



# City of Racine

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

## Meeting Agenda - Final Common Council

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

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Tuesday, November 1, 2016

7:00 PM

City Hall, Room 205

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### A. Call To Order

### B. Pledge of Allegiance To The Flag

### C. Approval of Journal of Council Proceedings (Minutes) October 18, 2016

### D. Public Comments

### E. Communications

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

[0872-16](#)

**Subject:** Communication from the Assistant Finance Director requesting to appear before the Committee to give the 3rd Quarter 2016 financial update.

[0885-16](#)

**Subject:** Communication from the City Attorney submitting the claim of Cheryl Christensen for consideration.

[0894-16](#)

**Subject:** Communication from the City Attorney submitting the claim of Shirley Paige for consideration.

[0914-16](#)

**Subject:** Communication from the City Attorney submitting a request to

rescind Resolution 13-0369 dated September 17, 2013.

[0919-16](#)      **Subject:** 2017 Downtown Business Improvement District Operating Budget.

[0920-16](#)      **Subject:** 2017 Uptown Business Improvement District Operating Budget.

[0921-16](#)      **Subject:** 2017 Douglas Avenue Business Improvement District Operating Budget

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

[0918-16](#)      **Subject:** Communication from the Alderman of the 9th District requesting a preliminary resolution on the north section of the (EW) alley bounded by Washington Avenue to Wright Avenue; West Boulevard to Deane Boulevard for a 2017 public hearing.

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

[0912-16](#)      **Subject:** Application of Dynasty Co. Inc., Noberto Rapeta, Agent, for a **Change of Agent** for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2427 Lathrop Ave. (11th District).

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

[0891-16](#)      **Subject:** Communication from the Alderman of the 12th District requesting a parking restriction on Ohio Street at the southeast corner with Ridgeway Avenue.

[0913-16](#)      **Subject:** Communication from the Alderwoman of the 6th District, on behalf of Janet Mrazek (2520 West High Street), requesting a No Parking area near the West High Street roundabout area.

## **F. Committee Reports**

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

[0866-16](#)      **Subject:** Communication from the Human Resources Manager and the City Attorney submitting the Racine Professional Employees Association 2017 collective bargaining agreement for consideration. (Res No. 0366-16)

**Recommendation of the Finance & Personnel Committee on  
10/24/16: The Racine Professional Employees Association 2017**

collective bargaining agreement be approved as submitted.

**Fiscal Note:** Approximately \$15,850 expenditure increase over 2016 as included in the proposed City of Racine 2017 Budget.

[0874-16](#)

**Subject:** Communication from the Public Health Administrator requesting permission to enter into a Contract Agreement and accept funding in the amount of \$84,109 from the Department of Health Services for Bioterrorism Focus A Planning and Cities Readiness Initiative. (Grant Control #s: BIOT-00110 & CRI-00111) (Res No. 0363-16)

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

**10/24/16:** Permission be granted for the Mayor and City Clerk to enter into a Contract Agreement and to accept funding in the amount of \$84,109 from the Department of Health Services, Division of Public Health for two of the Local Public Health Departments Performance Consolidated Programs. This covers allocations of \$59,754 for Bio Terrorism A Planning and \$24,355 for Cities Readiness Initiative. The funds will be used for the continuation of programs.

**Fiscal Note:** There is no City match required. The grant control numbers are BIOT - #00110 & CRI - #00111.

[0875-16](#)

**Subject:** Communication from the Public Health Administrator requesting permission to sign a Contract Agreement with the Wisconsin Department of Agriculture, Trade, and Consumer Protection, authorizing the City of Racine Health Department to administer the retail food and recreational establishment program. (Res No. 0364-16)

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

**10/24/16:** Permission be granted for the Mayor and City Clerk to sign a contract agreement with the Wisconsin Department of Agriculture, Trade, and Consumer Protection authorizing the City of Racine Health Department to continue to act as an Agent as authorized by Section 97.41 and 97.615 and Wis. Admin. Code ch. ATCP 74 of the Wisconsin State statutes. This agreement would authorize the City to continue administering the retail food and recreational establishment program.

**Fiscal Note:** There is no City match required.

[0876-16](#)

**Subject:** Communication from the Public Health Administrator requesting permission to accept funds in the amount of \$5,000 from the Department of Health Services for the Racine County Medical Reserve Corps Unit. The funds will be used to prepare for emergency and non-emergency response. (Res No. 0365-16)

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

**10/24/16:** Permission be granted for the Mayor and City Clerk to accept funds in the amount of \$5,000 from the Department of Health Services for the Racine County Medical Reserve Corps Unit via the Public Health Emergency Preparedness Program funds from the Centers for Disease Control and Prevention Cooperative Agreement. The funds will be used to assist the Unit to recruit, train and deploy Health Professional volunteers for emergency and non-emergency response. The contract period is July 1, 2016 through June 30, 2017.

**Fiscal Note:** There is no City match required.

[0877-16](#)

**Subject:** Communication from the Director of City Development requesting permission to apply for a 2017 Subgrant from the Wisconsin Historical Society for a Citywide Preservation Plan. (Res No. 0360-16)

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

**10/24/16:** Permission be granted to the Director of City Development to apply for a 2017 Subgrant from the Wisconsin Historical Society to prepare a Citywide Preservation Plan. (Grant Control #00113)

**Fiscal Note:** There is no local match required for this grant.

[0878-16](#)

**Subject:** Communication from the Director of City Development requesting permission to apply for a 2017 Subgrant from the Wisconsin Historical Society to prepare National Register Nominations for up to four properties in the vicinity of the Orchard Street Historic District. (Res No. 0361-16)

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

**10/24/16:** Permission be granted to the Director of City Development to apply for a 2017 Subgrant from the Wisconsin Historical Society to prepare National Register Nominations for up to four properties in the vicinity of the Orchard Street Historic District. (Grant Control #00112)

**Fiscal Note:** There is no local match required for this grant.

[0879-16](#)

**Subject:** Communication from the Public Health Administrator requesting permission to enter into a grant agreement and accept funding from Wisconsin Coastal Management Program (WCMP) in the amount of \$35,025 for the Samuel Myers Park restoration project. (Res No. 0362-16)

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

**10/24/16:** Permission be granted for the Mayor and City Clerk to enter into a grant agreement (AD169127-017.32) and accept funding from the Wisconsin Coastal Management Program (WCMP) in the amount of \$35,025. The funds will be used for installation of the remaining section of core walk trail and completion of dune restoration (by planting

~23,000 native dune grasses for stabilization, habitat creation and aesthetic value) at Samuel Myers Park. The contract period is July 1, 2016 - June 30, 2017

**Fiscal Note:** There is a City (soft) match required of \$56,067. (Grant Control #00070)

[0886-16](#)

**Subject:** Communication from the Finance Director requesting to have Bradley Viegut from Robert W. Baird & Co. appear before the Finance and Personnel Committee at their next scheduled meeting on Monday, October 24, 2016 to discuss refunding the City's 2016 Note Anticipation Notes and other prior issues.

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

**10/24/16:** The refunding plan for the City's 2016 Capital Projects and other previous issues be approved as presented with an award resolution to be presented at the November 15, 2016 Common Council Meeting.

**Fiscal Note:** This refunding provides the long term bonding for the City's 2016 Capital Projects and provides an estimated present value saving of \$198,786 on refunded portions of 2006, 2007, 2008 and 2011 long term debt.

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

[0863-16](#)

**Subject:** Communication from Thomas Rudey, Arthritis Foundation-Midwest Region, requesting the use of City right-of-way for the 20th Annual Jingle Bell Run For Arthritis from 6:00 A.M. to 12:00 Noon on December 3, 2016. (Res No. 0367-16)

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

**10-25-16:** Permission be granted to the Arthritis Foundation-Midwest Region to close Pershing Park Drive from 6th Street to 11th Street and 6th Street from Lake Avenue to Pershing Drive for the 20th Annual Jingle Bell Run For Arthritis on December 3, 2016 from 6:00 A.M. to 12 Noon with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 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 \$300.00 special event fee.
- F. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and

providing and removing all temporary traffic control devices and detour signs.

G. If required, sponsor shall provide a detour plan for the closure of all State connecting Highways, arterial and collector streets to the City Engineer for approval.

H. If required, sponsor is responsible for cleaning the streets.

I. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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 the various City departments, on a regular shift basis, to assist in implementing this event.

[0869-16](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/Operations wishing to amend Municipal Code Section 82-32, Depositing Rubbish.

**Recommendation of the Public Works and Services Committee on 10-25-16:** Approve and recommend the City Attorney draft an ordinance to amend Section 82-32 of the Municipal Code, Depositing Rubbish, to change the period during which leaves may be placed along the curblin from September 15 through November 30, to October 1 through November 30.

**Fiscal Note:** N/A

[0889-16](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting the 2016 Pavement Management System Summary Report.

**Recommendation of the Public Works and Services Committee on 10-25-16:** Receive and file.

**Fiscal Note:** N/A

[0890-16](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting the 2016 Sanitary and Storm Sewer Assessment Management Report.

**Recommendation of the Public Works and Services Committee on 10-25-16:** Receive and file.

**Fiscal Note:** N/A

[0910-16](#)

**Subject:** (Direct Referral) Communication from the Downtown Racine Corporation requesting to use City right-of-way for the annual Holiday Parade on Saturday, November 12, 2016. (Res No. 0368-16)

**Recommendation of the Public Works and Services Committee on 10-25-16:** That permission be granted to the Downtown Racine Corporation to close Ontario Street, State Street between Ontario Street and Main Street, Main Street between State Street and Sixth Street, Sixth Street between Main Street and City Hall, on Saturday, November 12, 2016, for the Holiday Parade with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 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 \$750.00 special event fee.
- F. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.
- G. If required, sponsor shall provide a detour plan for the closure of all State connecting highways, arterial and collector streets to the City Engineer for approval.
- H. If required, sponsor is responsible for cleaning the streets.
- I. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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 the various City departments, on a regular shift basis, to assist in implementing this event.

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

[0852-16](#)

**Subject:** Application of Blazin Wings Inc., Michael T. Nape, Agent, for a **Change of Agent** for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 5880 Durand Ave. (14th District)

**Recommendation of the Public Safety and Licensing Committee on 10-25-16:** That the Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 5880 Durand Ave Blazin Wings Inc., Michael T. Nape, Agent be approved.

**Fiscal Note:** N/A

[0868-16](#)

**Subject:(Direct Referral)** Communication from the Public Safety and Licensing Committee requesting the appearance of Sunshine Supermarket, Candace Ali, Agent, located at 1559 Taylor Avenue to discuss recent incidents at their establishment. (Res No. 0369-16)

**Recommendation of the Public Safety and Licensing Committee on 10-25-16:** That the matter of Sunshine Supermarket, 1559 Taylor Avenue be referred to a due process hearing for determination on whether the license should be revoked or suspended.

**Fiscal Note:** The approximate cost of the due process hearing is \$8,000.

[0873-16](#)

**Subject:** Application of Easy Street 101 LLC dba Wharf 209, Keith Randolph, Agent, for a **Change of Agent** for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License at 209 Dodge Street. (4th District)

**Recommendation of the Public Safety and Licensing Committee on 10-25-16:** That the Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License at 209 Dodge Street, Keith Randolph, Agent, be approved.

**Fiscal Note:** N/A

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

[0908-16](#)

**Subject:** (Direct Referral) An Application from Darryl Sturino of Sturino Funeral Home, 3014 Northwestern Avenue, seeking a major amendment to a conditional use permit to construct an accessory structure (garage) to house property maintenance equipment. (PC-16) (Res No. 0370-16)

**Recommendation of the City Plan Commission on 10-26-16:** That the request be approved subject to conditions.

**Fiscal Note:** N/A

[0909-16](#)

**Subject:** (Direct Referral) A application from Jeff Gustin, Agent for Veteran's Outreach of Wisconsin, seeking a rezoning and a conditional use permit to operate a Transitional Living Facility at 1624 Yout Street. (PC-16) (ZOrd. 005-16)



**Recommendation of the City Plan Commission on 10-26-16:** That an ordinance be prepared and public hearing scheduled before the Common Council.

Further, that a Use Supplement and conditions of approval for the Conditional Use Permit be prepared.

**Fiscal Note:** N/A

## G. Consent Resolutions

[Res.0360-16](#) 2017 Subgrant for Citywide Preservation Plan

Resolved, that permission is granted to the Director of City Development to apply for a 2017 Subgrant from the Wisconsin Historical Society to prepare a Citywide Preservation Plan.

Fiscal Note: There is no local match required for this grant. (Grant Control #00113)

Sponsors: Q.A. Shakoor II

[Res.0361-16](#) 2017 Subgrant to Prepare National Register Nominations in the Vicinity of Orchard Street Historic District

Resolved, that permission is granted to the Director of City Development to apply for a 2017 Subgrant from the Wisconsin Historical Society to prepare National Register Nominations for up to four properties in the vicinity of the Orchard Street Historic District.

Fiscal Note: There is no local match required for this grant. (Grant Control #00112)

Sponsors: Q.A. Shakoor II

[Res.0362-16](#) Funding for Samuel Myers Park Restoration Project

Resolved, that permission is granted for the Mayor and City Clerk to enter into a grant agreement (AD169127-017.32) and accept funding from the Wisconsin Coastal Management Program (WCMP) in the amount of \$35,025.00. The funds will be used for installation of the remaining section of core walk trail and completion of dune restoration (by planting ~23,000 native dune grasses for stabilization, habitat creation and aesthetic value) at Samuel Myers Park. The contract period is July 1, 2016 - June 30, 2017.

Fiscal Note: There is a City (soft) match required of \$56,067.00. (Grant Control #00070)

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

**Res.0363-16** Funding for Bioterrorism Focus A Planning and Cities Readiness Initiative

Resolved, that permission is granted for the Mayor and City Clerk to enter into a Contract Agreement and to accept funding in the amount of \$84,109.00 from the Department of Health Services, Division of Public Health for two of the Local Public Health Departments Performance Consolidated Programs. This covers allocations of \$59,754.00 for Bio Terrorism A Planning and \$24,355.00 for Cities Readiness Initiative. The funds will be used for the continuation of programs.

**Fiscal Note:** There is no City match required. (Grant Control #s: BIOT-00110 & CRI-00111)

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

**Res.0364-16** Retail Food and Recreational Establishment Program

Resolved, that permission is granted for the Mayor and City Clerk to sign a contract agreement with the Wisconsin Department of Agriculture, Trade, and Consumer Protection authorizing the City of Racine Health Department to continue to act as an Agent as authorized by Sections 97.41 and 97.615 and Wis. Admin. Code Ch. ATCP 74 of the Wisconsin State statutes. This agreement would authorize the City to continue administering the retail food and recreational establishment program.

**Fiscal Note:** There is no City match required.

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

**Res.0365-16** Racine County Medical Reserve Corps Unit Funds

Resolved, that permission is granted for the Mayor and City Clerk to accept funds in the amount of \$5,000.00 from the Department of Health Services for the Racine County Medical Reserve Corps Unit via the Public Health Emergency Preparedness Program funds from the Centers for Disease Control and Prevention Cooperative Agreement. The funds will be used to assist the Unit to recruit, train and deploy Health Professional volunteers for emergency and non-emergency response. The contract period is July 1, 2016 through June 30, 2017.

**Fiscal Note:** There is no City match required.

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

**Res.0366-16** Racine Professional Employees Association 2017 Collective Bargaining

## Agreement

Resolved, that the Racine Professional Employees Association 2017 collective bargaining agreement is approved as submitted.

Fiscal Note: Approximately \$15,850.00 expenditure increase over 2016 as included in the proposed City of Racine 2017 Budget.

Sponsors:

Q.A. Shakoor II

[Res.0367-16](#)

20th Annual Jingle Bell Run For Arthritis

Resolved, that permission is granted to the Arthritis Foundation-Midwest Region to close Pershing Park Drive from 6th Street to 11th Street and 6th Street from Lake Avenue to Pershing Drive for the 20th Annual Jingle Bell Run For Arthritis on December 3, 2016 from 6:00 a.m. to 12 noon with the following stipulations:

A. A hold harmless agreement be executed and a \$75.00 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 72 hours in advance of this event.

E. The sponsor shall pay a \$300.00 special event fee.

F. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.

G. If required, sponsor shall provide a detour plan for the closure of all State connecting Highways, arterial and collector streets to the City Engineer for approval.

H. If required, sponsor is responsible for cleaning the streets.

I. If required, sponsor shall install parking meter hoods or temporary parking signs at least 24 hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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 the various City departments, on a regular shift basis, to assist in implementing this event.

Sponsors:

Terry McCarthy

[Res.0368-16](#)

2016 Holiday Parade

Resolved, that permission is granted to the Downtown Racine Corporation to close Ontario Street, State Street between Ontario Street and Main Street, Main Street between State Street and Sixth Street, Sixth Street between Main Street and City Hall, on Saturday, November 12, 2016, for the Holiday Parade with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 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 72 hours in advance of this event.
- E. The sponsor shall pay a \$750.00 special event fee.
- F. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.
- G. If required, sponsor shall provide a detour plan for the closure of all State connecting highways, arterial and collector streets to the City Engineer for approval.
- H. If required, sponsor is responsible for cleaning the streets.
- I. If required, sponsor shall install parking meter hoods or temporary parking signs at least 24 hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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 the various City departments,

on a regular shift basis, to assist in implementing this event.

**Sponsors:** Terry McCarthy

**Res.0369-16** Incidents at Sunshine Supermarket

Resolved, that the matter of Sunshine Supermarket, 1559 Taylor Avenue is referred to a due process hearing for determination on whether its licenses should be revoked or suspended.

**Fiscal Note:** The approximate cost of the due process hearing is \$8,000.

**Sponsors:** Jeff Coe

**Res.0370-16** Amendment to Conditional Use Permit at 3014 Northwestern Avenue

Resolved, that the plans from Darryl Sturino of Sturino Funeral Home, 3014 Northwestern Avenue, seeking a major amendment to a conditional use permit to construct an accessory structure (garage) to house property maintenance equipment and vehicle storage is approved, subject to the following conditions:

- a. That plans presented to the Plan Commission at the October 26, 2016 meeting are approved subject to the conditions contained herein.
- b. That all codes and ordinances be complied with and required permits acquired, unless otherwise excepted herein.
- c. That given the site conditions unique to the location and positioning of the proposed enclosure of the accessory structure strict enforcement of the masonry standard (30%) is not essential to meet the spirit and intent of the zoning ordinance.
- d. That revised drawings illustrating a 36 to 40 inch masonry wainscoting on the east and south facades of the building, and a sample of the masonry material, be submitted to the Director of City Development for review and approval prior to the issuance of a building permit.
- e. That the proposed vinyl siding is consistent in material and color with the existing main building which predates the adoption of the masonry design standard, and that a sample of the siding material be submitted to the Director of City Development for review and approval prior to the issuance of a building permit.
- f. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.
- g. That no minor changes be made from the conditions of this permit

without the approval of the Director of City development, and no major changes shall be made from the conditions of the permit without the approval of the Plan Commission.

Fiscal Note: N/A

Sponsors: Dennis Wiser

## H. Consent Agenda

## I. Ordinances

### Refer to Public Works

[Ord.0008-16](#) Ordinance 08-16

To repeal, recreate and revise sections of Chapter 98 - Utilities, Article IV. - Wastewater System of the Municipal Code of the City of Racine, Wisconsin.

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

Part 1: In subsection (m) of Sec. 98-151. - General sewer use requirements of the Municipal Code of the City of Racine, Wisconsin, repeal the sentences that reads "The general manager may require any user to develop, submit for approval, and implement such a plan." and recreate it as follows:

"The general manager may require any user to develop, submit for approval, and implement the slug discharge control plan approved by the city on (date)."

Part 2: In subsection (m) of Sec. 98-151. - General sewer use requirements of the Municipal Code of the City of Racine, Wisconsin, add section (5) as follows:

"(5) The slug discharge control plan must use the following approved format:

#### **INDUSTRIAL USER (IU) SPILL/SLUG CONTROL PLAN**

- GENERAL INFORMATION: Name and Address, Contact Person, Discharge Practices, facility layout, Security Provisions and Employee Training (section 1)
- MATERIAL INVENTORY: Types, volumes, containers, etc. (section

2)

- SPILL/SLUG REPORTING: Description of procedures for notifying POTW (section 3)
- SPILL AND LEAK PREVENTION: Procedures to prevent spills, maintain chemical storage, transfer materials, site run-off and training. (section 4)
- EMERGENCY RESPONSE EQUIPMENT AND PROCEDURES: Inventory and location of equipment; and procedures (section 5)
- DAMAGE CONTROL: Limiting damage to the environment and the wastewater treatment plant. (section 6)
- TRAINING: Providing employee training. (section 7)
- CERTIFICATION: A certification that the Plan is being implemented to prevent and control slugs and spills. (section 8)

SECTION 1: GENERAL INFORMATION

A. Slug/Spill Control Plans must include enough information to allow the

Utility to:

- 1) categorize and restrict the industry’s potential for a slug discharge; and
- 2) respond promptly and efficiently in an emergency.
  - a) Name  
Address  
Industry description  
Contact person  
Location of Slug/spill plan
  - b) Previous spills and actions taken
  - c) General layout of the facility indicating location of chemicals, chemical storage, drains, loading and unloading areas, and pretreatment facilities.
  - d) Discharge practices, continuous, occasional, no-discharge, drains with plugs

SECTION 2: MATERIALS INVENTORY

A. The facility should provide data on all materials of concern used and stored on site. This may include those materials for which the Utility has established local limits. This information is useful in determining the origin of a slug or spill, potential hazards and appropriate response procedures. A chart format works well:

<u>Chemical</u>	<u>Location</u>	<u>Volume present in facility</u>	<u>Type of</u>
<u>container</u>	<u>Transfer areas and practices</u>	<u>Remarks</u>	

- 1) Materials - Both chemical and trade names should be listed (OSHA SDSs may be used).
- 2) Location - This will assist personnel in locating areas affected by a spill.
- 3) Container Volume - Useful in determining the potential impact of a slug/spill.
- 4) Container Description - The type of container (e.g. steel drum, fiberglass tank, etc.) and the presence of any valves, pumps, transfer pipes, etc.
- 5) Transfer/Transport Areas - To assess spill potential, possible effects on the treatment plant.
- 6) Additional Remarks - Information on the physical, chemical, and toxicological effects of each material, and special precautions to prevent contact between incompatible materials.

B. Each facility must demonstrate that the following aspects have been considered:

- 1) construction of the container;
- 2) other materials in the immediate vicinity; and
- 3) surrounding environment

### SECTION 3: SPILL REPORTING

A. Reporting and documenting spills and slug discharges should be described.

- 1) Time, date, and cause of the incident;
- 2) impact of the spill on the treatment plant and the environment;
- 3) extent of injury and/or damage; and
- 4) how future incidents can be avoided.
- 5) A description of clean-up and disposal procedures must be included where applicable. Reports should address the following questions regarding plan adequacy:
  - a) Was the safety of personnel and the surrounding community ensured throughout the incident?
  - b) Were personnel working near the spill provided with access to protective equipment?
  - c) Was the spill confined quickly?
  - d) Was fire extinguishing equipment adequate and readily available?
  - e) Did secondary containment structures remain intact? Were they properly sized?
  - f) Were appropriate authorities immediately notified of the incident?



- B. Recommendations for improvement in spill response should be included.

The investigation report should be available to the Utility, fire, and insurance firms (if applicable) to assist these agencies in their investigations. Copies of forms used for reporting and a list of appropriate response agencies and phone numbers should be included in the Plan.

#### SECTION 4: SPILL AND LEAK PREVENTION

This subsection is divided into a discussion of equipment and procedures. Information that a Slug Control Plan could contain are listed here.

A. Existing and Proposed Spill Prevention and Containment Equipment

- 1) This section should identify all existing equipment and systems that are in place.
- 2) If equipment needs to be purchased, the expected purchase dates should be provided.

B. Equipment to Prevent or Detect Spills

- 1) Chemical storage, process tanks, holding tanks, use compatible materials in construction; underground seepage protection; cathodic protection; level sensing devices; overflow, temperature, pressure alarms; heating coils; collision protection; secondary containment; diversionary structures.
- 2) Drums: drum construction; storage areas; secondary containment; diversionary structures; collision protection; drum handling equipment; drip pans
- 3) Pipes, Valves, Fittings, Pumps, Electrical and Mechanical Equipment: seals; valve stem packing; gaskets; cathodic protection; vehicular traffic warning signs
- 4) Loading Stations: fill safeguards; curbs and drains; warning signs/improper disconnect protection; secondary containment
- 5) Alarm Systems: to detect unauthorized discharge flows, pH excursions, etc.

C. Equipment to Contain Spills

- 1) Booms, barriers, sweeps, and fenders; surface collecting agents; absorbent materials; skimmers, oil/water separators; sumps; sewer plugs.

- 2) Address secondary containment system. A facility which has spill potential should provide secondary containment systems wherever possible.
- a) Diking is the most effective secondary containment for bulk chemical storage. Dikes can be constructed from concrete, cinder blocks, or earth. They should contain 110% of the largest tank capacity, or water from a maximum 24 hour/ten year rainfall event, whichever is greater. Design of the dike should include the containment of a spraying leak from the side of the tank or baffles could be installed on top of the dike to deflect spray and cause it to drop into the containment area.
- b) Diversion of flow of spilled material away from its naturally expected path can also be an effective means of secondary containment. Diversionary structures consist of curbs, sumps or gutters which divert spilled material to the collection tank.

D. Procedures

- 1) Many operation and maintenance procedures are common-sense and should be included in the Plan. Good housekeeping includes chemical storage and prompt spill cleanup to prevent reaching the sewage system. Preventive maintenance includes periodic inspections and equipment testing, adjustment, repair, or parts replacement. A security system to prevent facility site entry would reduce the risk of illegal activities that could cause a slug or spill.
- 2) Examples of operating and maintenance procedures are listed below:
  - a) Inspect chemical storage vessels, and process vessels and fittings (pumps, valves, piping): Appropriate materials of construction are to be used that are compatible with chemicals being processed. Inspections and monitoring frequencies should be listed.
  - b) Inspect foundations and supports of large tanks, vessels, and piping:
  - c) Above-ground vessels should be protected with truck guards. Underground vessels and pipes should be protected from physical and corrosion damage.
  - d) Liquid level control devices placed on open tanks, use grounding apparatus (where necessary): Overflow, temperature and pressure alarms should be installed.
  - e) Use proper drum handling equipment: No scooping drums with forks of a fork truck. Use pallets. Oil dispensing racks should be provided with drip pans.
  - f) Secure loading/unloading pump station controls: Warning signs or crossing gates should be used to prevent trucks from driving away while the loading hose is connected.
  - g) Eliminate all unnecessary cross connections: Unnecessary floor drains should be plugged, especially in high-risk areas.
  - h) Utilize automatic storm water and/or sewer sampling systems to

monitor for spills: Systems can have automatic shut-off devices to prohibit discharge.

## SECTION 5: EMERGENCY RESPONSE EQUIPMENT AND PROCEDURES

Information in this section of the Plan includes an inventory of available emergency response equipment and a description of emergency response procedures.

### A. Equipment

- 1) Communication equipment and alarms: Phone, intercom, radio, alarm, etc.
- 2) Spill containment and control equipment and tools: Absorbent materials and dry chemicals.
- 3) Spilled material storage containers: Spills must be contained and removed as soon as possible to prevent spreading into other areas.
- 4) Protective clothing and respirators (if needed):
  - flameproof protective clothing
  - rubber gloves
  - apron
  - goggles/face mask
  - hard hat
  - self-contained breathing apparatus
- 5) First aid kits: Immediately available for use if necessary. State the location of first aid kits.
- 6) Ventilation equipment: Tests should be made for explosive atmosphere, toxic gases and oxygen deficiency. Ventilate area if needed.
- 7) Decontamination equipment: Appropriate protective clothing and monitoring equipment should be used for radioactive material.
- 8) Fire extinguishing systems: Locations should be posted throughout the plant.

### B. Procedures

Spill plans should contain a spill response description. Procedures should minimize danger to human health and to assist in containment and cleanup of a spill.

- 1) Notification of proper facility personnel: The proper qualified person should respond to a spill. This person(s) should be familiar with the Plan and have the authority to initiate emergency response procedures. Signs indicating this contact and their phone number should be posted.

- 2) Evacuation procedures: An evacuation plan should be posted. The plan should contain: (1) a map of evacuation routes, (2) a map of alternative evacuation routes, and (3) a description of signals used to begin and conduct an evacuation.
- 3) Notification of response agencies and contractors: A list of spill response agencies and phone numbers should be posted. In the event of a spill, the appropriate response agency should be notified immediately.
- 4) Spill assessment and response procedures: Those designated to carry out spill response procedures should assess the spill. The origin of the spill and the impact should be assessed. Spill response procedures that should be included in the plan:
  - a) Notification of facility personnel by activating the communication and/or alarm system
  - b) Begin evacuation procedures if necessary
  - c) Notification of appropriate local, state, and federal agencies
  - d) Stop the flow by shutting off pumps or closing valves
  - e) Prevent contact between incompatible materials
  - f) Commence clean-up activities
  - g) Submit necessary reports
- 5) Procedures for clean-up, treatment, and/or disposal of spilled materials: Spilled material should be treated or disposed of to eliminate health and safety hazards. Information pertaining to treatment and disposal methods used by the facility should be included in the Plan. If outside contractors and/or consultants are utilized in clean-up, treatment, or disposal, the plan should include the company name, contact person and phone number.

These procedures should be consistent with the ones established in the facility's OSHA Emergency Action Plan, as required by 29 CFR §1910.38

#### SECTION 6: DAMAGE CONTROL

Information in this section of the plan should describe how the facility plan will limit damage to the environment and the wastewater treatment plant.

#### SECTION 7: TRAINING PROGRAM

- A. The Plan should contain an outline of the training program given to employees. Specialized training should also be provided to each employee or group of employees that handle potentially dangerous chemicals.
- B. Periodic training sessions should be conducted to assure understanding of the Plan.

New employees should be trained immediately upon employment.

- 1) Employees should also be notified and retrained with any Plan changes.
- 2) Training records should be maintained and kept three years from the date the employee last worked at the facility.
- 3) Periodic drills should be set up. The purpose and frequency of drills should be indicated in the Plan.

#### SECTION 8: CERTIFICATION

based on my inquiry of the person or persons directly responsible for managing compliance with the slug/spill control measures in the slug/spill plan, i certify that, to the best of my knowledge and belief, this facility is implementing the slug control plan submitted to the racine wastewater utility.

Name \_\_\_\_\_ date \_\_\_\_\_

Title of Authorized Representative \_\_\_\_\_

Part 3: In subsection (b) Definitions of Sec. 98-150. - Pretreatment regulations - General provisions, of the Municipal Code of the City of Racine, Wisconsin repeal and recreate the definition of “*Non-Significant categorical*” industrial user (NSCIU)” as follows:

“*Non-Significant Categorical Industrial User* (NSCIU) means a user that meets all of the following conditions:

The industrial user never discharges more than 100 gallons per day of total categorical wastewater, excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard.

- (1) The industrial user has consistently complied with all applicable categorical pretreatment standards and requirements.
- (2) The industrial user never discharges any untreated concentrated wastewater.
- (3) The industrial user annually submits a certification statement that complies with section 98-153 (a)(7) of this ordinance.”

Part 4: In subsection (b) Definitions of Sec. 98-150. - Pretreatment regulations - General provisions, of the Municipal Code of the City of Racine, Wisconsin recreate the definition of “*Significant industrial contributor*” as follows:

“*Significant industrial user* means any source to the sanitary or combined sewer system which meets one or more of the following

conditions:

- (1) An industrial user that is subject to categorical pretreatment standards, unless it meets the definition of a non-significant categorical industrial user in the subsection; or
- (2) An industrial user that discharges an average of 25,000 gpd or more of process wastewater; or
- (3) An industrial user that discharges incompatible pollutants at a flow rate greater than five percent of the flow carried by the municipal system; or
- (4) An industrial user that has a discharge with reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (5) Upon a finding that an industrial user meeting the criteria here: subsections (2), (3) and/or (4), has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the general manager may, with the consent of the wastewater commission, at any time, on its own initiative or in response to a petition received from an industrial user determine that such user should not be considered a significant industrial user.
- (6) Any user meeting the definition of a non-significant categorical industrial user (NSCIU), and so designated by the general manager, will not be subject to wastewater discharge permit requirements, but must certify annually to the utility that the user still meets the definition of a NSCIU and meets compliance requirements with applicable pretreatment standards, after having met Baseline Monitoring Report requirements. If the general manager determines that an existing NSCIU no longer meets the definition of a NSCIU or requirements to be in consistent compliance with pretreatment standards, then the user shall be classified as a SIU."

Part 5: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Fiscal Note: N/A

Sponsors: Terry McCarthy

## Refer to Public Works

Ord.0009-16 Ordinance 09-16

To amend Chapter 98 - Utilities, Article III. - Water Utility, Division 1, Generally, of the Municipal Code of the City of Racine, Wisconsin.

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

Part 1: Amend Chapter 98 - Utilities, Article III. - Water Utility, Division 1, Generally, of the Municipal Code of the City of Racine, Wisconsin by adding the following section:

**“Sec. 98-64. - Replacement of Privately Owned Lead Service Lines.**

(a) There are water mains buried underneath the streets and public rights of way in the city. Properties receive water from a water main via two service lines. One service line runs from the water main to a stop valve located either in the grass parkway, sidewalk or driveway of a property. That service line is owned by the water utility and is referred to as the “Utility’s Service Line”. Another service line extends from that stop valve to the water meter assembly in the basement of the home or other structure located on the property. That service line is owned by the private property owner and is referred to as the “Private Service Line”.

(b) At the time of adoption of this ordinance, there are approximately 9,000 properties in the city where both the Utility’s Service Line and the Private Service Line are made of lead. Additionally, there are properties in the City where the Utility’s Service Line is made of lead and the Private Service Line is made of copper, cast iron or galvanized iron. Lead Private Service Lines and iron Private Service Lines that are connected to lead Public Service Lines are collectively referred to herein as the “Eligible Private Service Lines”.

(c) There are two types of public works projects normally performed by the Racine Water Utility (collectively the “Public Works Projects”) that include work performed on behalf of the water utility, as funds are available, to replace the Utility’s Service Lines that are made of lead in the city. One project involves the replacement of a water main under a street. In that type of project, in addition to replacing the water main, the water utility also removes the Utility’s Service Lines made of lead in the area of the project and replaces those lines with copper tubing or pipe (“copper pipe”). The other project type involves a road replacement where the condition of the water main is such that it does not need to be replaced. In that type of project, the water utility only replaces the Utility’s Service Line made of lead with copper pipe.

(d) The Private Service Lines are on private property. Accordingly, the replacement of Private Service Lines are the responsibility of the private property owners and not the Utility. The Wisconsin Public Service Commission (PSC) does not recognize Private Service Lines as the property or responsibility of the water utility in its rules and regulations and does not permit the water utility to apply the money it collects from

its water service rates to pay for the replacement of any private service lines.

(e) It is expected that from time to time the Wisconsin Department of Natural Resources ("WDNR"), United States Environmental Protection Agency ("USEPA") or United States Congress will make funds available to the water utility or the City ("Outside Funds") that are earmarked to fund the replacement of Eligible Private Service Lines with copper pipe. Any Outside Funds that are made available to the water utility may be required to be expended during the year in which the funds were made available. The City may also be allowed to utilize Community Development Block Grants (CDBG) funds for the funding of Eligible Private Service Lines.

(f) The USEPA and WDNR have indicated to the water utility that the removal of only a portion of a lead service line serving a property and replacement thereof with copper pipe may negatively impact a property owner's water quality and could increase the amount of lead in the homeowner's water for a period of time. Accordingly, the USEPA and WDNR had expressed a preference that partial lead service line replacement projects be minimized and whenever possible all lead service lines connected to a property be replaced to enhance the safety of the water that is delivered to the property.

(g) During each year that Outside Funds are made available to the water utility, the water utility shall make the determination to use those funds in the following order of priority until the funds are expended:

(1) Priority One Projects: To fund the replacement of Eligible Private Service Lines in connection with Public Works Projects (i.e. total lead service line replacements). If sufficient funds are not available to replace all Eligible Private Service Lines in a given funding cycle, the Water Works Commission shall develop a priority list for use in determining the Eligible Private Service Lines that will be replaced.

(2) Priority Two Projects: If there are Outside Funds remaining after funding the Priority One Projects, then the Outside Funds may be used to fund the replacement of Private Service Lines that are made of lead or iron, where:

a. A lead Utility Service Line serving a property was previously replaced with a copper pipe, or

b. The water utility decides to replace a lead Utility Service Line serving a property with copper pipe if the replacement is not part of the work included in a Public Works Project.

i. This could involve replacement of a previous lead service where houses in the distribution system are being reconstructed to be viable dwellings once again

ii. This could also involve requests from residents that were previously sampled for lead and where high lead results above EPA standards are



known to exist

If there are not enough Outside Funds to pay for all Priority Two Projects in any given year, the water utility may choose to allocate the funds expended within the Priority Two classification to locations discussed in paragraph b. above or at schools, nursing homes, day care centers and other multi-resident properties if such properties and entities are willing recipients. Eligible Private Service Lines that are leaking or in otherwise poor condition may be given higher priority than other Priority Two Projects that are not leaking or are in otherwise fair condition.

(h) The Outside Funds cannot be used for the replacement of copper or plastic Private Service Lines that are broken or leaking.

(i) All Private Service Line replacements shall be performed by licensed contractors and conform to all applicable state and local codes, regulations and ordinances.

(j) Payments for replacement of Private Service Lines may be made as rebates to private property owners or directly to contractors who replace the lines for private property owners.

(k) The water utility shall formulate and carry out a private lateral replacement program that conforms to this ordinance. The above program shall be subject to approval by the Water Works Commission and may be amended as circumstances warrant, provided that the program shall at all times comply with this ordinance.

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

Part 2: Sections 98-65-98-70 are hereby reserved.

Part 3: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Fiscal Note: N/A

**Sponsors:**

Terry McCarthy

**Refer to Committee of the Whole**

[Ord.0010-16](#) Ordinance 10-16 - Election of Common Council President

An ordinance to amend Sec. 2-61. -Organizational Meeting in Chapter 2 -Administration, Article II. -Common Council, Division 3. -Meetings of the Municipal Code of the City of Racine, Wisconsin.

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

Part 1: Amend subsection (b) of Sec. 2-61. -Organizational Meeting of the Municipal Code of the City of Racine, Wisconsin by adding the following subsections:

“1. The mayor shall accept nominations for council president from the floor. Once nominations are complete, each nominee shall be afforded not more than five minutes to present reasons he/she should be appointed. A vote shall be taken by open ballot.

2. If there are more than two nominations, and no nominee receives enough votes to constitute a majority of the aldermanic members of the common council present, the two nominees receiving the most votes shall be voted upon. If more than two nominees tie for the largest number of votes, the aldermanic members of the common council present shall vote again. If no nominee receives a majority and there are still more than two who tie for the largest number of votes, the names of those nominees shall be written by the city clerk on individual pieces of paper, and the mayor shall draw two names to be voted upon.

3. In the event that there is a tie between the two nominees, or no nominee receives enough votes to constitute a majority of the aldermanic members of the common council present, after five successive votes, the mayor shall select the council president by choosing between the two final nominees.”

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Fiscal Note: N/A

**Sponsors**:

Dennis Wisner

**Refer to City Plan**

[ZOrd.0005-16](#) ZOrd.005-16

An Ordinance Rezoning 1614, 1624 and 1630 Yout Street (commonly referred to as 1624 Yout Street).

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

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

Part 1: That the properties located at 1614, 1624 and 1630 Yout Street, and more particularly described as being in that part of Southeast ¼ of Section 5, Township 3 North, Range 23 East, and all being North of the North Right-Of-Way line of Yout Street and East of East Right-Of-Way line of Blake Avenue, more particularly described as follows:

1614 Yout Street being the Eastern 150 feet of the Western 264 feet, of the Northern 178 feet, of the Southern 341.5 feet, excluding the Western 3.5 feet and the Western 32 feet of the Northern 46 feet,

1624 Yout Street being the Eastern 132.6 feet of the Western 302.6 feet of the Southern 163.5 feet, and

1630 Yout Street being the Eastern 50 feet of the Western 170 feet of the Southern 163.5 feet,

be rezoned from I-1 Restrictive Industrial District to I-2 with a FD Flex Development Overlay District, and

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Fiscal Note: N/A

Sponsors:

Dennis Wiser

## J. Common Council Announcements

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

## K. Adjourn

### Office of The City Clerk

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