



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, September 20, 2011

7:00 PM

Room 205, City Hall

President Holding presided over the meeting as Mayor Dickert was excused.

A. Call To Order

PRESENT: 14 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Wisneski, Hart and Mozol

EXCUSED: 1 - Morgenroth

B. Pledge of Allegiance To The Flag

President Holding 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 Shakoor.

D. Public Comments

*Belinda Cronin
Norb DeKeuster
Florence Boyer
Jan Frey
Pastor Charlene Mills
Pastor Keith Evans
Pastor Fred Richmond
Arthur Reid, Jr.
Ken Brown
George Meyers
Scott Sharp
Scott Jensen
Sue DeKeuster*

Alderman Wisneski arrived at 7:15p.m. and took his seat.

E. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[11-6909](#)

Subject: Communication from the Public Health Administrator requesting to enter into an agreement with the University of Wisconsin Oshkosh for the Health Department Laboratory to provide contracted services and to receive payment up to \$70,899 per year for a 3 year period.

Referred to Finance and Personnel Committee

[11-6911](#)

Subject: Communication from the Purchasing Agent requesting to appear before the Finance & Personnel Committee to discuss the results of Official Notice #13, Request for Proposal, Audit Services.

Staff recommendation to the Finance & Personnel Committee on 9-26-11: The contract of Official Notice #13, request for proposal, Audit Services be awarded to Baker Tilly Virchow Krause for a five (5) year term beginning in 2012 with the option of two (2) one-year extensions.

Fiscal Note: Funds for this expenditure are available in account 101.191.5600, Audit Fees.

Referred to Finance and Personnel Committee

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

[11-6892](#)

Subject: Communication from the Alderman of the 2nd District requesting to discontinue sidewalk assessments and to create a Special Revenue Fund for sidewalk maintenance and improvement.

Referred to Public Works and Services Committee

[11-6936](#)

Subject: Communication from Emmaus Evangelical Lutheran Church requesting permission to use city right-of-way for a Health, Latino and Soccer Festival on October 8-9, 2011.

Referred to Public Works and Services Committee

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

[11-6908](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to present the bids for Contract 45-11 (K1-033), Island Park Asphalt Improvements - CDBG.

Referred to Public Safety and Licensing Committee

[11-6912](#)

Subject: Communication from Sharif Malik, Dasada Property Management, LLC, 600 Three Mile Road, submitting a petition to exceed the Class A quota limit.

Referred to Public Safety and Licensing Committee

Refer to Transit and Parking Commission, by Ald. DeHahn

[11-6903](#)

Subject: Communication from the BUS Transit Manager submitting the August BUS monthly operating report.

Referred to Transit and Parking Commission

[11-6904](#)

Subject: Communication from the Transit and Parking System Manager requesting the review and approval of bid documents for bus service provided by WI Coach Lines.

Referred to Transit and Parking Commission

[11-6905](#)

Subject: Communication from the Transit and Parking System Manager requesting to review the public hearing schedule on October 20, 2011 regarding transit service reductions.

Referred to Transit and Parking Commission

[11-6906](#)

Subject: Communication from the Transit and Parking System Manager requesting proposed meeting changes for 2011 and 2012 Transit and Parking Commission meetings.

Referred to Transit and Parking Commission

[11-6907](#)

Subject: Communication from the Transit and Parking System Manager requesting to discuss the targeted parking meter removal and an update on the "pay-by-space" demonstration in the Library parking lot.

Referred to Transit and Parking Commission

Refer to Economic Development Committee, by Ald. Shakoor

[11-6910](#)

Subject: Communication from the Director of City Development requesting to provide a briefing on the Wisconsin Energy Efficiency Project and its implementation in and by the City of Racine.

Referred to Economic Development Committee

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor

[11-6822](#)

Subject: communication from the City Attorney submitting the claim of Diane Chernouski for consideration.

Recommendation of the Finance and Personnel Committee on

9-12-11: That the claim of Diane Chernouski requesting reimbursement in the amount of \$467.46 for auto repairs after she allegedly drove over a pothole 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.

[11-6803](#)

Subject: communication from the City Attorney submitting the claim of Edwin Hill for consideration.

Recommendation of the Finance and Personnel Committee on

9-12-11: That the claim of Edwin Hill in the amount of \$1385.01 for a vehicle parked in the 1000 block of Villa Street that was allegedly damaged by a falling tree during the storm on June 30, 2011 be denied.

Fiscal Note: N/A

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

[11-6806](#)

Subject: communication from the City Attorney submitting the claim of American Family Insurance (T. Rivera) for consideration.

Recommendation of the Finance and Personnel Committee on

9-12-11: That the claim of American Family Insurance requesting reimbursement in the amount of \$1,125.89 for damages to their insured's house when extremely low hanging utility lines were allegedly caught by a DPW truck on June 17, 2011 be denied.

Fiscal Note: N/A

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

[11-6837](#)

Subject: communication from the City Attorney submitting the claim of James Billups for consideration.

Recommendation of the Finance and Personnel Committee on

9-12-11: That the claim of James Billups requesting reimbursement in the amount of \$250,000 for injuries allegedly arising from an auto accident involving a DPW truck at the intersection of Wisconsin Ave and 6th Street on January 13, 2009 be denied.

Fiscal Note: N/A

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

11-6774

Subject: communication from the City Attorney submitting the claim of Maurice White for consideration.

Recommendation of the Finance and Personnel Committee on 9-12-11: That the claim of Maurice White requesting reimbursement in the amount of \$5,750.69 for a vehicle parked in the 1600 block of Erie St that was allegedly damaged by a falling tree during the storm on June 30, 2011 be denied.

Fiscal Note: N/A

Alderman Kaplan requested that item 11-6774 be considered separately.

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

AYES: 11 - Marcus, Shields, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Wisneski, Hart and Mozol

NOES: 1 - Kaplan

EXCUSED: 1 - Morgenroth

ABSTENTIONS: 1 - Fair

NON VOTING: 1 - Holding

11-6823

Subject: communication from the City Attorney submitting the claim of Barbara Chernouski for consideration.

Recommendation of the Finance and Personnel Committee on 9-12-11: That the claim of Barbara Chernouski requesting reimbursement in the amount of \$2,124.91 for damages to her basement when storm water allegedly backed up through her sump pump discharge hose on June 6, 2011 be denied.

Fiscal Note: N/A

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

11-6789

Subject: (Direct Referral) Communication from the Deputy City Attorney and the Human Resources Manager requesting to appear before the Finance & Personnel Committee to submit for consideration a grievance procedure, pursuant to Sec. 66.0509, Wis. Stats., to be effected by repealing Sec. 2-441 and by repealing and recreating Chapter 74, Article III of the City of Racine Municipal Code.

(Ordinance No. 9-11)

Recommendation of the Finance & Personnel Committee on

8-22-11: Item to be deferred so that the Committee members provide more input into the policy.

Recommendation of the Finance & Personnel Committee on

9-12-11: Repeal Sec. 2-441 and repeal and recreate Chapter 74, Article III of the City of Racine Municipal Code as amended.

Fiscal Note: N/A

Alderman Weidner requested that item 11-6789 be considered separately.

Motion made by Alderman Marcus seconded by Alderman Fair to refer the item to a Special Committee of the Whole meeting. Motion failed by the following vote:

AYES: Shields, Weidner, DeHahn, Marcus and McCarthy

NOES: Shakoor, Wiser, Wisneski, Hart, Kaplan, Kaprelian-Becker, and Mozol

NON-VOTING: Holding and Fair

EXCUSED: Morgenroth

Motion made by Alderman Marcus seconded by Alderman DeHahn that the following amendments be made:

1 - Page 24 (a) Purpose - add the word "agreement" after collective bargaining

2 - Beginning on page 24 and throughout entire document that it be changed to read City or City of Racine so that it is consistent throughout entire document

3 - Page 29 Section (b) sentence should read "An employee will conduct all activities related to preparing the grievance, other than delivering the grievance to the appropriate person as described in the various steps above, during non-working hours and shall not otherwise be compensated for time spent in preparing his/her grievance.

4 - Page 30 (3) change sentence to read "the common council shall affirm the decision of the impartial hearing office "at its next regularly scheduled meeting after the time for appeal has expired, subject to the notice requirements of the open meetings law.

Motion passed by the following vote:

AYES: Shields, Weidner, DeHahn, Marcus, Fair, McCarthy, Wiser, Wisneski, Kaplan, and Kaprelian-Becker,

NOES: Shakoor, Hart and Mozol

NON-VOTING: Holding

EXCUSED: Morgenroth

Motion made by Alderman Marcus seconded by Alderman DeHahn that the following amendment be made:

1 - Page 26 (f) Remove the words "medical condition"

Motion passed by the following vote:

AYES: Shields, Weidner, DeHahn, Marcus, Fair, McCarthy, Wiser, Wisneski, Kaplan, Kaprelian-Becker, Shakoor, Hart and Mozol

NON-VOTING: Holding
EXCUSED: Morgenroth

A motion was made that this Communication be Adopted As Amended: . The motion was APPROVED by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Wisneski, Hart and Mozol

EXCUSED: 1 - Morgenroth

NON VOTING: 1 - Holding

11-6815

Subject: Communication from the General Manager of Racine Water and Wastewater Utility to discuss the Status of 2011-2012 Capital Borrowing for the Water Utility - Brad Viegut Invited to the Meeting. (Resolution No. 11-2729)

Recommendation of the Water Utility on 8/30/11: Waterworks Commission approved and further recommends to refer to the Finance and Personnel Committee for approval

Recommendation of the Finance and Personnel Committee on 9-12-11: That 2011-2012 Capital Borrowing for the Water Utility be approved.

Fiscal Note: The Utility is borrowing \$6,500,000.00 and costs would be passed through to the end users.

Alderman Shakoor requested that item 11-6815 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, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wisner, Wisneski, Hart and Mozol

EXCUSED: 1 - Morgenroth

NON VOTING: 2 - Weidner and Holding

11-6841

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to apply for a grant from the Wisconsin Department of Natural Resources in the amount of \$25,000 for Tree Inventory. (Resolution 11-2731)

Recommendation of the Finance and Personnel Committee on 9-12-11: That the Parks, Recreation, and Cultural Services Department apply for and accept a grant from the Wisconsin Department of Natural Resources in the amount of \$25,000 for Tree Inventory.

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.

11-6856

Subject: Communication from the Finance Director requesting to appear before the Finance & Personnel Committee to discuss refunding the 2011 Capital Project Note anticipation Notes and a portion of the 2003 Taxable Unfunded Pension Liability Bonds. (Resolution No. 11-2730)

Recommendation of the Finance and Personnel Committee on 9-12-11: That refunding the 2011 Capital Project Note Anticipation Notes and a portion of the 2003 Taxable Unfunded Pension Liability Bonds be approved.

Fiscal Note: The amount being refunded is \$8,295,000.00.

Alderman Shakoor requested that item 11-6856 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, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski, Hart and Mozol

EXCUSED: 1 - Morgenroth

NON VOTING: 2 - Weidner and Holding

11-6857

Subject: Communication from the Finance Director wishing to appear before the Finance & Personnel Committee to discuss changing Section 90-26 of the City of Racine Municipal Code relating to due dates on installment tax payments. (Ordinance No. 10-11)

Recommendation of the Finance and Personnel Committee on 9-12-11: That an ordinance be adopted changing Municipal Code Sec. 90-26 and 90-27 to reduce property tax installments to 2 payments effective with 2012 tax roll being collected in 2013 as follows:

Sec. 90-26. Due date; installment tax payments.

All taxes upon real estate in the city due and payable on or before July 31, 2012 shall be paid on or before January 31 of each year, except that where the tax on a particular parcel amounts to \$100.00 or more, it may be paid in four equal installments, each of which shall become successively due and payable on or before January 31, March 31, May 31 and July 31. On any installment date, the taxpayer may pay the balance of the tax due.

Effective for all payments upon real estate taxes due on or after August 1, 2012, all ~~At~~ taxes upon real estate in the city shall be paid on or before January 31 of each year, except that where the tax on a particular parcel

amounts to \$100.00 or more, it may be paid in ~~four~~ two equal installments, each of which shall become successively due and payable on or before January 31, ~~March 31, May 31~~ and July 31. ~~On any installment date, the taxpayer may pay the balance of the tax due.~~

Sec. 90-27. Delinquent installments; interest and penalty.

(a) When the first installment of the real estate taxes is not paid on or before January 31, the whole amount of such real estate taxes shall become delinquent as of February 1. All such taxes remaining unpaid on February 1 shall be collected by the city treasurer with interest at the rate of one percent per month or fraction thereof, and penalty of 0.5 percent per month or fraction thereof from February 1.

(b) For all taxes upon real estate in the city due and payable on or before July 31, 2012, if ~~If~~ the second or any subsequent installment payment of real property taxes is not paid by the due date specified, the entire amount of the remaining unpaid taxes on that parcel is delinquent on the first day of the month after the payment is due. Such taxes shall be collected together with interest of one percent per month or fraction thereof and penalty of 0.5 percent per month or fraction thereof from February 1.

Effective for all payments upon real estate taxes due on or after August 1, 2012, if ~~If~~ the second or any subsequent installment payment of real property taxes is not paid ~~by the due date specified~~ on or before July 31, the entire amount of the remaining unpaid taxes on that parcel is delinquent ~~on the first day of the month after the payment is due~~ August 1. Such taxes shall be collected together with interest of one percent per month or fraction thereof and penalty of 0.5 percent per month or fraction thereof from February 1.

Fiscal Note: N/A

Alderman Shakoor requested that item 11-6857 be considered separately.

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

[11-6858](#)

Subject: Communication from the Finance Director wishing to appear before the Finance & Personnel Committee to discuss the part-time Data Technician position in the Finance Department.

Recommendation of the Finance and Personnel Committee on 9-12-11: Approve eliminating this position.

Fiscal Note: This position is currently vacant.

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

[11-6859](#)

Subject: Communication from the Finance Director wishing to appear before the Finance & Personnel Committee to discuss the Customer Service Specialist position in the Finance Department.

Recommendation of the Finance and Personnel Committee on 9-12-11: Eliminate the vacant position of Customer Service Specialist in the Finance Department and create a new position of Part Time Customer Service Specialist in the Finance Department.

Fiscal Note: The Part Time position will equate to .75 FTE

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

[11-6862](#)

Subject: Communication from the **Assistant** Commissioner of Public Works Operations requesting authorization to apply and accept a Focus on Energy Grant (Grant Control No. 2011-029) for upgrading light fixtures in the Library and **Park / Villa parking lots.** (Resolution No. 11-2732)

Recommendation of the Finance and Personnel Committee on 9-12-11: That the Assistant Commissioner of Public Works Operations apply for and accept a Focus on Energy Grant (Grant Control No. 2011-029) for upgrading light fixtures in the Library and Park/Villa parking lots.

Fiscal Note: The total project costs are \$8,400.00 with \$394.00 being funded through the grant.

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

[11-6870](#)

Subject: Communication from the Chief of Police, requesting to authorize fund-raising operations and accept private donation of funds from these operations for the purchase and deployment of an additional K-9 unit. (Resolution No. 11-2733)

Recommendation of the Finance and Personnel Committee on 9-12-11: That the Chief of Police authorize fund-raising operations and accept private donation of funds from these operations for the purchase and deployment of an additional K-9 unit.

Fiscal Note: N/A

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

11-6871

Subject: Communication from the Board of Business Improvement District No. 3 - Uptown requesting approval of its 2012 Operating Plan. (Resolution No. 11-2734)

Recommendation of the Finance and Personnel Committee on 9-12-11: Approve the 2012 Operating Plan of the Board of Business Improvement District No.3- Uptown.

Fiscal Note: The total amount of \$38,400.00 will be placed on the 2011 tax roll as presented in the plan.

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

11-6872

Subject: Communication from the Board of Business Improvement District No. 4 - Douglas Avenue requesting approval of its 2012 Operating Plan. (Resolution No. 11-2735)

Recommendation of the Finance and Personnel Committee on 9-12-11: Approve the 2012 Operating Plan from the Board of Business Improvement District No. 4 - Douglas Avenue.

Fiscal Note: The total amount of \$63,000.00 will be placed on the 2011 tax roll as presented in the plan.

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

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Wisneski, Hart and Mozol

EXCUSED: 1 - Morgenroth

NON VOTING: 1 - Holding

Public Works and Services Committee Report, by Ald. Weidner

11-6769

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 49-11 (K1-054), Bus Storage Garage-Lighting Upgrades. (Resolution No. 11-1739)

Recommendation of the Public Works and Services Committee

on 9-13-11: That Contract 49-11 (K1-054), Bus Storage Garage-Lighting Upgrades, be awarded to Bohm Electric, Racine, WI, at their base bid price of \$24,500.00, plus Alternate Bid #2 in the amount of \$8,900.00, plus Alternate Bid #3 in the amount of \$14,900.00, plus Alternate Bid #4 in the amount of \$5,800.00, for a total contract amount of \$54,100.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 105.900.5040, Capital Projects-ARRA Funded.

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

11-6848

Subject: Communication from Derrick Jones, 3424 Kentucky Street, requesting permission to replace the blue and green markers by storm drains for an Eagle Scout project. (Resolution No. 11-2736)

Recommendation of the Public Works and Services Committee

on 9-13-11: That the request of Derrick Jones to replace the blue and green markers by storm drains for an Eagle Scout project be approved with the following stipulations:

A. Orange safety vests must be worn at all times within the street right-of-way while performing this work.

B. A Hold Harmless Agreement be executed between Derrick Jones and the City of Racine.

Fiscal Note: N/A

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

11-6860

Subject: Communication from Downtown Racine Corporation requesting permission to close Main Street from State Street to 7th Street, and 6th Street from Main Street to Grand Avenue for Party on the Pavement on Saturday, October 1, 2011 from 12:00 P.M. - 7:00 P.M. (Resolution No 11-2737)

Recommendation of the Public Works and Services Committee

on 9-13-11: That permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 7th Street and 6th Street from Main Street to Grand Avenue, on Saturday, October 1, 2011, from 12:00 p.m. to 7:00 p.m., for the 9th annual "Party on the Pavement" event.

Further recommends that permission be granted with the following stipulations:

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

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

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

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

[11-6861](#)

Subject: Communication from the Downtown Racine Corporation requesting to use city right-of-way for the annual Holiday Parade on Saturday, November 12, 2011. (Resolution No. 11-2738)

Recommendation of the Public Works and Services Committee on 9-13-11: That the Downtown Racine Corporation be granted permission 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, 2011, from 4:00 p.m. to 6:30 p.m., for the Downtown Holiday Parade with the following conditions:

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. Sponsor shall notify all abutting property occupants 72 hours in advance of the event.
- E. The sponsor shall be responsible for the signing of the necessary detours for the State Highway route.
- F. The sponsor shall pay a \$750 special event fee.

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

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

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

[11-6873](#)

Subject: Communication from the Southeastern Wisconsin Harley Owners Group Racine Chapter #5624 requesting a street closing in the one block of Fifth Street between Main and Wisconsin on 10-1-2011 for the purpose of providing motorcycle only parking for the Party on the Pavement event.

Recommendation of the Public Works and Services Committee on 9-13-11: 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.

[11-6874](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 41-11 (K1-043), PS -Sewer Abandonment , Design & Construction Service, AECOM, contractor. (Resolution No. 11-2743)

Recommendation of the Public Works and Services Committee on 9-13-11: That the professional services provided by AECOM Technical Services, Inc., under Contract 41-11 (K1-043), Professional Services - Sewer Abandonment, be accepted and final payment authorized for a total contract amount of \$29,647.36.

Fiscal Note: Contract was authorized under Resolution No. 11-2536, dated May 3, 2011.

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

[11-6875](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 15-11 (K1-015), 2011 City Resurfacing (R1), A.W. Oakes & Sons, Inc., contractor. (Resolution No. 11-2741)

Recommendation of the Public Works and Services Committee on 9-13-11: That Change Order No. 1 on Contract 15-11 (K1-015), 2011 City Resurfacing (R1), A.W. Oakes & Sons, Inc., contractor, be approved in the amount of \$160,950.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from the following accounts:

\$ 118,227.53 - Account 991.913.5040, RR Depot West Platform Repairs

\$ 42,722.47 - Account 919.000.5020, Development Activities

\$ 160,950.00 - Total

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

[11-6876](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 3 to Contract 35-09 (K9-036), PS-Sanitary Sewer Lateral Fee On-Call Services, AECOM , contractor. (Resolution No. 11-2742)

Recommendation of the Public Works and Services Committee on 9-13-11: That Amendment No. 3 to Contract 35-09 (K9-036), Professional Services - Sanitary Sewer Lateral Fee On-Call Services, AECOM Technical Services, Inc., consultant, as submitted, be approved in the amount of \$25,000.00.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 287.991.5310, Sanitary Sewers-Miscellaneous Locations.

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

[11-6882](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/Operations wishing to discuss bid results on Contract 44-11 (K1-046), 2011 Sidewalk Replacement Phase II.

Recommendation of the Public Works and Services Committee on 1-25-11: 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.

[11-6893](#)

Subject: (Direct Referral) Communication from the Director of Parks, Recreation and Cultural Services requesting permission to present the bids received by the Commissioner of Public Works, on September 8, 2011, for Contract No. 31-11 (K1-033), Sam Johnson Parkway Fountain Upgrades (R1). (Resolution No. 11-2740)

Recommendation of the Public Works and Services Committee on 9-13-11: That Contract 31-11 (K1-033), Sam Johnson Parkway Fountain Upgrades (R1), be awarded to Scherrer Construction Company, Burlington, WI, at their base bid price of \$677,599.00, plus Alternate Bid #2 in the deduct amount of \$2,400.00, for a total contract

amount of \$675,199.00, they being the lowest responsible bidder.

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

\$100,000.00 - Account 991.700.5040, Renovate Boat Ramp Restrooms
\$575,199.00 - S.C. Johnson Donation
\$675,199.00 - Total

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

Council Action

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

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski, Hart and Mozol

EXCUSED: 1 - Morgenroth

NON VOTING: 1 - Holding

Public Safety and Licensing Committee Report, by Ald. Wisneski

11-6791

Subject: (New) Application of State Street BP Inc., Satish Bhardwaj, Agent for a Class "A" Fermented Malt Beverage License for 1975 State Street. (9th District)

Recommendation of the Public Safety and Licensing Committee on 9-12-11: The application of State Street BP Inc., Satish Bhardwaj, Agent for a Class "A" Fermented Malt Beverage License for 1975 State Street be approved.

Fiscal Note: N/A

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

11-6792

Subject: (New) Application of VS Gill LLC, Virinder S Gill, Agent for a Class "A" Fermented Malt Beverage License for 2240 Northwestern Avenue. (6th District)

Recommendation of the Public Safety and Licensing Committee on 9-12-11: The application of VS Gill LLC, Virinder S Gill, Agent for a Class "A" Fermented Malt Beverage License for 2240 Northwestern Avenue be approved.

Fiscal Note: N/A

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

[11-6813](#)

Subject: (Direct Referral) Sale of Abandoned Vehicles 08-23-2011

Recommendation of the Public Safety and Licensing Committee on 09-12-11: That the Sale of Abandoned Vehicles 08-23-11 be received and filed.

Fiscal Note: This will generate \$14,177.02 in revenue.

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

[11-6814](#)

Subject: (Direct Referral) Communication from Fade Ali, The Market, 1949 Racine Street requesting to appear before the committee to discuss the restrictions on his license.

Recommendation of the Public Safety and Licensing Committee on 9-12-11. That the restrictions for no individual/single sale be lifted and owner be allowed to sale single/individual containers.

Fiscal Note: N/A

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

[11-6821](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting final payment for preparing plans and specifications for Parks Department Pavement Projects. (Resolution No. 11-2744)

Recommendations of the Public Safety and Licensing Committee on 9-12-11: That final payment for preparing plans and specifications for Parks Department Pavement Projects be approved.

Fiscal Note: Final payment of \$14,820.00 be appropriated from accounts 990.700.5020 Parks Paving Prjects 10 yr plan, 990.650.5020 Humble Repave Loop Road, 990.740.5010 Blacktop Pathes through Zoo, and 207.000.5750 Cemetery Road and Walks.

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

[11-6840](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to present the bids received by the Commissioner of Public Works on August 25, 2011 for Contract 36-11 (K1-038), Island Park Pedestrian Bridge Renovation CDBG. (Resolution No. 11-2745)

Recommendation of the Public Safety and Licensing Committee

on 9-12-11: That the bid received by the Commissioner of Public Works on August 25, 2011 for Contract 36-11 (K1-038), Island Park Pedestrian Bridge Renovation CDBG, be awarded to Stone Creek Construction of Luxemburg, WI, they being the lowest responsible bidder.

Fiscal Note: Cost of the project not to exceed \$33,000.00 available from account 890.030.5760, Island Park Bridge Renovations.

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

Council Action

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

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski, Hart and Mozol

EXCUSED: 1 - Morgenroth

NON VOTING: 1 - Holding

11-6846

Subject: Communication from the City of Racine Purchasing Agent requesting permission to appear before the Public Safety & Licensing committee to discuss proposals that were taken in response to Official Notice #12, CONCESSION SERVICES FOR NORTH BEACH BATH HOUSE. (Resolution No. 11-2746)

Recommendation of the Public Safety and Licensing Committee

on 9-12-11: That a contract for Concession Services at the North Beach Bath House be awarded to GS Avarice, LLC for a five (5) year term from May 1, 2012 through December 31, 2016 with an option to extend for three (3) additional one (1) year terms if mutually agreed to in writing by both the concessionaire and the City.

Fiscal Note: To be determined in final contract agreement.

Alderman Wisneski requested that item 11-6846 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, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski, Hart and Mozol

NOES: 1 - Marcus

EXCUSED: 1 - Morgenroth

NON VOTING: 1 - Holding

City Plan Commission Report, by Ald. Wisneski

[11-6883](#)

Subject: (Direct Referral) Consideration of a request from Arthur Reid Jr. seeking a conditional use permit at 1910 Taylor Avenue to re-establish a funeral home. (PC-11). (Resolution No. 11-2747)

Recommendation of the City Plan Commission on 9-15-11: That the item be approved subject to conditions.

Fiscal Note: N/A

A motion was made that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED.

[11-6884](#)

Subject: (Direct Referral) Consideration of a request from John Klema of Michael's Signs, representing Kimissis Theotokov Greek Orthodox Church, for a conditional use permit at 1335 Green Bay Road to install a monument sign with a electronic (LED) message center. (PC-11). (Resolution No. 11-2748)

Recommendation of the City Plan Commission on 9-15-11: That the item be approved subject to conditons.

Fiscal Note: N/A

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

Council Action

A motion was made by Alderman Aron Wisneski, 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, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski, Hart and Mozol

EXCUSED: 1 - Morgenroth

NON VOTING: 1 - Holding

Board of Health Report, by Ald. Mozol

[11-6596](#)

Subject: Communication from Lynn Tracy regarding a proposed Dog Beach.

Recommendation of the Board of Health on 07-12-11: That this item be deferred until September.

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

Recommendation of the Board of Health on 09-13-11: That no dog beach be allowed at the Michigan Boulevard Beach, Zoo Beach or North Beach.

Fiscal Note: N/A

Recommendation of the Board of Parks, Recreation and Cultural Services on 9-14-11: To receive and file the communication from Lynn Tracy regarding a proposed Dog Beach at Zoo Beach, but to consider alternate sites along Lake Michigan.

Fiscal Note: N/A

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

AYES: 12 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski, Hart and Mozol

NOES: 1 - Weidner

EXCUSED: 1 - Morgenroth

NON VOTING: 1 - Holding

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

[11-6867](#)

Subject: Communication from the 9th District Alderman to discuss the possibility of a dog park along the Root River at either Island or Lincoln Park.

Recommendation of the Board of Parks, Recreation and Cultural Services on 9-14-11: To direct Staff to investigate the feasibility of a Dog Park at either Island Park or Lincoln Park.

Fiscal Note: N/A

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

AYES: 9 - Fair, Marcus, Kaprelian-Becker, Weidner, McCarthy, Wiser, Wisneski, Hart and Mozol

NOES: 4 - Shields, Kaplan, DeHahn and Shakoor, II

EXCUSED: 1 - Morgenroth

NON VOTING: 1 - Holding

City Landmark's Preservation Commission Report, by Ald. Marcus[11-6878](#)

Subject: Communication from Jan and Dan Frey seeking investigation of the expansion of the National Register Southside Historic District.

Recommendation of the Landmarks Preservation Commission on 9-12-11: That an area roughly bounded by 7th Street, Center Street, 11th Street, and Villa Street, and lands adjacent thereto, be evaluated or nominated for a potential expansion or addition to the National Register South Side Historic District.

Fiscal Note: The Commission has authorized the Department of City Development staff to investigate the availability of a grant through the Wisconsin Historical Society's Historic Preservation Fund Subgrant program to cover the cost of consulting service for this project.

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, Kaprelian-Becker, Weidner, DeHahn, Shakoore, II, McCarthy, Wisner, Wisneski, Hart and Mozol

EXCUSED: 1 - Morgenroth

NON VOTING: 1 - Holding

G. Consent Agenda[Res.11-2729](#)

Discuss the Status of 2011-2012 Capital Borrowing for the Water Utility.

Resolved, that the 2011-2012 Capital Borrowing for the Water Utility be approved.

Fiscal Note: The Utility is borrowing \$6,500,000.00 and costs would be passed through to the end users.

Sponsors: Q.A. Shakoore, II

A motion was made Referred to the Common Council

[Res.11-2730](#)

Refunding the 2011 Capital Project Note anticipation Notes and a portion of the 2003 Taxable Unfunded Pension Liability Bonds.

Resolved, that refunding the 2011 Capital Project Note anticipation Notes and a portion of the 2003 Taxable Unfunded Pension Liability Bonds be approved.

Fiscal Note: The amount being refunded is \$8,295,000.00.

Sponsors: Q.A. Shakoor, II

A motion was made Referred to the Common Council

Res.11-2731

Request to apply for a grant from the Wisconsin Department of Natural Resources.

WHEREAS, the City of Racine hereby requests financial assistance under s. 20.370, Wis. Stats., Chapter NR 47, Wis. Admin. code, for the purpose of funding urban and community forestry projects or urban forestry catastrophic storm projects specified in s. 20.370(5)(bw) and (1)(mv), Wis. Stats.

THEREFORE, BE IT RESOLVED, that the City of Racine HEREBY AUTHORIZES the Director of Parks, Recreation and Cultural Services, an official or employee, to act on its behalf to: Submit an application to the Department of Natural Resources for financial assistance under s. 20.370, Wis. Stats., Chapter NR 47, Wis. Admin. code; sign necessary documents; and submit a final report.

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.11-2732

Request to apply and accept a Focus on Energy Grant (Grant Control No. 2011-029) for upgrading light fixtures.

Resolved, that the Assistant Commissioner of Public Works Operations apply for and accept a Focus on Energy Grant (Grant Control No. 2011-029) for upgrading light fixtures in the Library and Park/Villa parking lots.

Fiscal Note: The total project costs are \$8,400.00 with \$394.00 being funded through the grant.

Sponsors: Q.A. Shakoor, II

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

Res.11-2733

Request to authorize fund-raising operations and accept private donation for the purchase and deployment of an additional K-9 unit.

Resolved, that the Chief of Police authorize fund-raising operations and accept private donation of funds from these operations for the purchase and deployment of an additional K-9 unit.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

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

Res.11-2734

Request approval of District No. 3 - Uptown 2012 Operating Plan.

Resolved, that the request to approve the 2012 Operating Plan made by the Board of Business Improvement District No. 3 - Uptown, be adopted.

Fiscal Note: The total amount of \$38,400.00 will be placed on the 2011 tax roll as presented in the plan.

Sponsors: Q.A. Shakoor, II

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

Res.11-2735

Douglas Avenue District No. 4 requesting approval of its 2012 Operating Plan.

Resolved, that the request of Board of Business Improvement District No. 4 - Douglas Avenue to approve the 2012 Operating Plan, be adopted.

Fiscal Note: The total amount of \$63,000.00 will be placed on the 2011 tax roll as presented in the plan.

Sponsors: Q.A. Shakoor, II

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

Res.11-2744

Request final payment for preparing plans and specifications for Parks Department Pavement Projects.

Resolved, that the final payment for preparing plans and specifications for Parks Department Pavement Projects be approved.

Fiscal Note: Final payment of \$14,820.00 be appropriated from accounts 990.700.5020 Parks Paving Prjects 10 yr plan, 990.650.5020 Humbel Repave Loop Road, 990.740.5010 Blacktop Pathes through Zoo, and 207.000.5750 Cemetery Road and Walks.

Sponsors: Aron Wisneski

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

Res.11-2745

Request permission to award Contract 36-11 (K1-038), Island Park Pedestrian Bridge Renovation CDBG.

Resolved, that the bid received by the Commissioner of Public Works on August 25, 2011 for Contract 36-11 (K1-038), Island Park Pedestrian Bridge Renovation CDBG, be awarded to Stone Creek Construction of Luxemburg, WI, it being the lowest responsible bidder.

Fiscal Note: Cost of the project not to exceed \$33,000.00 available from account 890.030.5760, Island Park Bridge Renovations.

Sponsors: Aron Wisneski

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

Res.11-2736

Request permission to replace the blue and green markers by storm drains for an Eagle Scout project.

Resolved, that the request of Derrick Jones to replace the blue and green markers by storm drains for an Eagle Scout project be approved with the following stipulations:

A. Orange safety vests must be worn at all times within the street right-of-way while performing this work.

B. A Hold Harmless Agreement be executed between Derrick Jones and the City of Racine.

Fiscal Note: N/A

Sponsors: Sandy Weidner

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

Res.11-2737

Request permission to close Main Street from State Street to 7th Street, and 6th Street from Main Street to Grand Avenue for Party on the Pavement.

Resolved, that permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 7th Street and 6th Street from Main Street to Grand Avenue, on Saturday, October 1, 2011, from 12:00 p.m. to 7:00 p.m., for the 9th annual "Party on the Pavement" event.

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

A. A hold harmless agreement be executed;

- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. Sponsor shall notify all abutting property occupants 72 hours in advance of the event;
- E. The sponsor shall be responsible for the signing of the necessary detours for the State Highway route;
- F. The sponsor shall pay a special event fee of \$700.00; and
- G. Processing fee of \$50 be paid.

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 incurred on a regular shift basis to provide limited assistance to implement this event.

Sponsors: Sandy Weidner

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

Res.11-2738

Request permission to use city right-of-way for the annual Holiday Parade on Saturday, November 12, 2011.

Resolved, that the Downtown Racine Corporation be granted permission 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, 2011, from 4:00 p.m. to 6:30 p.m., for the Downtown Holiday Parade with the following conditions:

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. Sponsor shall notify all abutting property occupants 72 hours in advance of the event;
- E. The sponsor shall be responsible for the signing of the necessary

detours for the State Highway route.;

F. The sponsor shall pay a \$750 special event fee; and

G. Processing fee of \$50 be paid.

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

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

Sponsors: Sandy Weidner

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

Res.11-2739

Submission of bid results on Contract 49-11 (K1-054), Bus Storage Garage-Lighting Upgrades.

Resolved, that Contract 49-11 (K1-054), Bus Storage Garage-Lighting Upgrades, be awarded to Bohm Electric, Racine, WI, at their base bid price of \$24,500.00, plus Alternate Bid #2 in the amount of \$8,900.00, plus Alternate Bid #3 in the amount of \$14,900.00, plus Alternate Bid #4 in the amount of \$5,800.00, for a total contract amount of \$54,100.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 105.900.5040, Capital Projects-ARRA Funded.

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.11-2740

Requesting permission to present bids for Contract No. 31-11 (K1-033), Sam Johnson Parkway Fountain Upgrades (R1).

Resolved, that Contract 31-11 (K1-033), Sam Johnson Parkway Fountain Upgrades (R1), be awarded to Scherrer Construction Company, Burlington, WI, at their base bid price of \$677,599.00, plus Alternate Bid #2 in the deduct amount of \$2,400.00, for a total contract amount of \$675,199.00, it being the lowest responsible bidder.

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

\$100,000.00 - Account 991.700.5040, Renovate Boat Ramp Restrooms
\$575,199.00 - S.C. Johnson Donation
\$675,199.00 - Total

Sponsors: Sandy Weidner

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

Res.11-2741

Submission of Change Order No. 1 on Contract 15-11 (K1-015), 2011 City Resurfacing (R1), A.W. Oakes & Sons, Inc., contractor.

Resolved, that Change Order No. 1 on Contract 15-11 (K1-015), 2011 City Resurfacing (R1), A.W. Oakes & Sons, Inc., contractor, be approved in the amount of \$160,950.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from the following accounts:

\$ 118,227.53 - Account 991.913.5040, RR Depot West Platform Repairs
\$ 42,722.47 - Account 919.000.5020, Development Activities
\$ 160,950.00 - Total

Sponsors: Sandy Weidner

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

Res.11-2742

Submitting Amendment No. 3 to Contract 35-09 (K9-036), PS-Sanitary Sewer Lateral Fee On-Call Services.

Resolved, that Amendment No. 3 to Contract 35-09 (K9-036), Professional Services - Sanitary Sewer Lateral Fee On-Call Services, AECOM Technical Services, Inc., consultant, as submitted, be approved in the amount of \$25,000.00.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 287.991.5310, Sanitary Sewers-Miscellaneous Locations.

Sponsors: Sandy Weidner

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

Res.11-2743

Request for final payment on Contract 41-11 (K1-043), PS -Sewer

Abandonment, Design & Construction Service, AECOM, contractor.

Resolved, that the professional services provided by AECOM Technical Services, Inc., under Contract 41-11 (K1-043), Professional Services - Sewer Abandonment, be accepted and final payment authorized for a total contract amount of \$29,647.36.

Fiscal Note: Contract was authorized under Resolution No. 11-2536, dated May 3, 2011.

Sponsors: Sandy Weidner

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

Res.11-2747

Requesting a Conditional Use Permit at 1910 Taylor Avenue.

Resolved, that the plans presented by Arthur Reid Jr. seeking a Conditional Use Permit at 1910 Taylor Avenue to re-establish a funeral home be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on September 14, 2011 be approved, subject to the conditions contained herein.
- b. That all codes and ordinances shall be complied with and required permits acquired.
- c. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- d. That the hours of operation be from 8:00 a.m. to 11:00 p.m., daily.
- e. That prior to the issuance of an occupancy permit, the following be accomplished:
 1. Submit a signage plan for the review and approval of the Director of City Development and that signage comply with zoning ordinance requirements.
 2. Submit a landscaping plan for the review and approval of the Director of City Development.
- f. That landscaping improvements, site clean-up, parking lot sealing and striping, and garage door painting be accomplished within the 60 days of the date of approval of this permit.
- g. That if the item addressed in condition "f." cannot be addressed in the allotted time period, the applicant or owner shall provide the City with a letter of credit, bond, or other financial security found to be

acceptable by the City, equal in value to the required improvements, and subject to the following terms and conditions:

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

2. The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by May 1, 2012. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.

3. By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for purpose hereby described.

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

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

Fiscal Note: N/A

Sponsors: Aron Wisneski

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

Res.11-2748

Request seeking Conditional Use Permit at 1335 Green Bay Road for a sign.

Resolved, that the request from John Klema of Michaels Signs, representing Kimissis Theotokov Greek Orthodox Church, seeking a conditional use permit at 1335 Green Bay Road to install a monument sign with an electronic (led) message center be approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on September 14, 2011 be approved subject to the conditions contained herein.

- b. That all codes and ordinances shall be complied with unless exceptions are otherwise granted herein.
- c. That the publicizing of church services, activities and events qualifies as “public service information”.
- d. That the LED color be allowed to be red in recognition that, at this time, no traffic signals are located at the adjacent intersection of Green Bay Road (HWY 31) and Wright Avenue.
- e. That the signs setback from Green Bay Road (HWY 31) be permitted to be no closer to street right-of-way lines than the previous sign, and that a final site plan be submitted for the review and approval of the Director of City Development that reflects such a setback.
- f. That a landscape plan for the base of the sign be submitted for the review and approval of the Director of City Development, and implement within six month of the signs installation.
- g. That all applicable permits be obtained from the Building Inspection Department.
- h. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- i. That this permit is subject to review by the Plan Commission 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.

Council Action

A motion was made by Alderman Q.A. Shakoor, II, 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, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski, Hart and Mozol

EXCUSED: 1 - Morgenroth

NON VOTING: 1 - Holding

H. Resolution

[Res.11-2746](#) Discuss proposals for Official Notice #12, CONCESSION SERVICES FOR NORTH BEACH BATH HOUSE.

Resolved, that Concession Services at the North Beach Bath House be awarded to GS Avarice, LLC for a five (5) year term from May 1, 2012 through December 31, 2016 with an option to extend for three (3) additional one (1) year terms if mutually agreed to in writing by both the concessionaire and the City.

Fiscal Note: To be determined in final contract agreement.

Sponsors: Aron Wisneski

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

AYES: 12 - Fair, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski, Hart and Mozol

NOES: 1 - Marcus

EXCUSED: 1 - Morgenroth

NON VOTING: 1 - Holding

I. Ordinances

[Ord.9-11](#) Ordinance No. 9-11

To repeal and recreate Chapter 74 - Article III. DISCIPLINE AND GRIEVANCE PROCEDURE*

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

*State law references: Municipal employment relations, Wis. Stats. § 66.0509 and § 111.70 et seq.

Part 1:

Sec. 74-66. Purpose; discipline; definitions, is repealed and recreated to read as follows:

"Sec. 74-66. Purpose; discipline; definitions

(a) *Purpose.* The purpose of this article is to provide guidance for employees and supervisors concerning discipline of covered city employees. In addition, the purpose of this article is to establish a procedure to provide those city employees who are not covered by a grievance procedure as part of a collective bargaining to resolve grievances while in the employ of the city.

This procedure is intended to comply with Wis. Stats. § 66.0509, and provides a grievance procedure addressing issues concerning workplace safety, discipline, and termination. This procedure applies to all employees covered under Wis. Stats. § 66.0509, and excepts all police and fire employees subject to Wis. Stats. § 62.13(5). A covered employee may appeal any level of discipline under this grievance procedure. Any grievance filed under the article shall be filed on behalf of an individual employee. No grievance may be filed on behalf of more than one employee, a group of employees, or any collective bargaining unit.

Nothing in this article is intended to create a legally binding contract between the city and covered employees or to change the at-will nature of employment for covered employees with the City of Racine. Employment with the City of Racine is voluntarily entered into and employees are free to resign at any time with or without cause. Similarly, the city may terminate the employment of any covered employee, at any time with or without cause, subject to applicable federal, state, or local law. The city reserves its management rights to exclusively manage its operations.

(b) *Discipline.* To the extent possible, it is in the best interests of the employees and the city to ensure fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial.

Discipline may result when an employee's actions do not conform with generally accepted standards of good behavior, when an employee violates a policy or rule, when an employee's performance is not acceptable, or when the employee's conduct is detrimental to the interests of the city. Disciplinary action may call for any of four steps - warning, reprimand, suspension (with or without pay) or termination of employment - depending on the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Certain types of employee problems are serious enough to justify either a suspension or termination of employment without going through progressive discipline steps. The city reserves the right, in its sole discretion, to impose disciplinary action as may be appropriate to the

particular circumstances.

(c) For the purposes of this article, the following definitions apply:

(1) *Discipline* and *disciplinary actions* are actions taken to correct a problem or misbehavior, deter of further problems or misbehavior, prepare an employee for satisfactory service in the future, or separate an employee where an employee has demonstrated an inability or unwillingness to perform satisfactory service. Approved discipline and disciplinary actions are:

a. *Warning* - Written documentation given to an employee describing specific disciplinary infractions, such as inappropriate conduct, poor performance, or violation of work rules/policies. Such documentation may include information regarding past infractions and what action will be taken if the employee fails to improve. A warning is the first step of formal discipline.

b. *Reprimand* - Written documentation given to an employee describing continuing or more serious specific disciplinary infractions, such as inappropriate conduct, poor performance, or violation of work rules/policies. Such documentation may include information regarding past infractions and shall include what action will be taken if the employee fails to improve. A reprimand is more serious than a warning.

c. *Suspension* - A disciplinary measure, including written documentation, in which employees are suspended without pay for a specified period of time due to violations including continuing or serious specific disciplinary infractions, such as inappropriate conduct, poor performance, or violation of work rules/policies. Such documentation shall include what action will be taken if the employee fails to improve.

(2) *Employee discipline* includes all levels of progressive discipline, but shall not include the following personnel actions:

- a. Placing an employee on paid administrative leave pending an internal investigation;
- b. Counseling sessions, meetings, or other pre-disciplinary action, whether written or oral;
- c. Actions taken to address work performance, including establishment and/or use of a performance improvement plan or job targets;
- d. Demotion, transfer, or change in job assignment; or
- e. Other personnel actions taken by the employer that are not a form of discipline.

(2) *Employee termination* shall include action taken by the employer to terminate an individual's employment for misconduct or performance reasons, but shall not include the following personnel actions:

- a. Voluntary quit;
- b. Layoff, furlough, or failure to be recalled from layoff at the expiration of the recall period;
- c. Time lost because of a lack of work available to the employee;
- d. Job abandonment, "no-call," "no-show," or other failure to report to work;
- f. Termination of employment due to medical condition, lack of qualification or license, or other inability to perform job duties; or
- g. Retirement;

(3) *Workplace safety* is defined as conditions of employment regarding employees' physical health or safety, and specifically including only: the safe operation of workplace equipment and tools, safety of the physical work environment, provision of personal protective equipment, workplace violence, and training related to same."

Part 2:

Sec. 74-67. Filing of complaint; hearings; decisions, is repealed and recreated to read as follows:

"Sec. 74-67. Filing of complaint; hearings; decisions.

(a) *Procedure*. Employees should first discuss complaints or questions with their immediate supervisor. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems or misunderstandings that have arisen before filing a grievance. An employee whose complaint concerning the employee's discipline, termination, or workplace safety has not been resolved informally to the employee's satisfaction with the employee's immediate supervisor may obtain a review of the complaint under the following procedures:

(1) *Step 1: Supervisor review*. The employee shall reduce the complaint to writing, using the form prescribed by the Human Resources Department, and submit it to the employee's immediate supervisor within 15 working days after the employee knew or should have known the cause of such grievance. Such complaint shall be referred to in this section as "the grievance." Any written grievance filed under this article must contain the following information:

- The name and position of the employee filing it,
- A statement of the issue involved,
- A statement of the relief sought,
- A detailed explanation of the facts supporting the grievance;
- The specific date(s) the event(s) giving rise to the grievance took place,
- The identity of the policy, procedure or rule that is being challenged;
- The steps the employee has taken to review the matter, either orally or in writing, with the employee's supervisor; and
- The employee's signature and the date.

The supervisor shall answer the grievance within five working days. If the grievance is answered in a manner unsatisfactory to the employee, the employee may proceed to step 2.

(2) *Step 2: Administrative manager review.* If the grievance is not resolved at step 1, the employee may appeal the grievance to the employee's administrative manager within five working days of the receipt of the decision of the employee's supervisor at step 1. The administrative manager will review the matter and inform the employee of his/her decision, if possible, within 10 working days of receipt of the grievance.

(3) *Step 3: City administrator review.* If the grievance is not resolved at step 2, the employee may appeal the grievance to the city administrator within five working days of the receipt of the decision of the administrative manager at step 2. The city administrator will review the matter and inform the employee of his/her decision, if possible, within 10 working days of receipt of the grievance.

(4) *Step 4: Impartial hearing officer.* If the grievance is not resolved at step 3, the employee may request in writing, within five business days following receipt of the city administrator's decision, a request for review by an impartial hearing officer.

a) The parties shall, within 10 business days, jointly request that the Wisconsin Employment Relations Commission appoint an impartial hearing officer. The parties shall equally share the cost of the independent hearing officer, which payment shall be made at the same time as the request therefor.

b) In all cases, the grievant shall have the burden of proof to support the grievance. The impartial hearing officer will determine whether the city acted in an arbitrary and capricious manner. This process does not involve a hearing equivalent to a hearing before a court of law. The rules of evidence will not be followed.

c) Depending on the issue involved, the impartial hearing officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. If the impartial hearing officer determines that a hearing is necessary, the parties shall attempt to agree in advance upon the issue involved and stipulate to facts to be used at the hearing. The independent hearing officer shall meet with the parties at the earliest possible date which can be set to review the evidence and hear testimony relating to the grievance. All such hearings shall be held at Racine City Hall. The impartial hearing officer shall prepare a written decision.

d) The impartial hearing officer may order either party to pay the entire amount of the independent hearing officer's fees upon such terms, and for such reasons, as the independent hearing officer finds appropriate and equitable.

(5) *Step 5: Review by the common council.* If the grievance is not resolved after step 4, the employee or the city administrator shall request, within five business days of receipt of the written decision from the hearing officer, a written review by the common council. The appeal shall be submitted as a communication to the common council, using a form prescribed by the Human Resources Department, through the finance and personnel committee. The finance and personnel committee shall review the matter at its next regularly scheduled meeting, subject to the notice requirements of the open meetings law, and make a recommendation to the common council. The finance and personnel committee shall not take testimony or evidence; it may make a recommendation only upon a determination whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the hearing officer. The matter will be forwarded to the common council at its next regular meeting. The common council shall not take testimony or evidence; it may determine whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the hearing officer. The common council, through the city clerk, will inform the employee of its findings and decision in writing within 10 working days of the common council meeting. A two-thirds vote of the common council shall be required to overturn the decision of the independent hearing officer. Absent such a supermajority vote, the decision of the independent hearing officer shall be affirmed. The decision of the common council shall be final and binding.

(b) An employee may not file a grievance outside of the time limits set forth above. If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved. If it is impossible to

comply with the deadlines due to meeting notice requirements or meeting preparation, the grievance will be reviewed at the next possible meeting date. An employee will conduct all activities related to processing the grievance, other than delivering the grievance to the appropriate person as described in the various steps, above, during non-working hours and shall not otherwise be compensated for time spent in processing his/her grievance through the various steps of the grievance procedure. An employee shall not be permitted union representation at any stage in the grievance process.

(c) *Administrative managers.* Notwithstanding anything else contained herein any grievance by an administrative manager regarding discipline or workplace safety shall commence at step 3, using a form prescribed by the Human Resources Department including the information required for step 1, above, within 15 working days after the employee knew or should have known the cause of such grievance. Notwithstanding anything else contained herein any grievance by an administrative manager regarding that administrative manager's termination based on a charge of official misconduct or inefficiency:

(1) Shall be initiated in accordance with Wis. Stat. § 17.16(3).

(2) Shall commence at step 4 as set forth above.

(3) If neither the employee nor the city appeal the decision of the impartial hearing officer, the common council shall affirm the decision of the impartial hearing officer.

(4) If the employee or the city appeal the decision of the impartial hearing officer, such appeal shall be heard by the common council as follows:

a) Whenever any charge of official misconduct, malfeasance, or inefficiency shall be preferred against an administrative manager employed by the city, the common council shall proceed within 30 days, or such other time as agreed between the parties, after the charge so filed with the city clerk, to hear and determine the case upon its merits.

b) The mayor may suspend such officer against whom charges have been preferred until the disposition of the charges and appoint a person to fill the vacancy temporarily until the charges have been disposed of.

c) The common council may, for the purpose of such hearing, compel the attendance of witnesses and the production of all papers by

subpoena when necessary for the purpose of such hearing.

d) Two-thirds of all the members of the common council elect shall have the power to dismiss such administrative manager from office for malfeasance, misconduct, or inefficiency in office, upon due process hearing as provided in this section."

Part 3:

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

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

Referred to Finance and Personnel Committee

Ord.10-11

Ordinance No. 10-11

To repeal and recreate Sections 90-26 and 90-27 of the Municipal Code of the City of Racine, Wisconsin relating to Taxation:

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

Part 1:

Section 90-26 is repealed and recreated to read as follows:

"Sec. 90-26. - Due date; installment tax payments.

(a) All taxes upon real estate in the city due and payable on or before July 31, 2012 shall be paid on or before January 31 of each year, except that where the tax on a particular parcel amounts to \$100.00 or more, it may be paid in four equal installments, each of which shall

become successively due and payable on or before January 31, March 31, May 31 and July 31. On any installment date, the taxpayer may pay the balance of the tax due.

(b) Effective for all payments upon real estate taxes due on or after August 1, 2012, all taxes upon real estate in the city shall be paid on or before January 31 of each year, except that where the tax on a particular parcel amounts to \$100.00 or more, it may be paid in two equal installments, each of which shall become successively due and payable on or before January 31 and July 31.

Part 2:

Sec. 90-27 is repealed and recreated to read as follows:

"(a) When the first installment of the real estate taxes is not paid on or before January 31, the whole amount of such real estate taxes shall become delinquent as of February 1. All such taxes remaining unpaid on February 1 shall be collected by the city treasurer with interest at the rate of one percent per month or fraction thereof, and penalty of 0.5 percent per month or fraction thereof from February 1.

(b) For all taxes upon real estate in the city due and payable on or before July 31, 2012, if the second or any subsequent installment payment of real property taxes is not paid by the due date specified, the entire amount of the remaining unpaid taxes on that parcel is delinquent on the first day of the month after the payment is due. Such taxes shall be collected together with interest of one percent per month or fraction thereof and penalty of 0.5 percent per month or fraction thereof from February 1.

(c) Effective for all payments upon real estate taxes due on or after August 1, 2012, if the second installment payment of real property taxes is not paid on or before July 31, the entire amount of the remaining unpaid taxes on that parcel is delinquent on August 1. Such taxes shall be collected together with interest of one percent per month or fraction thereof and penalty of 0.5 percent per month or fraction thereof from February 1."

Part 3:

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

Fiscal Note: N/A

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Sponsors: Q.A. Shakoor, II

Referred to the Finance and Personnel Committee

J. Adjourn

The meeting was adjourned at 9:55p.m. by Alderman Shakoor. The next scheduled meeting of the Council is October 4, 2011 .

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK