



City of Racine Meeting Minutes Common Council

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

*Alderman Jeff Coe, Alderman Robert Anderson, Alderman Michael Shields
Alderman Jim Kaplan, Alderman David L. Maack, Alderman Sandy Weidner
Alderman Raymond DeHahn, Alderman Q.A. Shakoor, II, Alderman Pete Karas
Alderman Thomas Friedel, Alderman Gregory Holding, Alderman Aron Wisneski
Alderman James T. Spangenberg, Alderman Ronald D. Hart, Alderman Robert Mozol*

Tuesday, September 4, 2007

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg, Hart and Mozol

EXCUSED: 1 - Wisneski

B. Pledge of Allegiance To The Flag

Mayor Becker 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 Spangenberg.

D. Public Comments

*Paul B. Smedegaard
Pastor Willie Riley
Robert Hartmann
Markus W. Dyess
John Klingenberg
Susan DeKeuster
Wade Holding
Joanne Cruz
Tresa Johnson
Devin Sutherland
Mercedes Dzindzeleta*

E. Communications

Refer to Finance and Personnel Committee, by Ald. Friedel

1. [07-1104](#) **Subject:** A Communications from the Fire Chief to Waive Formal Bidding and Instruct the Purchasing Agent to Negotiate for the Fire Department on the Purchase of a New Rescue Squad in 2008.

(Also refer to Public Safety and Licensing Committee)

Referred to Finance and Personnel Committee

Referred to Public Safety and Licensing Committee

2. [07-1106](#) **Subject:** Communication from the Public Health Administrator requesting permission to apply and accept funding from the Department of Health and Family Services. (Grant Control #2007-044)

(Also refer to the Board of Health.)

Referred to Finance and Personnel Committee

Referred to Board of Health

3. [07-1112](#) **Subject:** communication from the City Attorney submitting the claim of Cornelius Gordon and Mary Gordon for consideration.

Referred to Finance and Personnel Committee

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

5. [07-1082](#) **Subject:** Communication from the Downtown Racine Corporation requesting to close portions of Main Street and Sixth Street for the 5th Annual Party on the Pavement on Saturday, October 6, 2007, from 12:00 p.m. to 7:00 p.m.

Referred to Public Works and Services Committee

6. [07-1083](#) **Subject:** Communication from St. Paul Missionary Baptist Church requesting an extension of time to replace sidewalk in the 800 and 900 blocks of Carroll Street.

Referred to Public Works and Services Committee

7. [07-1102](#) **Subject:** Communication from the Alderman of the 9th District regarding damage caused by construction in the alley bounded by 15th Street, Flett Avenue and Grange Avenue.

Referred to Public Works and Services Committee

8. [07-1103](#) **Subject:** Communication from the Alderman of the 9th District wishing to discuss the reconfiguration of the intersection of Grange Avenue, Washington Avenue and Wright Avenue.

Referred to Public Works and Services Committee

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

4. [07-1051](#) **Subject: (Direct Referral)** Communication from residents of the area around Wickham Boulevard and Luedtke Avenue wishing to discuss

installing video camera in the alley between Wickham Boulevard and Luedtke Avenue due to home break-ins and theft to cars.

Referred to Public Safety and Licensing Committee

9. [07-1084](#) **Subject:** Application of Nicole Woods (The Rhino Bar & Grill, LLC) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1659 N. Main Street. (4th District)

Referred to Public Safety and Licensing Committee

10. [07-1094](#) **Subject:** Application of Mega Marts, LLC., # 6863, Charles L. Neu, Agent, for a Change of Agent for a "Class A" Retail Fermented Malt Beverage License for 2210 Rapids Drive. (7th District)

Referred to Public Safety and Licensing Committee

11. [07-1095](#) **Subject:** Application of Bruce R. Veto for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2328 Douglas Avenue. (5th District)

Referred to Public Safety and Licensing Committee

12. [07-1096](#) **Subject:** Application of Spring Street Station, Robert Ruditys, Agent for a Class "A" Retail Fermented Malt Beverage License and Gasoline Station Owner/Managers license for 3441 Spring Street. (9th District)

Referred to Public Safety and Licensing Committee

13. [07-1115](#) **Subject:** Communication from the Public Health Administrator requesting that a formal bid be waived and the Purchasing Agent be directed to negotiate directly with Cepheid for the purchase of one Smart Cycler Add On Processing Block for DIA.

(Also refer to the Board of Health.)

Referred to Public Safety and Licensing Committee

Referred to Board of Health

14. [07-1117](#) **Subject: (New)** Application of Tinita LLC, James W. McCann Agent, for a "Class B" Fermented Malt beverage and Intoxicating liquor license at 500 Sixth Street. (1st District)

Referred to the Public Safety and Licensing Committee

Refer to Traffic Commission, by Ald. Hart

15. [07-1116](#) **Subject:** Communication from Alderman Weidner, on behalf of Holly Brown, 419 Harvey Drive, requesting a stop sign on the corner of Rupert Street and Harvey Drive.

Referred to Traffic Commission

Refer to Transit and Parking Commission, by Ald. DeHahn

16. [07-1113](#) **Subject:** Communication from the Transit Planner submitting the July 2007 Belle Urban System operating and financial reports.
Referred to Transit and Parking Commission

Refer to Community Development Committee, by Ald. Spangenberg

17. [07-1114](#) **Subject:** Request of Racine Friendship Clubhouse, Inc. for a revision of its 2006 Community Development Block Grant Agreement.
Referred to Community Development Committee

Refer to Board of Parks, Recreation, and Cultural Services, by Ald. Wisneski

18. [07-1109](#) **Subject:** Request from Frank Tingle to make a donation to the City tree fund to offset airplane travel carbon emissions.

Also refer to the Finance & Personnel Committee

Referred to Board of Park, Recreation and Cultural Services

Referred to Finance and Personnel Committee

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Friedel

19. [07-0877](#) **Subject:** Communication from the Alderman of the 4th District requesting increased lighting on High Street between Douglas Avenue and N. Main Street.

Recommendation of the Public Works and Services Committee on

08-14-07: That the request to increase lighting levels on High Street, between Main Street and Douglas Avenue, be approved at an estimated cost of \$5,500.00.

Further recommends that since this was not a budgeted item for 2007, that it be referred to the Finance and Personnel Committee for appropriate funding.

Recommendation of the Finance & Personnel Committee on

8-27-07: Funding for Street Lighting Improvements on High Street in the amount of \$5,500 be allocated from available funds in the existing 2007

DPW General Fund budget in department 590, Street Lighting, with the understanding that any year-end deficiencies in the overall DPW General Fund budget be funded up to \$5,500 from other funding sources.

Fiscal Note: 2007 accounts currently have sufficient funds available.

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

20. [07-1029](#) **Subject:** Communication from the City Attorney submitting the claim of Sandra Jacob and Andrew Jacob for consideration.

Recommendation of the Finance & Personnel Committee on

08-27-07: The claim of Sandra & Andrew Jacob, 1226 Goold Street, requesting \$1,366.54 reimbursement from the City of Racine be denied.

Fiscal Note: N/A

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

21. [07-1030](#) **Subject:** Communication from the City Attorney submitting the claim of Marie Sands for consideration.

Recommendation of the Finance & Personnel Committee on

08-27-07: The claim of Marie Sands, 2555 Iris Court, requesting \$917.24 reimbursement from the City of Racine be denied.

Fiscal Note: N/A

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

22. [07-1031](#) **Subject:** Communication from the City Attorney submitting the claim of Francisco Rodriguez for consideration.

Recommendation of the Finance & Personnel Committee on

08-27-07: The claim of Francisco Rodriguez, 1002 Yout Street, requesting \$577.95 reimbursement from the City of Racine be denied.

Fiscal Note: N/A

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

23. [07-1057](#) **Subject:** (Direct Referral) Request of the members of the Finance & Personnel Committee to review the status of the Intergovernmental Shared Revenue Fund.

Recommendation of the Finance & Personnel Committee on**08-27-07:** The item to 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**24. [07-1058](#)**Subject:** Communication from the Mayor requesting to appear before the Finance & Personnel Committee to review the contract for the City Administrator's position.**Recommendation of the Finance & Personnel Committee on****08-27-07:** The communication be received and filed to allow the City Administrator's contract to advance to the Common Council for ratification.**Fiscal Note:** N/A*Alderman Friedel requested that item 07-1058 be considered separately.***A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED****AYES:** 12 - Coe, Anderson, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg and Hart**NOES:** 2 - Shields and Mozol**EXCUSED:** 1 - Wisneski25. [07-1068](#)**Subject:** Communication from the Assistant Commissioner of Public Works/Operations requesting the transfer of funds to pay for air conditioning repairs at the former Fire Station No. 5 on Marquette Street.**Recommendation of the Finance & Personnel Committee on****08-27-07:** Appropriate \$5,000 from account 404.000.5670 Building Complex Internal Service, Building Maintenance and Repairs, to be utilized for the repair of the air conditioner at the former Fire Station No. 5 and the installation of fencing to protect the outdoor unit with the understanding that any year-end deficiencies in Fund 404, Building Complex Internal Service Fund, be funded up to \$5,000 from other funding sources.**Fiscal Note:** There are sufficient funds available in the account.**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED**26. [07-1093](#)**Subject:** (Direct Referral) Communication from the Fire Chief requesting permission to commit to purchasing a Ford-450 Type III ambulance chassis with a diesel motor in 2007 and approval of the 2008 CIP for the purchase of the ambulance.

Recommendation of the Finance & Personnel Committee on

08-27-07: Permission granted for the Fire Chief and Purchasing Agent to make a commitment to purchase a Ford-450 Type III ambulance chassis with a diesel motor in 2007. Further recommends that the 2008 CIP be approved for the purchase of the ambulance.

Fiscal Note: There will be sufficient funds available in the 2008 CIP for the purchase of the ambulance.

**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 Thomas Friedel to Adopt the Report.

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg, Hart and Mozol

EXCUSED: 1 - Wisneski

Public Works and Services Committee Report, by Ald. Hart

27. [07-1019](#) **Subject:** Communication from Alderman Weidner submitting a petition from the residents in Goold/Georgia/Wustum neighborhood requesting additional lighting on an existing pole.

Recommendation: In accordance with Section 2-94 of the Municipal Code of the general ordinances of the City of Racine, the following street lighting changes be approved: Install one (1) 100-watt high-pressure sodium street light in the Goold/Georgia/Wustum neighborhood.

Fiscal Note: The estimated installation cost of this lighting is \$200.00 for installation and the annual operating cost is \$130.00 per fixture.

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

28. [07-1028](#) **Subject:** Communication from Sparta Rocks Productions requesting the use of the city courtroom for filming a movie scene.

Recommendation: That Sparta Rocks! Productions be granted permission to use the courtroom at the City Hall Annex for filming a scene for a movie with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed.

Fiscal Note: Not applicable.

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

29. [07-1059](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 2 on Contract 11-06 (K6-012), Southside Industrial Park Infrastructure, Wanasek Corporation, contractor.

Recommendation: Change Order No. 2 on Contract 11-06 (K6-012), Southside Industrial Park Infrastructure, Wanasek Corporation, contractor, as submitted, be approved in the amount of \$112,710.62.

Further recommends that funding to defray the cost of this change order be appropriated from Account 970.012.5810, EDA Grant.

Fiscal Note: Funds are available as herein delineated.

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

30. [07-1067](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations submitting a revised contract with AT&T.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into a Telephone Service Agreement with AT&T, in accordance with their submittal dated August 14, 2007, for the first year estimated cost of \$37,314.60.

Further recommends that funds to defray the cost of this agreement are available in Account 402.000.5530, Telephone Service Expense.

Fiscal Note: Funds are available as herein delineated.

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

31. [07-1099](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting the relocation order for the acquisition of temporary limited easements for the Ohio Street Project.

Recommendation: The relocation order, as submitted by the Assistant Commissioner of Public Works/Engineering, which details the acquisition of 22 partial parcels necessary for the Ohio Street reconstruction project, be approved.

Further recommend that the basis of the City's offer to purchase be established by the City Assessor based upon his estimation of fair market value.

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

Further recommend that funds to acquire these parcels are available in Account 987.908.5020, Concrete Pavement Repairs.

Fiscal Note: The estimated cost to acquire these 22 partial parcels is estimated at \$6,083.00.

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 Ronald D. Hart to Adopt the Report.

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg, Hart and Mozol

EXCUSED: 1 - Wisneski

Public Safety and Licensing Committee Report, by Ald. Shakoor

32. [07-0937](#) **Subject:** Application for a Class "B" and "Class C" Wine License for Dragan Sekuloski, Agent (The Balkan Restaurant), for 605 Sixth Street. (1st District)

Recommendation of the Public Safety & Licensing Committee on 08-27-07: That the application for a Class "B" and "Class C" Wine License for Dragan Sekuloski, Agent (The Balkan Restaurant), for 605 Sixth Street be granted.

Fiscal Note: N/A

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

33. [07-1071](#) **Subject: Direct Referral:** Final payment for engineering services for preparing a topographic survey of Mound Cemetery Crypt Area by Nielsen Madsen & Barber, S.C.

Recommendation of the Public Safety & Licensing Committee on 08-27-07: That the work of Nielsen Madsen & Barber, S.C. be accepted

and that final payment be made in the amount of \$6,520.00, for topographic survey of Mound Cemetery Crypt Area.

Fiscal Note: \$6,520.00 be appropriated from Account 207.000.5760.

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

34. [07-1085](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the monthly report for the sale of abandoned vehicles for August 21, 2007.

Recommendation of the Public Safety & Licensing Committee on 08-27-07: That the item be received and filed.

Fiscal Note: This will generate \$22,212.01 in revenues.

**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 to Adopt the Report.

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg, Hart and Mozol

EXCUSED: 1 - Wisneski

Traffic Commission Report, by Ald. Hart

35. [07-0996](#)

Subject: Communication from Joseph LeGath wishing to discuss the removal of the "One Hour Parking" sign from the area of 1863 - 1865 Taylor Avenue.

Recommendation: The One-hour limited parking restriction in front of 1863-65 Taylor be removed.

Fiscal Note: There is a nominal cost to relocate and modify the existing signs.

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

36. [07-1020](#)

Subject: Communication from the Alderman of the 13th District wishing to discuss the installation of a stop sign at the corner of 17th and Connolly.

Recommendation: The request for a stop sign on the north approach of Connolly Avenue and 17th Street be granted.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$80.00 and an annual maintenance cost of \$40.00.

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

37. [07-1097](#)

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 (2) of Schedule C of the Municipal Code of the General Ordinances of the City of Racine relative to "Stop intersections" be amended:

By Including:

1. Right-of-way traffic on "17th Street"; Stop signs facing traffic on "Connolly Avenue".

B. Recommends that Section 94-143 (8) of Schedule G of the Municipal Code of the General Ordinances of the City of Racine relative to "One-hour parking from 9:00 A.M. to 6:00 P.M., except Sundays and holidays" be amended:

By Deleting:

1. Taylor Avenue, east side, from Victoria Drive to 300 feet south of Jerome Boulevard.

By Adding:

1. Taylor Avenue, east side, from Victoria Drive south 69 feet.

2. Taylor Avenue, east side, from 94 feet north of Meachem Street to 300 feet south of Jerome Boulevard.

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 Ronald D. Hart to Adopt the Report.

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg, Hart and Mozol

EXCUSED: 1 - Wisneski

City Plan Commission Report, by Ald. Holding

38. [Res.07-0243](#) Vacation of Reichert Court

Resolved, that since public interest requires it, that the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

Reichert Court from Michigan Boulevard to its eastern most terminus

Fiscal Note: N/A

Alderman Holding requested that Resolution #07-0243 be considered separately.

This Resolution was Referred to the City Plan Commission

39. [07-1110](#) **Subject:** Res. 07-0243 Vacation of Reichert Court

Recommendation of the City Plan Commission on 8-29-07: That the Res. 07-0243 be adopted.

Alderman Holding requested that item 07-1110 be considered separately.

This Communication was Referred to the City Plan Commission

40. [07-1089](#) **Subject:** (Direct Referral) Request by Mark Russert representing T-Mobile Central, LLC seeking a conditional use permit for a wireless communication facility at 815-21st Street.

Recommendation of the City Plan Commission on 8-29-07: That the request by Mark Russert, representing T-Mobile Central, LLC seeking a conditional use permit for the installation of a wireless communication facility at 815-21st Street be approved, subject to the following conditions:

- a. That the plans received August 8, 2007 and presented to the Plan Commission on August 29, 2007 be approved subject to the conditions contained herein.
- b. That all applicable permits be applied for through the Building Inspection Department.
- c. Landscaping be installed prior to the facility becoming operational, or a letter of credit shall be submitted equal to the value of the landscaping to insure its installation.

- d. That the color of the antennas matches the color of the surface to which they are mounted.
- e. That all codes and ordinances be complied with and required permits acquired.
- f. That all appropriate FAA approvals be obtained and submitted to the Department of City Development, prior to the issuance of a building permit.
- g. That the operator provides to the City/County Communications Office within the Racine Police Department a current listing of all frequencies utilized by this facility and the name of a contact in charge of radio frequencies for the operator, and notify the City/County Communications Office of any changes in frequencies for this facility.
- h. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- i. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Alderman Holding requested that item 07-1089 be considered separately.

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

AYES: 9 - Coe, Anderson, Kaplan, Weidner, Shakoor II, Friedel, Holding, Spangenberg and Hart

NOES: 5 - Shields, Maack, DeHahn, Karas and Mozol

EXCUSED: 1 - Wisneski

41. [07-1090](#)

Subject: (Direct Referral) Request by Haitham A. Yousef seeking a conditional use permit for the operation of a car disassembly facility at 2317 Eaton Lane.

Recommendation of the City Plan Commission on 8-29-07: That a request by Haitham A. Yousef seeking a conditional use permit for the operation of a car disassembly facility at 2317 Eaton Lane be approved, subject to the following conditions:

- a. That the plans received August 3, 2007 and presented to the

Plan Commission on August 29, 2007 be approved, subject to the conditions contained herein.

- b. That an occupancy permit shall be requested from the Building Department prior to the operation of this business at this location.
- c. That the maximum hours of operation be from 7:00 a.m. to 5:00 p.m., Monday through Friday, with no hours on Saturday or Sunday.
- d. That no auto body work or auto painting be conducted at this location.
- e. That there shall be no vehicle or parts sales at this location.
- f. That all vehicles waiting disassembly, or parts from their disassembly, shall be stored indoors.
- g. That all vehicle disassembly activities shall be conducted indoors.
- h. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and materials and equipment.
- i. That transport containers remain on their wheeled chassis and be stored on site for no more than two consecutive days, and such containers shall be stored on the property no more than twice a month.
- j. That transport containers shall be stored in a manner that does not cause traffic congestion or obstruction on or off the site.
- k. That there be no on-street parking of customers or employee vehicles.
- l. That all trash and recyclables shall be stored in closed containers and screened from view.
- m. That all vehicle fluids such as oil, gasoline, and brake fluid be properly stored and/or disposed of.
- n. That all applicable codes and ordinances be complied with and required permits acquired.

- o. That signage be professionally made and comply with applicable zoning ordinance requirements.
- p. 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.
- q. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

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

AYES: 12 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, Shakoor II, Friedel, Holding, Spangenberg, Hart and Mozol

NOES: 2 - DeHahn and Karas

EXCUSED: 1 - Wisneski

Elderly Housing Authority Report, by Ald. Spangenberg

42. [07-1011](#) **Subject:** Request by Wisconsin Housing Preservation Corporation for issuance of bonds by the Elderly Housing Authority for the refinancing and renovation of property in the City.

Recommendation of the Elderly Housing Authority on 8-20-07: That the Common Council of the City of Racine approve the sale of bonds for the benefit of two properties owned by the Wisconsin Housing Preservation Corporation, Oakview Manor Apartments at 4720 Byrd Avenue and Lincoln School Apartments at 1840 State Street (a.k.a 1130 Carlisle Avenue).

Further, that this item be referred to the Finance and Personnel Committee.

Fiscal Note: The bonds will not be a financial liability of the Authority or the City.

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg, Hart and Mozol

NOES: 1 - Weidner

EXCUSED: 1 - Wisneski

City Attorney's Office Report, by Ald Spangenberg

43. [06-2995](#) **Subject:** Communication from Alderman Keith Fair wishing to discuss the process being used for licensing and prerequisites for taking parties to due process.

Recommendation of the Committee of the Whole on 01/17/2007: that the Item be received and filed.

Recommendation of the City Attorney on 01/17/2007: 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

44. [07-0098](#) **Subject:** Request of the Committee for the appearance of The Blue Rock Lounge & Eatery, Mark R. Thomas, Agent, 306 Sixth Street, for an incident that appeared on the December, 2006 Tavern Compliance Checks Report.

Recommendation of the Public Safety & Licensing Committee of 02-12-07: That the item be deferred until the February 26, 2007 meeting.

Recommendation of the Public Safety & Licensing Committee of 02-26-07: That the item be deferred until the March 12, 2007 meeting.

Recommendation of the Public Safety & Licensing Committee of 04-23-07: That the matter of Blue Rock Lounge be referred to the City Attorney to come up with an agreement and report back to the committee with his findings.

Recommendation of the City Attorney: 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

45. [07-0124](#) **Subject:** Communication from Cornelius Gordon, 2309 West High Street, requesting reimbursement for repair work to a sewer lateral.

Recommendation of the Public Works and Services Committee: The communication be referred to the City Attorney.

Recommendation of the City Attorney: the Item be received and filed.

Fiscal Note: Not applicable.

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

46. [07-0479](#) **Subject:** Request of the Committee for the appearance of the Blue Rock Lounge & Eatery, Mark R. Thomas, Agent, 306 Sixth Street, for incidents that appeared on the February 18, 2007-March 31, 2007 Licensed Premise Report.

Recommendation of the Public Safety & Licensing Committee of 04-23-07: That the matter of Blue Rock Lounge be referred to the City Attorney to come up with an agreement and report back to the committee with his findings.

Recommendation of the City Attorney: 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**

Council Action

A motion was made by Alderman James T. Spangenberg to Adopt the Report.

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg, Hart and Mozol

EXCUSED: 1 - Wisneski

Wastewater Commission Report, by Ald Hart

47. [07-1079](#) **Subject:** Revise Municipal Code, Section 98-151, General Sewer Use Requirements, Zinc Limits

Recommendation of the Wastewater Commission on 8-28-07: Adopt modifying "zinc - mg/l liter" from 8.2 to 8.4 under Section 98-151, General Sewer Use Requirements, Zinc Limits of the Municipal Code of the City of Racine.

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

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg, Hart and Mozol

EXCUSED: 1 - Wisneski

Board of Health Report, by Ald. DeHahn

48. [07-1100](#) **Subject:** Ordinance 17-07 - To amend Sec. 22-114 of the Municipal Code of the City of Racine, Wisconsin relating to Animal Commercial Establishments - Purchase, keeping or sale of endangered or dangerous species.

Recommendation of the Board of Health on 08-14-07: The Committee recommends that Ordinance 17-07, Sec. 22-114 of the Municipal Code of the City of Racine not be amended.

Fiscal Note: N/A

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

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg, Hart and Mozol

EXCUSED: 1 - Wisneski

City Landmark's Preservation Commission Report, by Ald. Anderson

49. [07-0817](#) **Subject:** Communication from the 4th District Alderman requesting the two (2) civil war cannons rightfully be returned to Monument Square.

Recommendation of the Finance & Personnel Committee on 7-9-07: The item be deferred.

Recommendation of the Board of Parks, Recreation & Cultural Services 7-11-07: That the request be deferred.

Recommendation of the Landmarks Preservation Commission on 08-06-07: That the two civil war cannons not be returned to Monument Square. Further that in consultation with the appropriate City authority, the matter be scheduled for discussion at a future Landmarks Preservation Commission meeting to determine an appropriate location for the two (2) civil war cannons.

Recommendation of the Boards of Parks, Recreation & Cultural Services 08-08-07: That the cannons be reinstated to their proper place at Monument Square flanking the monument.

Fiscal Note: Design fee to be determined.

Recommendation of the Finance & Personnel Committee on 08-27-07: The item to be received and filed to allow the Council to address the issue.

Fiscal Note: N/A

Alderman Anderson moved that the recommendation of the Landmarks Preservation Commission on 08-06-07 be approved.

Alderman Maack further recommended that the Mayor create an ad hoc committee to include Downtown Racine Corporation, Landmark's Preservation Members, Members of the Veterans Group and Council Members to determine the placement of the two civil war cannons.

Alderman Weidner suggested that Sharon Baldukas of the Cemetery Commission be included as she is the authority on the history of the cannons.

A motion was made that recommendation of the Landmark's Preservation Commission be Received and Filed as Reported. The motion was APPROVED

AYES: 8 - Coe, Anderson, Maack, Shakoor II, Karas, Friedel, Spangenberg and Hart

NOES: 6 - Shields, Kaplan, Weidner, DeHahn, Holding and Mozol

EXCUSED: 1 - Wisneski

Cemetery Commission Report, by Ald Weidner

50. [07-0779](#)

Subject: [Update of Crypt Design with Mr. Mekus](#)

**Recommendation of the Board of the Cemetery Commissioners
6-18-07:** that the Crypt Design Plan be deferred.

**Recommendation of the Board of the Cemetery Commissioners
7-16-07:** that the item be deferred.

**Recommendation of the Board of Cemetery Commissioners
8-20-07:** that the request be approved.

Further recommend that the item be referred to the Committee of the Whole.

Fiscal Note: \$1,465,200.00

This Communication was Referred to the Committee of the Whole

G. Resolutions

51. [Res.07-0340](#) Rescind Resolution No. 07-0314, Transfer of Land to Habitat for Humanity

Resolved, that Resolution No. 07-0314 adopted on July 3, 2007, for the transfer of the north side of Jones Park to Habitat for Humanity to build homes, be rescinded.

Fiscal Note: N/A

A motion was made by Alderman Shakoor that this Resolution be Received As Read

52. [Res.07-0396](#) Final Payment for topographic survey of Mound Cemetery Crypt Area

Resolved, that the work of Nielsen Madsen & Barber, S.C. for a topographic survey of Mound Cemetery Crypt Area be accepted, and that final payment be authorized for a total contract amount of \$6,520.00, from funds heretofore appropriated.

Fiscal Note: \$6,520.00 be appropriated from Account 207.000.5760. This contract was approved by Resolution No. 07-0183 of April 16, 2007.

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

53. [Res.07-0397](#) Funding for street light improvements on High Street

Resolved, that funding for Street Lighting Improvements on High Street in the amount of \$5,500 be allocated from available funds in the existing 2007 DPW General Fund budget in department 590, Street Lighting, with the understanding that any year-end deficiencies in the overall DPW General Fund budget be funded up to \$5,500 from other funding sources.

Fiscal Note: 2007 accounts currently have sufficient funds available.

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

54. [Res.07-0398](#) Transfer of funds for air conditioning repairs at Fire Station No. 5

Resolved, that \$5,000.00 be appropriated from Account 404.000.5670, Building Complex Internal Service, Building Maintenance and Repairs, to be utilized for the repair of the air conditioner at the former Fire Station No. 5 and the installation of fencing to protect the outdoor unit with the understanding that any year-end deficiencies in Fund 404, Building Complex Internal Service Fund, be funded up to \$5,000 from other funding sources.

Fiscal Note: There are sufficient funds available in the account.

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

55. [Res.07-0399](#) Permission to purchase ambulance chassis

Resolved, that permission be granted for the Fire Chief and Purchasing Agent to make a commitment to purchase a Ford-450 Type III ambulance chassis with a diesel motor in 2007.

Further resolved, that the 2008 CIP be approved for the purchase of the ambulance.

Fiscal Note: There will be sufficient funds available in the 2008 CIP for the purchase of the ambulance.

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

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg, Hart and Mozol

EXCUSED: 1 - Wisneski

56. [Res.07-0400](#) Hold Harmless Agreement for Use of City Courtroom

Resolved, that Sparta Rocks! Productions be granted permission to use the courtroom at the City Hall Annex for filming a scene for a movie with the following stipulations:

- A. A hold harmless agreement be executed.
- B. Proof of liability insurance be filed prior to this event.

Fiscal Note: Not applicable.

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

57. [Res.07-0401](#) Hold Harmless Agreement for facade projection at 1650 Washington Avenue

Resolved, that the property owner of 1650 Washington Avenue be granted permission to continue an existing 2' facade projection over city right-of-way, as requested, with the stipulation that a hold harmless agreement be executed in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.

Further resolved, that the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

Fiscal Note: There will be no cost to the City of Racine.

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

58. [Res.07-0402](#) Telephone Service Agreement with AT&T

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Telephone Service Agreement with AT&T, in accordance with their submittal dated August 14, 2007, for the first year estimated cost of \$37,314.60.

Further resolved, that funds to defray the cost of this agreement are available in Account 402.000.5530, Telephone Service Expense.

Fiscal Note: Funds are available as herein delineated.

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

59. [Res.07-0403](#) Change Order for Southside Industrial Park Infrastructure Contract

Resolved, that Change Order No. 2 on Contract 11-06 (K6-012), Southside Industrial Park Infrastructure, Wanasek Corporation, contractor, as submitted, be approved in the amount of \$112,710.62.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 970.012.5810, EDA Grant.

Fiscal Note: Funds are available as herein delineated.

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

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg, Hart and Mozol

EXCUSED: 1 - Wisneski

60. [Res.07-0404](#) Relocation Order for acquisition of temporary limited easements for Ohio Street project

Resolved, that the relocation order, as submitted by the Assistant Commissioner of Public Works/Engineering, which details the acquisition of 22 partial parcels necessary for the Ohio Street reconstruction project, be approved.

Further resolved, that the basis of the City's offer to purchase be established by the City Assessor based upon his estimation of fair market value.

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

Further resolved, that funds to acquire these parcels are available in Account

987.908.5020, Concrete Pavement Repairs.

Fiscal Note: The estimated cost to acquire these 22 partial parcels is estimated at \$6,083.00.

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

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg, Hart and Mozol

EXCUSED: 1 - Wisneski

61. [Res.07-0405](#)

Conditional Use Permit for 815 - 21st Street

Resolved, that the request by Mark Russert, representing T-Mobile Central, LLC seeking a conditional use permit for the installation of a wireless communication facility at 815-21st Street be approved, subject to the following conditions:

- a. That the plans received August 8, 2007 and presented to the Plan Commission on August 29, 2007 be approved subject to the conditions contained herein.
- b. That all applicable permits be applied for through the Building Inspection Department.
- c. Landscaping be installed prior to the facility becoming operational, or a letter of credit shall be submitted equal to the value of the landscaping to insure its installation.
- d. That the color of the antennas matches the color of the surface to which they are mounted.
- e. That all codes and ordinances be complied with and required permits acquired.
- f. That all appropriate FAA approvals be obtained and submitted to the Department of City Development, prior to the issuance of a building permit.
- g. That the operator provides to the City/County Communications Office within the Racine Police Department a current listing of all frequencies utilized by this facility and the name of a contact in charge of radio frequencies for the operator, and notify the City/County Communications Office of any changes in frequencies for this facility.
- h. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- i. That this permit is subject to Plan Commission review for compliance with

the listed conditions.

Fiscal Note: N/A

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

AYES: 10 - Coe, Anderson, Kaplan, Maack, Weidner, Shakoor II, Friedel, Holding, Spangenberg and Hart

NOES: 4 - Shields, DeHahn, Karas and Mozol

EXCUSED: 1 - Wisneski

62. [Res.07-0406](#) Conditional Use Permit for 2317 Eaton Lane

That a request by Haitham A. Yousef seeking a conditional use permit for the operation of a car disassembly facility at 2317 Eaton Lane be approved, subject to the following conditions:

- a. That the plans received August 3, 2007 and presented to the Plan Commission on August 29, 2007 be approved, subject to the conditions contained herein.
- b. That an occupancy permit shall be requested from the Building Department prior to the operation of this business at this location.
- c. That the maximum hours of operation be from 7:00 a.m. to 5:00 p.m., Monday through Friday, with no hours on Saturday or Sunday.
- d. That no auto body work or auto painting be conducted at this location.
- e. That there shall be no vehicle or parts sales at this location.
- f. That all vehicles waiting disassembly, or parts from their disassembly, shall be stored indoors.
- g. That all vehicle disassembly activities shall be conducted indoors.
- h. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and materials and equipment.
- i. That transport containers remain on their wheeled chassis and be stored on site for no more than two consecutive days, and such containers shall be stored on the property no more that twice a month.
- j. That transport containers shall be stored in a manner that does not cause traffic congestion or obstruction on or off the site.
- k. That there be no on-street parking of customers or employee vehicles.

- l. That all trash and recyclables shall be stored in closed containers and screened from view.
- m. That all vehicle fluids such as oil, gasoline, and brake fluid be properly stored and/or disposed of.
- n. That all applicable codes and ordinances be complied with and required permits acquired.
- o. That signage be professionally made and comply with applicable zoning ordinance requirements.
- p. 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.
- q. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

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

AYES: 10 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, Shakoor II, Friedel, Holding and Mozol

NOES: 4 - DeHahn, Karas, Spangenberg and Hart

EXCUSED: 1 - Wisneski

63. [Res.07-0407](#) Agreement for City Administrator

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a one year renewable agreement with Benjamin Hughes to act as City Administrator for the City of Racine, commencing October 1, 2007.

Fiscal Note: Funding for this position is provided in the current budget.

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

AYES: 12 - Coe, Anderson, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Spangenberg and Hart

NOES: 2 - Shields and Mozol

EXCUSED: 1 - Wisneski

H. Ordinances

64. [Ord.18-07](#) Ordinance No. 18-07

To amend Sec. 98-151 (c) (1) of the Municipal Code of the City of Racine, Wisconsin relating to Utilities - General sewer use requirements.

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

Part 1:

Sec. 98-151 (c) (1) of the Municipal Code of the City of Racine is hereby amended by changing "Zinc 8.2" to read "Zinc 8.4".

Part 2:

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

Referred to Wastewater Commission

I. Miscellaneous Business

Mayor's Report

Mayor Becker nominating appointment to the following Committee for the City of Racine:

Community Development Committee:

Appoint Julie Dresen (replacing Jose Carbajal), 1114 N. Osborne Blvd., to fill an unexpired term ending in May 2008.

J. Adjourn

The meeting was adjourned at 8:35 p.m. by Alderman Shakoor. The next scheduled meeting of the Council is September 18, 2007.

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