



City of Racine

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

Meeting Minutes - Final Common Council

*Mayor John T. Dickert,
President, Alderman Raymond DeHahn
Alderman Dennis Wiser, Alderman Jim Kaplan,
Alderman Q.A. Shakoor-II, Alderman Ronald D. Hart,
Alderman Sandy Weidner,
Alderman Krystyna Sarrazin, Alderman Jeff Coe,
Alderman Michael Shields,
Alderman Melissa Kaprelian-Becker,
Alderman Terry McCarthy, Alderman Gregory Holding,
Alderman James Morgenroth,
Alderman Edward E. Diehl,
Alderman Henry Perez*

Tuesday, December 2, 2014

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wiser, Holding, Perez, Morgenroth, Hart and Diehl
EXCUSED: 1 - McCarthy

B. Pledge of Allegiance To The Flag

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

C. Approval of Journal of Council Proceedings (Minutes)

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

D. Public Hearings

[Ord.12-14](#) Ordinance 12-14 Dangerous Animals

To repeal and recreate Sections of Chapter 10 - Animals of the Municipal Code of Racine, Wisconsin.

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

Part 1: Repeal Sec. 10-104. - Vicious Animals of the Municipal Code of Racine, Wisconsin and recreate it as follows:

“Sec. 10-104. - Dangerous Animals.

(a) Definitions.

Animal means any living vertebrate, domestic or wild, except a human being, which may be affected by rabies.

Bite means to wound, injure, cut, tear, puncture, grip / clamp or sever with the teeth, fangs and / or jaws.

Bodily Harm means physical pain or injury, illness, or any impairment of physical condition.

Cruel means causing unnecessary and excessive pain/suffering or unjustifiable injury or death to an animal.

Dangerous Animal as used in this ordinance means:

1. Any animal which approaches or chases any human being or domestic animal in a menacing fashion or apparent attitude of attack, without provocation, on public or private property;
2. Any animal which bites, inflicts bodily harm, attacks, or otherwise endangers the safety of human beings or domestic animals, without provocation, on public or private property; or

Dog means any member of the species *Canis familiaris* (the domestic dog), but not its wild progenitors.

Dog Exercise Park means a park for dogs to exercise and play off-leash in a controlled environment under the supervision of their owners.

Domestic Animal means various animals domesticated so as to live and breed in a tame condition.

Juvenile is defined as a person under the age of eighteen (18) years old.

Owner / Caretaker and Person mean any individual, partnership or corporation that has the right of property in an animal or who keeps, harbors for any period of time, cares for, acts as its custodian, or who knowingly permits an animal to remain on or about his premises/property for any period of time. The Wisconsin Humane Society is not an owner / caretaker or a person within the meaning of this ordinance.

Pet means an animal kept for pleasure rather than utility, which may/may not be susceptible to rabies.

Prohibited Dangerous Animal as used in this ordinance means:

1. Any animal that, while off the owner's or caretaker's property, has killed an animal without provocation;
2. Any animal that, without provocation, inflicts bodily harm on a person on public or private property;
3. Any animal brought from another city, village, town or county that has been declared dangerous or prohibited or its equivalent by that jurisdiction;
4. Any dangerous animal that is not in compliance with any of the provisions of subsection (d);
5. Any animal declared dangerous under this section that subsequently has a second or more reported unprovoked incident in which the animal has bitten, inflicted bodily harm, attacked, or otherwise unreasonably endangered, with aggressive or threatening behavior, the safety of a human being or pet animal on public or private property;
6. Any dog that is subject to being destroyed under Section 174.02(3), Wisconsin Statutes; or
7. Any animal, owned, harbored or trained primarily or in part for the purpose of fighting.
8. The animal is utilized as a weapon in the commission of a crime.
9. An animal owned, harbored for any period of time, kept or maintained by a person who is prohibited from keeping a dangerous animal under subsection (k)(4) below.

Provoked Bite means the attack by an animal upon a person or animal was precipitated under circumstances reasonably expected to evoke a vicious response from the animal, including, but not limited to, the following:

1. The animal was protecting or defending its owner or a member of its owner's household from an attack or assault;
2. The person attacked was committing a crime or offense while on the property of the owner of the animal;
3. The person attacked was teasing, tormenting, abusing or assaulting the animal or at any time in the past had teased, tormented, abused or assaulted the animal;
4. The attacked animal was attacked or menaced by the animal or the animal was on the property of the owner of the animal. This does not include walking past the property in a casual manner;
5. The attacked animal was responding to pain or injury inflicted by the attacking person or animal;
6. The attacked animal was protecting itself, its kennels or its offspring from the attacking person or animal while the attacked animal was on its owner's property;
7. The person or animal attacking was disturbing the animal's natural functions, such as sleeping or eating, while the attacked animal was on its owner's property; or

8. The attacked animal was responding to a command or encouragement to attack the person or animal.

Surrender means the voluntary relinquishment of rights and claims to a domesticated animal.

Unprovoked Bite means not stimulated to produce an angry or irritated reaction.

Wild Animal means a living creature that is not a plant, and is untamed or domesticated, in a natural state.

(b) Prohibitions.

(1) No person shall own, harbor for any period of time, keep or maintain within the city limits an animal that has been declared to be a "dangerous animal," except as provided in subsection (d) below.

(2) No person may bring into, own, harbor for any period of time, keep or maintain within the city limits, any animal that is determined to be a "prohibited dangerous animal".

(3) No person shall offer for sale, sell, give away, breed, buy, or attempt to buy an animal that has been declared to be a dangerous animal within the city except as permitted under this section.

(4) No person shall own, harbor for any period of time, keep or maintain within the city limits, any animal for the purpose of animal fighting, or train, torment, badger, bait, or use any animal for the purpose of causing or encouraging said animal to attack human beings or domestic animals when not provoked.

(5) No person convicted of animal cruelty or animal fighting at any time, is allowed to own any dangerous animal or function as the caretaker.

(6) The issuance of a citation under subsections (4) or (5) of this section need not be predicated on a determination that an animal is a dangerous or prohibited dangerous animal.

(7) Dangerous Animal status will not be based on the breed of a given animal, but rather the dangerous and/or threatening "behavior" exhibited by the animal.

(c) Procedure for Declaring a Dangerous Animal.

(1) The Chief of Police, the Public Health Administrator, or the designee of either, upon conducting an investigation, may issue an order declaring an animal to be a dangerous animal whenever he/she finds that an animal meets the definition of a dangerous animal in subsection (a). An owner or caretaker wishing to contest an order under this section shall proceed as provided in subsection (f).

(2) Upon an animal being declared dangerous, the owner or caretaker shall immediately comply with the signage, leashing, muzzling and

confinement requirements of subsection (d)(3) and (d)(5)-(7). The owner or caretaker shall comply with the requirements of subsection (d) (6) (B) within five (5) business days of the order and with all other requirements in subsection (d) being satisfied within thirty (30) business days of the order.

(3) Upon written request by the owner or caretaker, the Chief of Police, the Public Health Administrator, or the designee of either may waive any requirement specified in subsection (d) that he/she deems to be inappropriate for a particular dangerous animal.

(d) Restrictions.

The owner or caretaker of any animal determined by the Chief of Police, the Public Health Administrator, or the designee of either to be a dangerous animal shall comply with all of the following conditions:

(1) Registration: The owner or caretaker of any dangerous animal shall register it with the City of Racine Police Department within 30 (thirty) business days of the order, and thereafter before January 1 of each year, by providing a current color photograph of the animal and payment of a \$100.00 registration fee. Upon payment of the fee and satisfactory proof of compliance with the provisions and conditions of this ordinance, the owner shall be issued a dangerous animal certificate of registration. A \$50.00 fee shall be charged for the costs incurred by the City for the inspection or reinspection of the property. The owner or caretaker shall post the certificate of registration on the front door of the residence where the dangerous animal is being kept.

The owner or caretaker of any dangerous animal shall also provide proof of current license and rabies certificate as required under sections 10-36, 10-38, and 10-39 respectively at the time of registration and each year thereafter.

(2) Liability Insurance: At the time of registration, the owner or caretaker of any dangerous animal shall provide proof of liability insurance in the amount of at least \$500,000 for any acts of property damage or liability incurred by virtue of personal injury inflicted by such animal. Such insurance shall name the city as additional insured solely for the purpose of notice of cancellation of the policy.

(3) Display of Sign: The owner or caretaker of any dangerous animal shall display signs on his or her premises facing out from all sides of the premises warning that there is a dangerous animal on the property. This sign shall be visible and capable of being read from a public highway or thoroughfare or within 20 (twenty) feet of its placement and be at least eight and a half (8 1/2) inches by eleven (11) inches in rectangular dimensions with lettering not less than 2 (two) inches in height. In addition, the sign shall include a pictorial

symbol warning the public of the presence of a dangerous animal and state "WARNING DANGEROUS ANIMAL."

(4) Identification: The owner or caretaker of the dangerous animal shall provide written proof from a licensed veterinarian or humane society of a device / microchip / tattoo which can be later detected to aid in the proper identification of the animal. The device / microchip / tattoo must be numbered and the number must be provided to the City of Racine Police Department.

(5) Collar: A bright fluorescent yellow collar visible at fifty (50) feet in normal daylight shall be worn by dangerous animals at all times, except when being groomed.

(6) Animal Restraint On Property: While on the owner's or caretaker's property, a dangerous animal must be securely and humanely confined indoors or when outdoors, kept in a secure enclosed and locked pen or structure, suitable to prevent the entry of the public, or other persons who have the lawful right to enter the property and designed to prevent the animal from escaping or as set forth in subsection (d) (7). This would include any mail carrier, sanitation worker, meter person or other persons who have lawful right to enter the property. No more than one dangerous animal may be kept per City parcel.

a. Indoor Confinement: No dangerous animal may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the animal to exit the premises of its own volition. No dangerous animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.

b. Outdoor Confinement: All owners or caretakers of a dangerous animal must maintain on the property a pen or kennel as provided in this subsection. The pen or kennel shall be child proof from the outside and animal proof from the inside. A strong metal double fence with adequate space between fences (at least two feet) shall be provided so that a child cannot reach into the animal enclosure. Such pen or structure must have secure sides and a secure top attached to all sides. The pen or structure shall be locked with a key or combination lock when the animal is within the structure. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than 2(two) feet. The enclosure must also provide protection from the elements for the animal. All structures erected to house dangerous animals shall comply with all City health, building, and zoning regulations and be adequately lighted and ventilated and kept in a clean and sanitary condition.

(7) Animal Restraint Off Property: No owner or caretaker may permit a dangerous animal to go outside its dwelling, kennel, pen or premises

where it is being harbored unless the animal is muzzled and restrained by a bright fluorescent yellow collar with harness and leather lead not exceeding 4 (four) feet in length and is under control of an adult, able-bodied person competent to govern the animal and physically capable of controlling and restraining the animal. The animal may not be leashed to inanimate objects such as trees, posts and buildings. The animal shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals. Dangerous animals are not permitted in Dog Exercise Parks and shall not be transported in a vehicle that might allow the animal to escape or gain access to any person or animal outside the vehicle.

(8) Spay and Neuter Requirement: The owner or caretaker shall provide written proof from a licensed veterinarian that the animal has been spayed or neutered.

(9) Training: The owner or caretaker, at his/her expense, must provide documentation from an accredited dog training specialist of attending and passing either an animal socialization program offered through the Association of Pet Dog Trainers or the American Kennel Club Canine Good Citizen Program.

(10) Juveniles: No animal declared "dangerous" as a result of aggression against the public is to be kept on a property or within a household where a juvenile resides.

(e) Procedure for Declaring a Prohibited Dangerous Animal.

(1) The Chief of Police, the Public Health Administrator, or the designee of either, upon conducting an investigation, may issue an order declaring an animal to be a prohibited dangerous animal whenever he/she finds that an animal meets the definition of prohibited dangerous animal in subsection (a). An owner or caretaker wishing to contest an order under this section shall proceed as provided in subsection (f).

(2) Upon issuance of an order declaring an animal to be a prohibited dangerous animal, the owner or caretaker shall remove the animal from the city or surrender the animal to the local humane society within five (5) business days after the date of the order.

(3) No owner or caretaker of a prohibited dangerous animal may sell or transfer possession of the animal to any other person within the city.

(4) Any animal declared to be a prohibited dangerous animal that is not removed from the city within five (5) business days of it being declared a prohibited dangerous animal may be seized by the city pursuant to Section 173.13(1), of the Wisconsin Statutes.

(5) The owner or caretaker shall provide the Racine Police Department, within five (5) business days of the animal being declared a prohibited dangerous animal, the name, address, and telephone number of the person that will be in possession of the prohibited

dangerous animal or a certification from a licensed veterinarian that the prohibited dangerous animal was humanely euthanized. The owner or caretaker shall also present evidence to the Racine Police Department showing that he or she has notified the law enforcement or animal control agency of the animal's new residence, including the name, address and telephone number of the new owner and advised that the animal is a prohibited dangerous animal.

(f) Appeal Process for Dangerous and Prohibited Dangerous Animal.

(1) Whenever an owner or caretaker wishes to contest an order declaring an animal dangerous under subsection (c) or prohibited dangerous under subsection (e), he or she shall, within five (5) business days after receipt of the order, deliver to the department that issued the order a written objection to the order, addressed to the Administrative Reviewer, stating specific reasons for contesting the order. A fifty dollar (\$50.00) fee must accompany the request. The Administrative Reviewer will be appointed by the Mayor of the City of Racine. Upon receipt of the written objection, for Administrative Review, the appeal will be reviewed within five (5) business days. The Administrative Reviewer acts as a quasi-judicial body allowing the animal's owner or caretaker an opportunity to present evidence as to why the animal should not be declared dangerous or prohibited dangerous. The city elects not to be bound by Chapter 68, Wisconsin Statutes with respect to administrative procedure in this regard.

(2) After the Administrative Review, the owner or caretaker shall be notified in writing within five (5) business days of the determination.

(3) If the owner or caretaker wishes to further contest the determination, he or she may, within five (5) business days of receiving the Administrative Review decision seek review by filing a petition in circuit court.

(g) Notification.

(1) The owner or caretaker of an animal that has been declared to be a dangerous or prohibited dangerous animal shall immediately notify the City of Racine Police Department and City of Racine Department of Public Health if the animal is at large.

(2) The owner or caretaker of an animal that has been declared to be a dangerous or prohibited dangerous animal shall immediately notify the City of Racine Police Department and City of Racine Department of Public Health if the animal has bitten or inflicted injury upon another animal or human being, or has died.

(3) No owner or caretaker may sell or transfer possession of an animal that has been declared to be a dangerous or prohibited dangerous animal to another person without first notifying, in writing, the person to whom the animal is being sold or transferred of the fact that such animal has been declared to be a dangerous or prohibited dangerous

animal. The owner or caretaker shall also provide the City of Racine Police Department and City of Racine Department of Public Health with the name, address and telephone number of the new owner of the animal within 5 (five) business days.

(4) The owner or caretaker shall update the City of Racine Police Department and City of Racine Department of Public Health within five (5) business days upon moving the dangerous or prohibited dangerous animal to another location and / or surrendering the animal to the local humane society.

(h) Impoundment.

(1) During the pendency of any investigation as to whether an animal is a dangerous or prohibited dangerous animal or pending a hearing on an appeal under subsection (f) of either determination, the animal must be securely confined in a humane manner either on the premises of the owner or caretaker, with a licensed veterinarian or other appropriate facility such as the local humane society. The owner or caretaker of any animal impounded on the premises of the owner or caretaker must comply with the restrictions set forth in subsection (d) (3) and (d) (5)-(7). The Chief of Police, the Public Health Administrator, or the designee of either may order impoundment of the animal pending his/her investigation and through any appeal hearing under subsection (f), pursuant to Section 173.13(1) of the Wisconsin Statutes.

If an animal is declared to be dangerous, it may remain impounded until the owner or caretaker has complied with all restrictions set forth in subsection (d) or until such time as the Chief of Police, the Public Health Administrator, or the designee of either determines the animal may be safely returned to its owner or caretaker and upon payment of all costs and expenses under subsection (h) (2). If an animal is declared to be a prohibited dangerous animal, it may remain impounded until the owner or caretaker provides the City of Racine Police Department or the City of Racine Public Health Department adequate assurances that the animal will be removed from the city or surrendered as provided in subsection (e) (2) and upon payment of all cost and expenses under subsection (h) (2).

Any impounded animal may be euthanized if it remains unclaimed by its owner or caretaker for more than five (5) business days after written notice by mail has been sent to the owner or caretaker to his/her last known address advising that a determination has been made that the animal may be returned to the owner or caretaker upon compliance with the requirements of this subsection. Any owner or caretaker aggrieved by an impoundment issued by the Chief of Police, the Public Health Administrator, or the designee of either, may appeal

such decision in the same manner and under the same procedures as set forth in subsection (f).

(2) The owner or caretaker of the animal shall be liable to the city for the costs and expenses of impounding an animal unless the Chief of Police, the Public Health Administrator, or the designee of either fails to declare the animal dangerous or prohibited dangerous or the determination is ultimately overturned by Administrative Review. In addition, the owner or caretaker must provide the impoundment agency with a \$250.00 non-refundable deposit to be utilized for all impoundment activities and services at the time the animal is impounded.

(3) The owner or caretaker of an animal confined on the premises under subsection (h) (1) shall immediately notify the City of Racine Police Department and City of Racine Department of Public Health if the animal is loose, unconfined, has attacked or bitten or injured another animal, or has attacked, bitten or injured a human being, has died or was surrendered. The animal shall not be sold or given away during the confinement or impoundment period.

(4) The Chief of Police, the Public Health Administrator, or the designee of either shall make a reasonable attempt to promptly notify the owner or caretaker in writing of any impoundment under this subsection if he or she can be identified and located with reasonable effort. Mailing written notice to the owner's or caretakers last known address shall satisfy this requirement.

(i) Destruction.

Any animal that has caused bodily harm to a person or a domestic animal on two separate occasions off the owner's premises, without reasonable cause may be destroyed as a result of a judgment rendered by a court of competent jurisdiction as specified under Section 174.02(3) of the Wisconsin Statutes. The city attorney may petition an appropriate court to obtain a court order to destroy such an animal. At any time the owner may surrender the animal to the local humane society.

(j) Duration of Dangerous Animal Status.

(1) The Chief of Police, the Public Health Administrator, or the designee of either may remove the declaration of dangerous animal upon petition by the owner or caretaker of an animal upon a finding of all of the following:

a. The owner or caretaker demonstrates that changes in circumstances or measures taken by the owner or caretaker have mitigated the risk to public safety;

b. The owner or caretaker demonstrates there have been no additional reported instances of the behavior set forth in subsection (b)

within a three (3) year period from the date of the order declaring the animal dangerous;

c. The owner or caretaker, at their expense, provides documentation from an accredited animal training specialist of attending and passing an animal socialization program offered through the Association of Pet Dog Trainers or the American Kennel Club Canine Good Citizen Program; and

d. The Chief of Police, the Public Health Administrator, or the designee of either concludes from all of the evidence presented the animal no longer presents a risk to public safety.

(k) Penalties for Violations.

(1) Any person who owns, cares for, keeps, harbors for any period of time or maintains an animal in violation of this Section is subject to penalties under this Section.

(2) Any person, as described in subsection (k)(1) above, who violates any provision of this Ordinance is subject to a forfeiture of not less than \$100.00 nor more than \$1000.00 for each separate violation.

(3) Every day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses including shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this ordinance.

(4) Any person who has owned, cared for, kept, harbored for any period of time or maintained an animal in violation of this Section shall be prohibited from owning, harboring for any period of time, keeping or maintaining any dangerous animal for a period of up to three (3) years from the date of final determination made under the procedures in this Chapter.

(l) Exemptions.

The provisions of this ordinance regarding dangerous animals shall not apply to animals owned by law enforcement or military agencies and acting in performance of its duties or wild animals.

--- (1) ---

Editor's note- Ord. No. 2-05, pt. 1, adopted March 15, 2005, repealed the former Ch. 10, §§ 10-1-10-6, 10-36-10-41, 10-62-10-75, 10-96-10-102, and enacted a new Ch. 10 as set out herein. The former Ch. 10 pertained to similar subject matter and was derived from Code 1973 Code of Ordinances as subsequently amended. See the comparative tables at the back of this volume for a complete derivation. ([Back](#))

Cross reference- Board of health, § 2-176 et seq.; injury to animals in parks and recreation areas, § 70-77; animals restricted in parks and recreation areas, § 70-90; regulations regarding the Zoological Park

and animals, § 70-102; Colonial Park is a bird sanctuary, § 70-103. _

(Back)

State Law reference- Animal health, Wis. Stats. § 95.01 et seq.; animal control, Wis. Stats. § 172.01 et seq.; strays, Wis. Stats. § 170.01 et seq.; animals doing damage, Wis. Stats. § 173.01 et seq.; rabies vaccination required, Wis. Stats. § 174.052; impoundment, Wis. Stats. § 174.046. (Back)."

Part 2: Amend subsection (b) of Sec. 10-4. - Payment of forfeiture in lieu of court appearance to include:

10-104

Dangerous Animals 100.00 - 1,000.00

Keeping Prohibited Dangerous Animal 1,000.00

Selling / giving away / breeding / buying a Dangerous Animal 1,000.00

Failure to comply with any Dangerous Animal Restrictions 1,000.00

Failure to provide notification of a Dangerous or Prohibited Dangerous Animal 1,000.00

Failure to comply with the Dangerous or Prohibited Dangerous Animal impoundment restrictions 1,000.00

Violation of penalties restrictions with owning harboring, keeping, or maintaining any Dangerous Animal for a period of up to three years from the date of final determination 1,000.00

Part 3: Recreate Sec. 10-3. - Penalty for violation of chapter by repealing \$400.00 and recreating it to be \$1,000.00

Part 4: 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:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Jim Kaplan

Mayor Dickert Opened the Public Hearing for Ord. 12-14.

Jill Kline from the Wisconsin Humane Society was present to speak in favor of the ordinance.

Robert Mosel, 407 Jonathan Dr. was present to request the item be referred back to Board of Health for further review.

Dottie-Kay Bowersox, City of Racine Health Department was present to speak in favor of the ordinance.

Mayor Dickert Closed the public hearing at 7:09 p.m.

E. Public Comments

George Meyers

F. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[14-10762](#)

Subject: Communication from Jason Greenwood on the behalf of the Splash and Dash Foundation requesting a reduction or waiver of the \$175.00 park reservation fee for the Splash and Dash event to be held at North Beach on Thursday, January 1, 2015.

Referred to Finance and Personnel Committee

[14-10789](#)

Subject: Communication from the Purchasing Agent submitting bid results on Official Notice #12 Emergency Medical Supplies for the Racine Fire Department.

Referred to Finance and Personnel Committee

[14-10793](#)

Subject: (Direct Referral) Communication from the City Attorney requesting authorization to represent Racine police officers F. Miller and R. Rasmussen in the lawsuit filed in the U.S. District Court, Eastern District of Wisconsin under Case No. 14-C-1175, Eric S. Conley-Eaglebear v. Off. Miller, et al.

Referred to Finance and Personnel Committee

[14-10794](#)

Subject: Communication from the Racine County Economic

Development Corporation (RCEDC) requesting to present the semi-annual plan certifications for the period ending September 30, 2014 for the City Revolving Loan Fund (City-RLF).

Referred to Finance and Personnel Committee

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

14-10770

Subject: Communication from the Assistant Commissioner of Public Works/Operations requesting to waive formal bidding procedures for the annual HVAC maintenance agreement.

Referred to Public Works and Services Committee

14-10791

Subject: Communication from the Assistant Commissioner of Public Works/Operations submitting a professional services agreement for Contract 54-14 (K4-054), PS - Roof Management Program, Industrial Roofing Services, Inc., consultant.

Referred to Public Works and Services Committee

14-10792

Subject: Communication from the Real Racine, on behalf of AGA Nation, requesting to close 5th Street between Wisconsin and Main Street starting at 7:00 a.m. on Friday, January 9, 2015 through 8:00 p.m. Sunday, January 11, 2015 to host its 2015 Winter Rail Jam mobile snowboard and freestyle ski event. **Kari Dawson invited to the meeting.**

Referred to Public Works and Services Committee

Refer to Traffic Commission, by Ald. Kaplan

14-10795

Subject: Communication from the Alderman of the 12th District requesting a traffic control device at the intersection of Madison Street and Dwight Street.

Referred to Traffic Commission

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor

14-10710

Subject: Communication from the Assistant Commissioner of Public Works/City Engineer requesting the transfer of funds into Account 287.900.5320, Sanitary Sewer Backlog Projects. (Res. No. 14-0480)

Recommendation of the Finance and Personnel Committee on 11-10-14: Defer the item until the November 24, 2014 Finance & Personnel meeting.

Recommendation of the Finance and Personnel Committee on 11-24-14: \$500,000 be appropriated from Sanitary Sewer Maintenance Fund Reserves to Account 287.900.5320, Sanitary Sewer Backlog Projects.

Fiscal Note: There are funds available in the reserves in the sanitary sewer maintenance fund for this amendment.

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

[14-10737](#)

Subject: Communication from the Fire Chief requesting permission to apply for a grant in the amount not to exceed \$15,000 from the Wheaton Franciscan All Saints Foundation to acquire bariatric patient handling equipment. (Grant Control # 2014-044) (Res. No. 14-0478)

Recommendation of the Finance & Personnel Committee on 11-24-14: Permission be granted to the Fire Chief to apply for a grant in the amount not to exceed \$15,000 from the Wheaton Franciscan All Saints Foundation to acquire bariatric patient handling equipment. (Grant Control # 2014-044)

Fiscal Note: The Fire Department will be providing an in-kind support for the grant in the amount of \$27,800 with existing equipment, and will cover the estimated installation cost of \$300. (Grant Control # 2014-044)

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

[14-10758](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for and accept grant funds in the amount of \$20,000 from SC Johnson to support the Dr. John Bryant Community Center Performing Arts Program. Grant Control #2014-043. (Res. No. 14-0479)

Recommendation of the Finance & Personnel Committee on 11-24-14: Permission be granted to the Director of Parks, Recreation & Cultural Services requesting to apply for and accept grant funds in the amount of \$20,000 from SC Johnson to support the Dr. John Bryant Community Center Performing Arts Program. Grant Control #2014-043.

Fiscal Note: No match required.

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

[14-10763](#)

Subject: (Direct Referral) Communication from the Purchasing Agent

submitting bid results on Official Notice #11, Provision of Ground Maintenance, Snow Removal, and Burial Services for Racine Cemeteries. (Res. No. 14-0481)

Recommendation of the Board of Cemetery Commissioners on 11/17/14: to award to Reliable Property Services at their unit costs outlined in their Ground Maintenance, Snow & Ice Removal and Burial Services Bidder's Proposal for Official Notice #11 for a one-year term.

Fiscal Note: Unit costs outlined are estimated to be \$313,155.00 for 2015. Funds for these services are available in account 207.000.5600, Cemetery Contracted Services.

Recommendation of the Finance & Personnel Committee on 11-24-14: The City enter into an agreement with Reliable Property Services at the unit costs outlined in their Ground Maintenance, Snow & Ice Removal and Burial Services Bidder's Proposal for Official Notice #11 for a one-year term.

Fiscal Note: Funds for these services are available in account 207.000.5600, Cemetery Contracted Services.

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

[14-10775](#)

Subject: (Direct Referral) Communication from the Deputy City Attorney submitting the Racine Professional Employees Association 2015 collective bargaining agreement for consideration. (Res. No. 14-0483)

Recommendation of the Finance and Personnel Committee on 11-24-14: Recommend approval of the negotiated Racine Professional Employees Association 2015 collective bargaining agreement.

Fiscal Note: N/A

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

[14-10788](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting bid results on Official Notice #10, Purchase of Nine, Five Row Aluminum Bleachers. (Res. No. 14-0482)

Recommendation of the Finance & Personnel Committee on 11-24-14: The purchase of nine, five row aluminum bleachers, Official Notice #10, be awarded to Southern Bleacher Company at their bid price of \$25,940.

Fiscal Note: Funds for this purchase are available in account 993.710.5010, Bleacher Replacements and in account 994.710.5010, Bleacher Replacements.

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

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

Public Works and Services Committee Report, by Ald. Kaplan

14-10765

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting the 2015 summary of lease agreements for office space. (Res. No. 14-0485)

Recommendation of the Public Works and Services Committee on November 25, 2014: The Mayor and City Clerk be authorized and directed to enter into lease agreements for 2015 for rental of office space in City Hall, City Hall Annex and the Safety Building at the rental rates as submitted.

Fiscal Note: Rental rates will increase in 2015 due to the 2014 Consumer Price Index increasing by 2.1%. These leases will generate a total annual revenue of approximately \$116,956.40.

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

14-10767

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 36-14 (K4-036), City Hall Annex - Replace Fire Alarm. (Res. No. 14-0484)

Recommendation of the Public Works and Services Committee on November 25, 2014: That Contract 36-14(K4-036), City Hall Annex - Replace Fire Alarm, be awarded to WIL-Surge Electric, Inc., at their bid price of \$104,811, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 994.200.5020, Annex - Upgrade Fire

Alarm.

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

14-10771

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting Change Order No. 2 on Contract 08-14 (K4-008), 2014 Signal & Street Lighting Replacement - South Street and Mt. Pleasant Street, Outdoor Lighting Construction Company, Inc., contractor. (Res. No. 14-0486)

Recommendation of the Public Works and Services Committee on November 25, 2014: That Change Order No. 2 on Contract 08-14 (K4-008), 2014 Signal & Street Lighting Replacement - South Street and Mt. Pleasant Street, Outdoor Lighting Construction Company, Inc., contractor, as submitted, be approved in the deduct amount of (\$5,015.21).

Fiscal Note: Change Order No. 2 will result in a decrease in contract price.

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

14-10772

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 08-14 (K4-008), 2014 Signal & Street Lighting Replacement - South Street and Mt. Pleasant Street, Outdoor Lighting Construction Company, Inc., contractor. (Res. No. 14-0487)

Recommendation of the Public Works and Services Committee on November 25, 2014: That the work done by Outdoor Lighting Construction Company, Inc., under Contract 08-14(K4-008), 2014 Signal & Street Lighting Replacement - South Street and Mt. Pleasant Street, be accepted and final payment authorized for a total contract amount of \$306,066.74.

Fiscal Note: Contract was authorized under Resolution 14-0159 of April 14, 2014.

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

14-10780

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting Amendment No. 3 to State Project ID: 2350-00-00, Hamilton Street/Douglas Avenue (STH 32) - Main Street to Goold Street, Graef-USA Inc., consultant. (Res. No. 14-0488)

Recommendation of the Public Works and Services Committee

on November 25, 2014: That Amendment No. 3 to State Project ID: 2350-00-00, Hamilton Street/Douglas Avenue (STH 32) - Main Street to Goold Street, Graef-USA, Inc., consultant, as submitted, be approved.

Fiscal Note: This is a no cost time extension.

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

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wiser, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

Public Safety and Licensing Committee Report, by Ald. Holding

14-10748

Subject: (New) Application of Tops 3 Supermarket Inc. Manpreet Singh, Agent for a Class "A" Fermented Malt Beverage License for 704 High Street. (4th District)

Recommendation of the Public Safety and Licensing Committee on November 25, 2014: That the application for a Class "A" Fermented Malt Beverage License for Tops 3 Supermarket Inc, Manpreet Singh, Agent, located at 704 High Street, be approved.

Fiscal note: N/A

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

14-10773

Subject: (Direct Referral) Sale of Abandoned Vehicles 11/18/14

Recommendation of the Public Safety and Licensing Committee on November 25, 2014: That the item be Received and Filed as the highest responsible bidder out of the two bids was Auto Parts City.

Fiscal Note: This will generate \$19,928.00 in revenue for account 101.310.7550.

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

Council Action

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

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wiser, Holding , Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

Traffic Commission Report, by Ald. Kaplan

14-10387

Subject: (Direct Referral) Communication from the Alderman of the 12th District requesting a traffic study be conducted on Ohio Street by Lockwood Park.

Recommendation of the Traffic Commission on July 21, 2014:
Deferred

Recommendation of the Traffic Commission on October 20, 2014:
Recommends that the communication be received and filed.

Fiscal Note: N/A

Recommendation of the Traffic Commission on November 17, 2014: Recommends that the item be referred to the Public Works and Services Committee.

Fiscal Note: N/A

A motion was made that this Communication be Referred to Public Works and Services Committee as Reported. The motion was APPROVED.

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wiser, Holding , Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

14-10625

Subject: Communication from the Alderman of the 2nd District requesting referral to the Traffic Commission a request to remove the east/west stop signs on De Koven Avenue at Mead Street.

Recommendation of the Traffic Commission on October 20, 2014:
Defer

Recommendation of the Traffic Commission on November 17, 2014: Recommends that the request to remove the stop signs on the east and west approaches of the intersection of De Koven Avenue and Mead Street be approved.

Fiscal Note: The estimated cost of this signage change will result in a

removal cost of \$100 and no annual maintenance cost.

Alderman Sarrazin requested separate consideration for this item.

A motion was made by Alderman Krystyna Sarrazin, seconded by Alderman Q.A. Shakoor-II, that this be Referred to the Traffic Commission. The motion PASSED by the following vote:

AYES: 12 - Coe, Sarrazin, Shields, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wisner, Perez, Morgenroth, Hart and Diehl

NOES: 2 - Kaplan and Holding

EXCUSED: 1 - McCarthy

14-10626

Subject: Communication from the Alderman of the 2nd District requesting referral to the Traffic Commission a request to add stop signs on De Koven Avenue at Franklin Street, making it a four-way stop.

Recommendation of the Traffic Commission on October 20, 2014:
Defer

Recommendation of the Traffic Commission on November 17, 2014: Receive and file.

Fiscal Note: N/A

Alderman Sarrazin requested separate consideration for this item.

A motion was made by Alderman Krystyna Sarrazin, seconded by Alderman Q.A. Shakoor-II, that this be Referred to the Traffic Commission. The motion PASSED by the following vote:

AYES: 12 - Coe, Sarrazin, Shields, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wisner, Perez, Morgenroth, Hart and Diehl

NOES: 2 - Kaplan and Holding

EXCUSED: 1 - McCarthy

14-10746

Subject: (Direct Referral) Communication from RPD, on behalf of the principals of Jerstad Agerholm Middle and Elementary Schools, requesting signage changes at 3601/3523 La Salle Street.

Recommendation of the Traffic Commission on November 17, 2014: Recommends that the request to change school parking areas in the 800 block of North Street and the 3500-3600 block of LaSalle Street from "No Parking, Stopping, Standing 7:30 A.M. to 4:30 P.M. on School Days" to "No Parking Loading Zone 7:30 A.M. to 4:30 P.M. on School Days" be approved.

Fiscal Note: The estimated cost of this signage will result in an

installation cost of \$200 and an annual maintenance cost of \$80.

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

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

14-10777

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

A. Recommends that Section 94-66(1) of Schedule C of the Municipal Code of the General Ordinances of the City of Racine relative to "Through Streets" be amended:

By Deleting:

1. De Koven Avenue, from west line of Wisconsin Avenue to east line of Taylor Avenue except at Mead Street.

By Including:

1. De Koven Avenue, from west line of Wisconsin Avenue to east line of Taylor Avenue.

B. Recommends that Section 94-66(3) of Schedule C of the Municipal Code of the General Ordinances of the City of Racine relative to "All-way stop intersections" be amended:

By Deleting:

1. Mead Street and De Koven Avenue.

Alderman Kaplan requested separate consideration for this item.

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

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

Transit and Parking Commission Report, by Ald. DeHahn[14-10622](#)

Subject: Communication from the Alderman of the 2nd District requesting referral to the Transit and Parking Commission a request for the removal of the bus stop near the corner of Wisconsin Avenue and DeKoven Avenue.

Recommendation of the Transit and Parking Commission on October 22, 2014: Defer

Recommendation of the Transit and Parking Commission on November 19, 2014: Receive and file.

Fiscal Note: N/A

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

[14-10676](#)

Subject: Communication from the Transit and Parking System Manager requesting the review of BUS Shrink Wrap program rates and authorization to extend the existing contract with Image Management for services in recruiting, designing and coordinating exterior BUS advertising. (Res. No. 14-0489)

Recommendation of the Transit and Parking Commission on October 22, 2014: Defer

Recommendation of the Transit and Parking Commission on November 19, 2014: Approval of the BUS Shrink Wrap program rates and contract extension with Image Management for services in recruiting, designing and coordinating exterior BUS advertising.

Fiscal Note: Expected to generate \$75,000 of revenue for Transit in 2015.

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

[14-10760](#)

Subject: (Direct Referral) Communication from the Transit and Parking System Manager requesting the review of a presentation by ABM Parking Services, Inc., outlining planned parking technology improvements in 2015 and their contract for cash management, operations, equipment maintenance and marketing of the Gaslight, Shoop, Lake Avenue and Civic Centre ramps and Lakefront Lot No. 5.

Recommendation of the Transit and Parking Commission on

November 19, 2014: Receive and file.

Fiscal Note: N/A

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

[14-10761](#)

Subject: (Direct Referral) Communication from the BUS General Manager submitting for review the October 2014 BUS Operations Report.

Recommendation of the Transit and Parking Commission on November 19, 2014: Receive and file.

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 President Raymond DeHahn, seconded by Alderman Q.A. Shakoor-II, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

City Plan Commission Report, by Ald. Wisner

[14-10738](#)

Subject: (Direct Referral) A request by Elizabeth Robinson and Nick Price for conditional use approval to have an auto repair facility at 1427 Junction Avenue. (Res. No. 14-0490)

Recommendation of the City Plan Commission on 11-26-14: 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.

[14-10782](#)

Subject: (Direct Referral) Request by Jai Shree Swaminarayan of Port of Call Liquors, 918 West Boulevard, for an extension to an approval of a conditional use permit. (Res. No. 14-0491)

Recommendation of the City Plan Commission on 11-26-14: That the extension to June 17, 2015 be approved.

Fiscal Note: N/A

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

14-10783

Subject: (Direct Referral) A request from Serena Barnes of Heaven's Heroes Learning Academy, LLC for conditional use approval to operate a child care facility at 2522 Douglas Avenue. (Res. No. 14-0492)

Recommendation of the City Plan Commission on 11-26-14: That the item be approved subject to conditions.

Fiscal Note: N/A

Alderman Weidner requested separate consideration for this item.

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

AYES: 13 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, DeHahn, Shakoor-II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

NOES: 1 - Weidner

EXCUSED: 1 - McCarthy

14-10785

Subject: (Direct Referral) A request from Alicia Villa for a conditional use permit to allow for a first floor residence at 1935 State Street. (Res. No. 14-0494)

Recommendation of the City Plan Commission on 11-26-14: 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.

Council Action

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

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

Housing Loan Board Report, by Ald. Wisner**14-10759**

Subject: (Direct Referral) Request of the Director of City Development

to accept the offer of Carlos Castelan-Sanchez and Cintia Sanchez to purchase 1236 Schiller Street, an NSP property. (Res. No. 14-0495)

Recommendation of the Loan Board of Review on November 20, 2014: that the request of the Director of City Development to accept the offer, with contingencies, of Carlos Castelan-Sanchez and Cintia Sanchez to purchase 1236 Schiller Street be approved.

Further recommend that the Mayor, City Clerk, and the Director of City Development be authorized to execute any documents necessary to complete the sale.

Fiscal Note: This is a new home build under the NSP-3 program. The City will receive \$86,000 in proceeds from the sale, minus commission and closing costs.

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

[14-10769](#)

Subject: (Direct Referral) Request of the Director of City Development to discuss revisions to the Choose Racine Program. (Res. No. 14-0496)

Recommendation of the Loan Board of Review on November 20, 2014: that resolution 09-1588 of September 1, 2009, establishing a Choose Racine program, be rescinded.

Fiscal Note: The program allowed qualified public employees to purchase homes from the city at 50% of list price. The program was intended to broaden the market for rehabilitated homes. However, it was not intended for newly constructed homes like the city is currently marketing and the program has not been effective in increasing demand for the rehabilitated homes. As a result, rescission will have no fiscal impact.

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

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wisner, Holding , Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

Executive Committee Report, by Ald DeHahn[14-10790](#)

Subject: (Direct Referral) Communication from the City Attorney requesting to meet with the Executive Committee in Closed Session pursuant to Wisconsin Statutes section 19.85(1)(g), regarding a communication from Racine County.

Recommendation of the Executive Committee on 11-25-14: That the item be received and filed.

Fiscal Note: N/A

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

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

Water Works Committee Report, by Ald Hart[14-10778](#)

Subject: Developers Agreement with Ashley Capital for Water Main Construction in the Village of Sturtevant

Recommendation of the Waterworks Commission on 11/25/14:
Approve

FURTHER RECOMMENDS THAT THIS ITEM BE REFERRED TO THE FINANCE AND PERSONNEL COMMITTEE FOR APPROVAL

Fiscal Note: The developer shall bear all costs

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

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

Wastewater Commission Report, by Ald Hart[14-10688](#)

Subject: Communication from the General Manager Requesting that the City Attorney Draft an Amendment Resolution Pertaining to Chapter 98 of the Municipal Code, Section IV, Division 3, User Regulations, as a Result of NR211 of the Department of Natural Resources Code (Res. No. 14-0497) **Keith Haas invited to the meeting.**

Recommendation of the Racine Wastewater Commission on 11/25/14: To approve changes to Chapter 98 of the Municipal Code, Section IV, Division 3, User Regulations

FURTHER RECOMMENDS THAT THIS ITEM BE REFERRED TO THE PUBLIC WORKS AND SERVICES COMMITTEE FOR FURTHER CONSIDERATION

Fiscal Note: N/A

A motion was made that this Communication be Referred to the Public Works and Services Committee, . The motion was APPROVED by the following vote:

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wiser, Holding , Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

City Attorney's Office Report, by Ald DeHahn

[14-10796](#)

Subject: Ordinance 12-14 Dangerous Animals

To repeal and recreate Sections of Chapter 10 - Animals of the Municipal Code of Racine, Wisconsin.

Recommendation of the City Attorney: That Ordinance 12-14 be adopted.

Fiscal Note: N/A

A motion was made by President Raymond DeHahn, seconded by Alderman Q.A. Shakoor-II, that this be Referred to the Board of Health. The motion PASSED by the following vote:

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wiser, Holding , Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

H. Consent Agenda Resolutions

[Res.14-0478](#)

Bariatric Patient Handling Equipment Grant

Resolved,that permission is granted to the Fire Chief to apply for a grant in the amount not to exceed \$15,000.00 from the Wheaton Franciscan All Saints Foundation to acquire bariatric patient handling equipment. (Grant Control # 2014-044)

Fiscal Note: The Fire Department will be providing an in-kind support

for the grant in the amount of \$27,800.00 with existing equipment, and will cover the estimated installation cost of \$300.00. (Grant Control # 2014-044)

Sponsors: Q.A. Shakoor-II

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

Res.14-0479

Dr. John Bryant Community Center Performing Arts Program Grant

Resolved, that permission is granted to the Director of Parks, Recreation & Cultural Services requesting to apply for and accept grant funds in the amount of \$20,000.00 from SC Johnson to support the Dr. John Bryant Community Center Performing Arts Program. (Grant Control #2014-043)

Fiscal Note: No match required.

Sponsors: Q.A. Shakoor-II

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

Res.14-0480

Transfer of Funds for Sanitary Sewer Backlog Projects

Resolved, that \$500,000.00 be appropriated from Sanitary Sewer Maintenance Fund Reserves to Account 287.900.5320, Sanitary Sewer Backlog Projects.

Fiscal Note: There are funds available in the reserves in the sanitary sewer maintenance fund for this amendment.

Sponsors: Q.A. Shakoor-II

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

Res.14-0481

Official Notice #11, Provision of Ground Maintenance, Snow Removal, and Burial Services for Racine Cemeteries

Resolved, that the City is approved to enter into an agreement with Reliable Property Services at the unit costs outlined in their Ground Maintenance, Snow & ice Removal and Burial Services Bidder's Proposal for Official Notice #11 for a one-year term.

Fiscal Note: Funds for these services are available in account 207.000.5600, Cemetery Contracted Services.

Sponsors: Q.A. Shakoor-II

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

Res.14-0482 Official Notice #10, Purchase of Nine, Five Row Aluminum Bleachers

Resolved, that the purchase of nine, five row aluminum bleachers, Official Notice #10, is awarded to Southern Bleacher Company at their bid price of \$25,940.00.

Fiscal Note: Funds for this purchase are available in account 993.710.5010, Bleacher Replacements and in account 994.710.5010, Bleacher Replacements.

Sponsors: Q.A. Shakoor-II

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

Res.14-0483 2015 Racine Professional Employees Association Collective Bargaining Agreement

Resolved, that the negotiated Racine Professional Employees Association 2015 collective bargaining agreement is approved.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor-II

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

Res.14-0484 Contract 36-14 (K4-036), City Hall Annex - Replace Fire Alarm

Resolved, that Contract 36-14(K4-036), City Hall Annex - Replace Fire Alarm, be awarded to WIL-Surge Electric, Inc., at its bid price of \$104,811.00, it being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 994.200.5020, Annex - Upgrade Fire Alarm.

Sponsors: Jim Kaplan

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

Res.14-0485 2015 Summary of Lease Agreements for Office Space

Resolved, that the Mayor and City Clerk are authorized and directed to enter into lease agreements for 2015 for rental of office space in City Hall, City Hall Annex and the Safety Building at the rental rates as submitted.

Fiscal Note: Rental rates will increase in 2015 due to the 2014

Consumer Price Index increasing by 2.1%. These leases will generate a total annual revenue of approximately \$116,956.40.

Sponsors: Jim Kaplan

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

Res.14-0486

Change Order No. 2 on Contract 08-14 (K4-008), 2014 Signal & Street Lighting Replacement - South Street and Mt. Pleasant Street

Resolved, that Change Order No. 2 on Contract 08-14 (K4-008), 2014 Signal & Street Lighting Replacement - South Street and Mt. Pleasant Street, Outdoor Lighting Construction Company, Inc., contractor, as submitted, is approved in the deduct amount of (\$5,015.21).

Fiscal Note: Change Order No. 2 will result in a decrease in contract price.

Sponsors: Jim Kaplan

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

Res.14-0487

Final Payment on Contract 08-14 (K4-008), 2014 Signal & Street Lighting Replacement - South Street and Mt. Pleasant Street

Resolved, that the work done by Outdoor Lighting Construction Company, Inc., under Contract 08-14(K4-008), 2014 Signal & Street Lighting Replacement - South Street and Mt. Pleasant Street, is accepted and final payment authorized for a total contract amount of \$306,066.74.

Fiscal Note: Contract was authorized under Resolution 14-0159 of April 14, 2014.

Sponsors: Jim Kaplan

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

Res.14-0488

Amendment No. 3 to State Project ID: 2350-00-00, Hamilton Street / Douglas Avenue (STH 32) - Main Street to Goid Street

Resolved, that Amendment No. 3 to State Project ID: 2350-00-00, Hamilton Street / Douglas Avenue (STH 32) - Main Street to Goid Street, Graef-USA, Inc., consultant, as submitted, is approved.

Fiscal Note: This is a no cost time extension.

Sponsors: Jim Kaplan

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

Res.14-0489

BUS Shrink Wrap Program Rates and Extension of Existing Contract

Resolved, that the BUS Shrink Wrap program rates and contract extension with Image Management for services in recruiting, designing and coordinating exterior BUS advertising is approved.

Fiscal Note: Expected to generate \$75,000.00 of revenue for Transit in 2015.

Sponsors: Raymond DeHahn

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

Res.14-0490

Auto Repair Facility at 1427 Junction

Resolved, that the request by Elizabeth Robinson and Nick Price to operate an auto repair facility at 1427 Junction is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission at the November 26, 2014 Plan Commission meeting be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the applicant shall obtain the correct property owner's signature on the parking agreement within 7 days of this approval. The applicants shall utilize the parking the spaces available via the parking agreement with 1503 Junction Avenue and as identified on the site plan. No junk, inoperable vehicles, or storage of vehicles for more than 48 hours shall be allowed at 1503 Junction Avenue. Vehicles shall be repaired and picked-up in a timely manner. Should this parking agreement be negated by either party, or not be signed by the current owner by December 2, 2014, this approval shall be null and void.
- d. That the hours of operation shall be 9:00 a.m. - 6:00 p.m., Monday through Friday.
- e. That the proposal shall receive review from the Uptown Corridor District and BID as part of this approval.
- f. That no painting, engine repair, transmission repair, tire work, or body work be allowed at this location.

g. That all aspects of the operation must be contained indoors, including the storage of parts, equipment, used parts, junk parts, trash, and oil and other fluids.

h. That the outdoor storage or display of any business related items shall not be permitted at any time.

i. That there shall be no vehicle sales at this location.

j. That there may be no more than five (5) vehicles in for service or awaiting pick-up, be it in the building or parked in the remote parking, at any time. Vehicles being dropped-off or picked-up may not be parked along Junction Avenue and must utilize the available spaces as noted.

k. That no junk or inoperable vehicles may be stored at this location, or on the street, and no vehicle salvage shall be conducted at this location at any time.

l. No on-street parking is allowed.

m. That all signs shall be professionally made and approved by the Department of City Development and Uptown Corridor District and BID prior to issuance of a building permit.

n. That all codes and ordinances be complied with and required permits acquired.

o. 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.

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

Fiscal Note: N/A

Sponsors: Dennis Wiser

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

Res.14-0491

Extend Approval of Conditional Use Permit for Port of Call Liquors

Resolved, that the request by Jai Shree Swaminarayan of Port of Call Liquors, 918 West Boulevard, to extend the approval of the conditional use permit to June 17, 2015, is approved.

Fiscal Note: N/A

Sponsors: Dennis Wiser

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

Res.14-0494

First Floor Residence at 1935 State Street

Resolved, that the request from Alicia Villa for a conditional use permit to allow for a first floor residence at 1935 State Street is approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on November 26, 2014, be approved subject to the conditions contained herein.

b. That all codes and ordinances be complied with and that all required permits be obtained.

c. That the following shall be accomplished prior to the issuance of an occupancy permit:

1. Remove from property the commercial two-pole sign structure.
2. Submit the following items to the Director of City Development, along with cost estimates from qualified professionals, for review and approval:

aa. A landscaping and trash area screening plan that includes type, size, location of landscaping to be installed and trash screening method and location.

bb. A painting plan that includes color chips.

cc. A parking lot sealing and striping plan.

dd. That a surety in the form of a cashier's check or letter of credit be provided equal to the value of items aa, bb, cc. Said surety will be returned upon implementation of aa, bb, cc.

d. That by June 1, 2015 all items listed in aa, bb, cc above shall be implemented. If said items are not implemented by June 1, 2015 the Director of City Development or a designee may cause the work to be completed and paid for using the surety. By being granted this conditional use permit, applicant agrees to allow the Director of City Development or a designee access to their property for this purpose.

e. 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.

f. That this permit is subject to review by the Plan Commission for

compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Dennis Wisler

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

Res.14-0495

Purchase of 1236 Schiller Street

Resolved, that the request of the Director of City Development to accept an offer from Carlos Castelan-Sanchez and Cintia Sanchez to purchase 1236 Schiller Street, an NSP property, is authorized.

Further resolved, that the Mayor, the City Clerk, and the Director of City Development are authorized to execute any documents necessary to complete the sale.

Fiscal Note: This is a new home build under the NSP-3 program. The City will receive \$86,000.00 in proceeds from the sale, minus commission and closing costs.

Sponsors: Dennis Wisler

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

Res.14-0496

Rescind Choose Racine Program

Resolved, that Resolution 09-1588 of September 1, 2009, establishing a Choose Racine program, is rescinded.

Fiscal Note: The program allowed qualified public employees to purchase homes from the city at 50% of list price. The program was intended to broaden the market for rehabilitated homes. However, it was not intended for newly constructed homes like the City is currently marketing and the program has not been effective in increasing demand for the rehabilitated homes. As a result, rescission will have no fiscal impact.

Sponsors: Dennis Wisler

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

Council Action

A motion was made by President Raymond DeHahn, seconded by Alderman Q.A. Shakoor-II, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wiser, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

[Res.14-0492](#)

Child Care Facility at 2522 Douglas Avenue

Resolved, that the request by Serena Barnes to operate a child care facility at 2522 Douglas Avenue is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on November 26, 2014, be approved subject to the conditions contained herein.
- b. That all codes and ordinances be complied with and that all required permits be obtained.
- c. That all required State licenses be obtained and inspections be performed, passed, and kept up to State standards at all times.
- d. That the kitchen shall pass all required health department inspections and be up to code prior to preparation of food.
- e. That there be adequate state certified staff, as dictated by State licensing requirements, present at all times children are on the premises.
- f. That the applicant shall provide details on the security system to be installed to the Department of City Development. The system shall be installed within 6 months of opening.
- g. That the applicant shall specifically locate the dumpster in the area behind the chain link fencing on the site plan, and provide a cut-sheet identifying screening methods for all chain link areas to the Department of City Development prior to issuance of a certificate of occupancy.
- h. That the hours of operation shall be from 5:30 a.m. - 12:00 a.m. (midnight), Monday through Friday.
- i. That signage is not approved with this review. Proposed signage shall be reviewed by the Department of City Development prior to issuance of a sign permit.
- j. That the loading and unloading of children shall take place in the area directly in front of the tenant space and shall not block any driveways or other parking spaces within the site.

k. 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.

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

Fiscal Note: N/A

Sponsors: Dennis Wisner

Alderman Weidner requested separate consideration for this item.

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

AYES: 13 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, DeHahn, Shakoor-II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

NOES: 1 - Weidner

EXCUSED: 1 - McCarthy

[Res.14-0497](#) Amend Ch. 98, Section IV of the Municipal Code

Resolved, that an ordinance be created to amend Chapter 98 of the Municipal Code, Section IV, Division 3, User Regulations, as a Result of NR211 of the Department of Natural Resources.

Fiscal Note: N/A

Sponsors: Ronald D. Hart

Alderman DeHahn requested separate consideration for this item.

A motion was made by President DeHahn, seconded by Alderman Shakoor-II, that this Resolution be Received and Filed. The motion was APPROVED by the following vote:

AYES: 13 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wisner, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

ABSTENTIONS: 1 - Holding

I. Miscellaneous

[14-10747](#) **Subject:** Pursuant to Sections 6.875(4) and 7.30(4) of the State Statutes, I Janice Johnson-Martin am submitting for your confirmation the list of Election Officials to be appointed for the term beginning January 1, 2015 and ending December 31, 2015.

A motion was made by President Raymond DeHahn, seconded by Alderman Q.A. Shakoor-II, that this be Received and Filed as Reported. The motion PASSED by the following vote:

AYES: 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor-II, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

EXCUSED: 1 - McCarthy

J. Adjourn

The meeting was adjourned at 8:10 p.m. by Alderman Shakoor II. The next scheduled meeting of the Council is December 16, 2014.

*ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK*