner

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

Res.11-2698

Change Order No. 4 to Contract 1-11 (K1-001), City Hall Renovations-Phase III (R1), Seater Construction Co., Inc., contractor.

Resolved, that Change Order No. 4 on Contract 1-11 (K1-001), City Hall Renovations-Phase III (R1), Seater Construction Co., Inc., contractor, be approved in the amount of \$3,358.38.

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

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

Res.11-2699

Amendment No. 3 to Contract 3-11 (K1-003), Professional Services for Design Services for Repairs to the Spring Street Bridge, Ayres Associates, Inc., contractor.

Resolved, that Amendment No. 3 to Contract 3-11 (K1-003), Professional Services - Design Services for Repairs to the Spring Street Bridge, Ayres Associates, Inc., consultant, as submitted, be approved in the amount of \$5,750.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 991.520.5010, Mill/Cast Overlay Spring Street Bridge.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

Res.11-2700

Amendment No. 3 to State Project ID: 2350-13-00, Douglas Avenue (STH 32) - Goold Street to Three Mile Road, Graef, consultant.

Resolved, that Amendment No. 3 to State Contract ID: 2350-13-00/70, Douglas Avenue (Hwy. 32), Goold Street to Three Mile Road, Graef, Inc., consultant, be approved in the amount of \$10,058.12, with the City's share being \$2,011.62 and the State's share being \$8,046.50.

Further resolved, that funding to defray the cost of the City's share of these professional services be appropriated from Account 991.908.5160, Douglas Avenue - Goold to Three Mile Road.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

Res.11-2701

Requesting approval of a relocation order and plat for the 2012 Three Mile Road Project.

Resolved, that the relocation order, as submitted by the Assistant Commissioner of Public Works/Engineering, which details the acquisition of 5 partial parcels necessary for the 2012 Three Mile Road project, be approved.

Further resolved, that the basis of the City's offer to purchase be established by independent appraisal.

Further resolved, that the City Attorney and Commissioner of Public Works be authorized and directed to take the necessary steps to facilitate the acquisition of the parcels required for this project.

Further resolved, that funds to acquire these parcels will be appropriated in the 2012-2016 Capital Improvement Program using inter-governmental revenue funds.

Fiscal Note: The estimated cost to acquire these 5 partial parcels is estimated at \$80,000.00.

Sponsors: Sandy Weidner

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

Res.11-2702

Request for permission to enter into an agreement with Mobile Reduction Specialists, Inc. for disposal of trees from City of Racine parks and street trees at no charge to the City.

Resolved, that the Director of Parks, Recreation and Cultural Services be authorized to enter into an agreement with Mobile Reduction

Specialists, Inc. for disposal of trees from City of Racine parks and street trees at no charge to the City.

Fiscal Note: N/A

Sponsors: Aron Wisneski

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

Res.11-2703

Request for Conditional Use Permit at 3745 Douglas Avenue for a tobacco store featuring a cigarette rolling machine and tobacco accessories (PC-11).

Resolved, that the request from Nitin Patel of Douglas ADN LLC, representing Save On Cigarettes, for a Conditional Use Permit at 3745 Douglas Avenue for a tobacco store featuring a cigarette rolling machine and tobacco accessories be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on August 10, 2011 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That this establishment shall not be operated as a convenience store in that there shall not be the sale of snack foods, beverages (except for onsite consumption), general groceries or household goods and accessories, or other similar items.
- d. That all trash and recyclables be stored in closed containers and screened from view.
- e. That the following shall be accomplished by the business or property owner prior to the issuance of an occupancy permit:
 - 1) A trash can and a cigarette ash and butt receptacle shall be provided, emptied, and maintained by owner on the sidewalk area directly adjacent to the tenant space, the design of which is to be presented to the Director of City Development for review and approval.
 - 2) Obsolete signage shall be removed from the awning.
 - 3) All proposed signage designs shall be presented to the Director of City Development for review and approval.
 - 4) Signs shall be installed on inside and out of the building urging patrons to utilize trash, ash and butt receptacles.

f. That the hours that the business is open to the public be Monday through Saturday 9:00 a.m. through 8:00 p.m. and Sunday 10:00 a.m. to 6:00 p.m.

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: Aron Wisneski

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

Res.11-2705

Request to accept Ms. Deanna & Ms. Danielle Quale's offer to purchase 2026 Orchard Street (NSP property).

Resolved, that the request be approved.

Resolved, that the Mayor, City Clerk and Assistant Director of City Development be authorized to execute any necessary selling documents.

Fiscal Note: The City will receive \$58,500 in proceeds, minus closing costs.

Sponsors: Gregory Holding

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

Res.11-2706

Request for permission to use City parking lots in conjunction with the Racine Multihull Regatta on August 10-14, 2011.

Resolved, that permission to use City parking lots in conjunction with the Racine Multihull Regatta on August 10-14, 2011 be approved.

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

- A. A hold harmless agreement is executed;
- B. A liability insurance certificate is filed prior to the event;
- C. Any overtime costs incurred by any City department to assist with

- this project is charged to the sponsor;
- D. That access to the pathway for general public use is available at all times.
- E. A \$50.00 processing fee be paid.

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

Fiscal Note: \$150.00 in revenue. There will be nominal costs to various City departments on a regular shift basis to assist in implementing this event.

Sponsors: Terry McCarthy and Melissa Kaprelian-Becker

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

Council Action

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

AYES: 13 - Fair, Marcus, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Morgenroth and Hart

EXCUSED: 2 - Kaprelian-Becker and Mozol

H. Resolutions

[Res.11-2691](#)

Request from Pamela Bogan seeking a Conditional Use Permit for a candy store at 1132 S. Memorial Drive. (PC-11)

Resolved, that the request from Pamela Bogan for a Conditional User Permit for a candy store at 1132 S. Memorial Drive be approved subject to the following conditions:

- a. That the plans presented to the Plan Commission on July 27, 2011 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That all trash and recyclables be stored in closed containers and screened from view.
- d. That property and adjacent sidewalk shall be kept free of all trash and debris.

e. That the following shall be accomplished by the business owner prior to the issuance of an occupancy permit:

1) A trash can shall be provided for patrons at the exterior of the building, emptied and maintained by the business and/or building owner, and the design of which is to be presented to the Director of City Development for review and approval.

2) Obsolete signage shall be removed from the awning.

3) All proposed window signage designs shall be presented to the director of City Development for Review and approval.

4) Cautionary signs shall be installed on inside and out in the building urging patrons to be mindful of traffic and courteous to neighbors.

f. That the hours that the business is open to the public be Monday through Sunday, 8:00 a.m. to 8:00 p.m.

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: Aron Wisneski

Alderman Holding requested that item Res. 11-2691 be considered separately.

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

AYES: 11 - Fair, Marcus, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Morgenroth and Hart

NOES: 2 - Holding and Wisneski

EXCUSED: 2 - Kaprelian-Becker and Mozol

Res.11-2696

Street lighting concerns of residents in the 1900 block of Linden Avenue.

Resolved, that in accordance with Section 2-94 of the Municipal Code of the general ordinances of the City of Racine, the following street lighting changes be approved: Install one (1) 200-watt high-pressure sodium street light on an existing pole in the 1900 block of Linden

Avenue.

Fiscal Note: The estimated cost of this lighting is \$200.00 for installation and the annual operating cost is \$200.00.

Sponsors: Sandy Weidner

Alderman Holding requested that item Res. 11-2696 be considered separately.

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

AYES: 13 - Fair, Marcus, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Morgenroth and Hart

EXCUSED: 2 - Kaprelian-Becker and Mozol

Res.11-2704 Offer to purchase 1526 Washington Avenue.

Resolved, that the Common Council approve the sale of 1526 Washington Avenue to Mei H. Li and Yudong Zeng.

Fiscal Note: Purchase price \$111,000; cash offer, no financing contingency, buyer has provided proof of sufficient available funds. The Authority listed the building at \$120,000. The net sale, after broker's commission, will be approximately \$104,340. Proceeds will be applied to the expenses of the Uptown redevelopment, particularly funds advanced from Tax Incremental District No. 16.

Sponsors: Q.A. Shakoor, II

Alderman Holding requested that item Res. 11-2704 be considered separately.

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

AYES: 12 - Fair, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Morgenroth and Hart

NOES: 1 - Marcus

EXCUSED: 2 - Kaprelian-Becker and Mozol

I. Ordinances

Ord.7-11 Ordinance No. 7-11

To amend Article IV. - Operator's License by removing all references to provisional licenses, Code of the City of Racine, Wisconsin relating to Alcoholic Beverages.

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

Part 1:

Article IV of the Municipal Code of the city of Racine is hereby amended to read as follows:

“Article IV. - OPERATOR’S LICENSE

- Sec. 6-131. Operator's license required.
- Sec. 6-132. Sales authorized; fee.
- Sec. 6-133. Qualifications for operator's license.
- Sec. 6-135. Additional qualifications of operator's license.
- Sec. 6-136. Application.
- Sec. 6-137. Nonrenewal, suspension and revocation.
- Secs. 6-138--6-160. Reserved.

Sec. 6-131. Operator's license required.

There shall be upon the premises operated under a retail Class "A" or Class "B" fermented malt beverage license or "Class A" or "Class B" intoxicating liquor license, or temporary Class "B", or "Class C" wine license or "Class B" license at all times, the licensee or some person who shall have an operator's license under Wis. Stats. § 125.17, and who shall be responsible for the acts of all persons serving as waiters, or serving in any other manner, any fermented malt beverages or intoxicating liquor to customers. For the purpose of this section, any member of the licensee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person other than the licensee shall serve fermented malt beverages or intoxicating liquor in any place operated under a retail Class "A" or Class "B" fermented malt beverage license or "Class A" or "Class B" intoxicating liquor license, or "Class C" wine license, unless he shall possess on his person such operator's license unless he shall be under the immediate supervision of the licensee or a person holding an operator's license or who shall at the time of such service be upon such premises. The retail Class "A" or Class "B" fermented malt beverage licensee or "Class A" or "Class B" intoxicating liquor licensee, "Class C" wine licensee shall be responsible for the observance of this provision and shall be subject to the penalties provided for any violation thereof on the premises for which he holds the retail Class "A" or Class "B" fermented malt beverage license or "Class A" or "Class B" intoxicating liquor license, "Class C" wine license.

(Code 1973, § 24.11.010; Ord. No. 17-91, pt. 3, 5-21-91; Ord. No. 39-92, pt. 2, 1-19-93; Ord. No. 23-95, pt. 5, 10-3-95; Ord. No. 7-00, pt.

11, 5-17-00; Ord. No. 34-06, pt. 2, 9-19-06; Ord. No. 5-07, pt. 2, 3-20-07)

State law references: Operator's license, Class "A" or Class "B" licensed premises, Wis. Stats. § 125.32(2); operator's license, "Class A" or "Class B" premises, Wis. Stats. § 125.68.

Sec. 6-132. Sales authorized; fee.

(a) Operator's license. An operator's license shall authorize the holder to serve or purvey those alcohol beverages for which sale is authorized at the premises where the operator is employed. The licenses shall expire on the second June 30 following issuance. The fee for an operator's license will be prorated as follows:

12--24 months . . . \$ 75.00
9--12 months . . . 40.00
3 months or less . . . 75.00 for the
next licensing period
and the three months
would not be charged.

(Code 1973, § 22.01.040(e), (f); Ord. No. 17-91, pt. 1, 5-21-91; Ord. No. 39-92, pt. 1, 1-19-93; Ord. No. 2-93, pt. 3, 2-2-93; Ord. No. 8-93, pt. 2, 4-19-93; Ord. No. 23-04, pts. 1, 2, 8-17-04; Ord. No. 33-06, pt. 1, 9-5-06; Ord. No. 34-06, pt. 3, 9-19-06; Ord. No. 5-07, pt. 3, 3-20-07)

State law references: Operator's license, Wis. Stats. § 125.17.

Sec. 6-133. Qualifications for operator's license.

(a) An operator's license may be issued by the city clerk to a person who is at least 18 years of age, does not have an arrest or conviction record, subject to Wis. Stats. §§ 111.321, 111.322, 111.335 and 125.12(1)(b), and has successfully completed a responsible beverage server training course as provided in Wis. Stats. § 125.17(6), or is exempt thereunder. A person who is denied a license under this section may appeal in writing to the Public safety and Licensing Committee.

(b) The operator shall carry his operator's license on his person at all times during which the licensee is providing services under the operator's license.
(Code 1973, § 22.01.040(e); Ord. No. 17-91, pt. 1, 5-21-91; Ord. No. 39-92, pt. 1, 1-19-93; Ord. No. 2-93, pt. 3, 2-2-93; Ord. No. 8-93, pt. 2, 4-19-93; Ord. No. 23-95, pt. 6, 10-3-95; Ord. No. 20-97, pt. 1, 12-17-97; Ord. No. 46-04, pt. 1, 12-7-04)

State law references: Operator's license, Wis. Stats. § 125.17.

Sec. 6-135. Additional qualifications of operator's license.

Operator's licenses shall be granted only to persons who qualify for such licenses under the provisions of Wis. Stats. § 125.04(5).

(Code 1973, § 22.01.050; Ord. No. 8-93, pt. 3, 4-19-93)

State law references: Qualifications for operator's license, Wis. Stats. § 125.04(5)(d).

Sec. 6-136. Application.

Written application for an operator's license shall be filed with the city clerk upon forms provided by the city clerk. Such application shall contain the name, residence and age of the applicant. Such application shall further state such additional information as the city clerk shall require.

(Code 1973, § 22.01.100; Ord. No. 8-93, pt. 5, 4-19-93; Ord. No. 34-06, pt. 5, 9-19-06; Ord. No. 5-07, pt. 5, 3-20-07)

Sec. 6-137. Nonrenewal, suspension and revocation.

(a) Licenses issued under this article may not be renewed, or may be suspended or revoked, by the common council. An operator's license issued under this article may not be renewed, or may be suspended or revoked, by the common council as provided in Wis. Stats. § 125.12.

(b) When any license issued under this article is suspended or revoked, no refund of any unearned portion of the fee paid therefore shall be made. When a license is revoked under this section, the revocation shall be recorded by the city clerk and no other license issued under this article may be granted within 12 months of the date of revocation to the person whose license was revoked.

(Code 1973, § 22.01.130(a); Ord. No. 8-93, pt. 7, 4-19-93)

State law references: Revocation, suspension, refusal to issue or renew, Wis. Stats. § 125.12.

Secs. 6-138--6-160. Reserved."

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Sponsors: Aron Wisneski

Referred to Public Safety and Licensing Committee

J. Adjourn

The meeting was adjourned at 9:25 P.M. by Alderman Shakoor. The next scheduled meeting of the Council is September 6th, 2011.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK