



**City of Racine**  
**Journal of Council Proceedings**  
**Common Council**

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

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Wednesday, April 5, 2006

7:00 PM

Room 205, City Hall

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**A. Call To Order**

**PRESENT:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

**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 Friedel.*

**D. Public Comments**

*James LaBelle  
Jan Roland*

E. Arguments relating to due process hearing for Las Palomas - 1600 Douglas Avenue.

*Attorney Ken Rusch  
Attorney Charles Swanson*

**F. Public Hearings**

[ZOrd.0001-06](#) AN ORDINANCE TO AMEND THE MAP OF THE ZONING ORDINANCE RELATING TO THE PROPERTY AT 2333 AND 2405 NORTHWESTERN AVENUE

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

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

Part 1:

That the property located at 2333 and 2405 Northwestern Avenue, and more particularly described as follows:

"Begin at a point 243.91 feet northwesterly of the intersection of the north line of Westwood Drive and Northwestern Avenue; thence travel southwesterly 455

feet; thence travel northwesterly 228.7 feet; thence travel northwesterly 350 feet; thence travel easterly 50 feet; thence travel northeasterly 240 feet to the west line of Northwestern Avenue; travel thence southwesterly along said line to the point of beginning of this description. Said land being in the City of Racine, Racine County, Wisconsin."  
 PIN 276-000021201000,

be rezoned from "O/I" Office/Institutional District, to "O/I - FD O/I" Office/Institutional - Flex Development Overlay District, and designated as Supplement No. \_\_\_\_\_, which Supplement is hereby made a part of this ordinance.

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

3-29-06 CPC  
 Recommendation: That this ordinance be adopted.

Sponsors: John M. Engel

*No one appeared.*

*Mayor Becker declared the public hearing closed.*

**G. Communications**

**Refer to Finance and Personnel Committee**

06-1753 **Subject:** Communication from the Mayor requesting to apply for and accept the Department of Justice Weed and Seed grant.

**Referred to Finance and Personnel Committee****06-1745**

**Subject:** Communication from the Racine Arts Council requesting funds for the Hotel Tax Fund in the amount of \$1,000. per month for rent and \$5,000.00 for utilities.

*Alderman of the 6th District Included in reference.*

**Referred to Finance and Personnel Committee****06-1743**

**Subject:** Communication from City Assessor wishing to discuss 2004 assessment and tax rolls.

**Referred to Finance and Personnel Committee****06-1744**

**Subject:** Communication from Police Chief Spenner, requesting authorization to accept the United States Department of Homeland Security Buffer Zone Protection Plan grant (City Grant Control No. 2005-031), in the amount of \$49,970. This will require no City funding. Application was approved by Resolution No. 6628, August 16, 2005.

(Also referred to the License & Welfare Committee.)

**Referred to Finance and Personnel Committee****Referred to License and Welfare Committee****Refer to Public Works and Services Committee****06-1722**

**Subject:** Communication from the residents of the 2000 blocks of Carmel and Kinzie requesting the installation of a light in the alley.

*Alderman of the 6th District included in reference.*

**Referred to Public Works and Services Committee****06-1728**

**Subject:** Earth Tech, Inc. submits contract amendment reflecting the additional work for the design and engineering of Southside Industrial Park infrastructure.

**Referred to Public Works and Services Committee**

[06-1734](#)

**Subject:** Communication from the Rotary Foundation of Racine West, Inc., requesting permission to utilize Samuel Meyers Park for the use of selling beverages, beer, food items and providing live entertainment. The Rotary Foundation is also requesting traffic control between 14th and 16th Street for the dates: July 7 & 8, 2006.

Also refer to License and Welfare Committee.

**Referred to License and Welfare Committee**

**Referred to Public Works and Services Committee**

**Referred to Board of Park, Recreation and Cultural Services**

#### **Refer to Transit and Parking Commission**

[06-1742](#)

**Subject:** Communication from Mayor Becker wishing to meet with the appropriate committees to discuss the selling of an excess parking lot on Villa Street between 7th & 8th Streets.

*Alderman of the 1st District included in reference.*

**Referred to Transit and Parking Commission**

*Alderman of the 1st District included in reference.*

**Referred to City Plan Commission**

[06-1733](#)

**Subject:** Communication from the Monument Square Art Fair Board of Directors requesting the use of Lot # 5 on Saturday, June 10th and Sunday, June 11th, 2006.

**Referred to Transit and Parking Commission**

[06-1739](#)

**Subject:** February 2006 operating and financial report for the Belle Urban System.

**Referred to Transit and Parking Commission**

[06-1746](#)

**Subject:** Communication from Lawrence B. Johnson requesting that the 1700 block of Hill Street be allowed to park on both sides of the street.

*Alderman of the 6th District included in reference.*

**Referred to Transit and Parking Commission**

**Refer to City Plan Commission**

**06-1747**      **Subject:** The Establishment of a Flex Development Use Supplement for 2333-2405 Northwestern Avenue.

**Referred to City Plan Commission**

**06-1748**      **Subject:** The Establishment of Design Guidelines for the Uptown Corridor District

**Referred to City Plan Commission**

**06-1749**      **Subject:** The Establishment of Updated Design Guidelines for the Expanded Downtown Area.

**Referred to City Plan Commission**

**Refer to Board of Health**

**06-1726**      **Subject:** Communication from the Public Health Administrator requesting permission for the Mayor and City Clerk to sign an agreement with the Wisconsin Department of Agriculture, Trade and Consumer Protection authorizing the city of Racine to act as an Agent as authorized by Section 97.41, Wisconsin Statutes.

**(Refer to the Board of Health).**

**Recommendation:**

**Referred to Board of Health**

**06-1729**      **Subject:** The Public Health Administrator is requesting permission for the Mayor and City Clerk to sign a contract with Children's Community Health Plan (CCHP). Children's Community Health Plan is an HMO provider to Medicaid recipients. The intent of the agreement is to arrange for the

provision of designated health care services by the City of Racine Health Department to CCHP and Medicaid/BadgerCare enrollees.

(Please refer to the Board of Health and the Finance and Personnel Committee).

**Recommendation:**

**Referred to Board of Health**

**Referred to Finance and Personnel Committee**

**06-1736**

**Subject:** The Public Health Administrator is requesting permission for the Mayor and City Clerk to sign an MOU with the Racine County Sheriff's Department for the Wisconsin Wins Program. See attached MOU for more information.

(Please refer to the Finance and Personnel Committee and the Board of Health).

**Recommendation:**

**Referred to Finance and Personnel Committee**

**Referred to Board of Health**

**Refer to Board of Parks, Recreation, and Cultural Services**

**06-1735**

**Subject:** Communication from the 13th District Alderman wishing to discuss the relocation of Santa's Chalet in West Racine. The request is to relocate the building to the northwest corner of Washington Avenue and West Blvd.

**Referred to Board of Park, Recreation and Cultural Services**

Refer to License & Welfare Committee

**06-1724**

**Subject:** Communication from Purchasing Agent requesting to discuss the proposals received, to Operate a Taxicab service for the City of Racine.

Referred to License and Welfare Committee

## H. Committee Reports

### Finance and Personnel Committee Report

**06-1650**      **Subject:** Communication from the City Attorney submitting the claim of Michael Minasian and Edith Minasian for consideration.

**Recommendation:** That the claim of Michael and Edith Minasian, of 3329 N. Main Street be denied.

Michael & Edith Minasian, 3329 North Main Street, claim reimbursement in the amount of \$541 for expenses for attempts to clear the blocked sanitary sewer lateral serving their house. City crews determined that the block was caused by a stick that was lodged in the City's sewer main, rather than the property owner's lateral. The City did not have prior knowledge of the condition, and since the City crews successfully cleared the blockage when it was brought to their attention, the City has no liability for the incident.

**Fiscal Note:** N/A

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

**06-1679**      **Subject:** Enter into an agreement with GEMS/Harris Computer Systems for the Employee Self-Service Portal software package to integrate with HRMS and the CoR public website.

**Recommendation:** That the Mayor and City Clerk be authorized and directed to enter into an addendum agreement with GEMS/Harris Computer Systems for the City to purchase the Employee Self-Service Portal software package with the installation costs of \$5,400 and an additional \$600 annual maintenance fee.

**Fiscal Note:** \$5,400 installation cost is budgeted for in account 403.000.5820, Gems Services Expansion.

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

**06-1685**      **Subject:** To review and recommend a donation from the Racine Community Foundation of \$5,000 to support a study of the feasibility and market for additional new housing in the Lincoln-King neighborhood.

**Recommendation:** That the Director of City Development be granted

permission to accept \$5,000 from the Racine Community Foundation to be utilized for a study of the feasibility of and market for additional new housing in the Lincoln-King neighborhood and that an appropriate letter of thanks be sent.

**Fiscal Note:** The funds will be utilized for a study of the feasibility of and market for additional new housing in the Lincoln-King neighborhood. The funds will be matched with \$5,000 from the Department of City Development Professional Services account No. 101.150.5610.

*Alderman Weidner requested that item 06-1685 be considered separately.*

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

**AYES:** 12 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Fair, Hermes, DeHahn and Holding

**NOES:** 1 - Weidner

**EXCUSED:** 2 - Finley and Karas

**06-1695**

**Subject:** Communication from the Chief of Police requesting authorization to accept a donation from Crime Stoppers, in the amount of \$1,300, to fund the printing of adhesive stickers, which will help the Racine Police Department in Non-consent to Trespass Enforcement.

(Also referred to the License & Welfare Committee)

**Recommendation of the Finance & Personnel Committee 03-27-06:**

That the Chief of Police be granted permission to accept \$1,300 donation from Crime Stoppers to be utilized for printing adhesive stickers regarding Non-consent to Trespass Enforcement and that an appropriate letter of thanks be sent.

**Recommendation of the License & Welfare Committee 03-27-06:**

That the Chief of Police be granted permission to accept \$1,300 donation from Crime Stoppers to be utilized for printing adhesive stickers regarding Non-Consent to Trespass Enforcement.

**Fiscal Note:** The donation will be utilized for the purchase of stickers regarding Non-consent to Trespass Enforcement.



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

Ord.08-06

**ORDINANCE NO. 8-06 TO REPEAL SEC. 2-129 RELATING TO ADMINISTRATION-RULES OF PROCEDURE**

To repeal Sec. 2-129 of the Municipal Code of the City of Racine, Wisconsin relating to Administration - Rules of procedure.

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

Part 1:

Sec. 2-129 of the Municipal Code of the City of Racine is hereby repealed.

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

Approved:

\_\_\_\_\_

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

**Recommendation:** That Ordinance No. 08-06 be adopted.

**Fiscal Note:** N/A

Sponsors: James T. Spangenberg

**A motion was made that this Ordinance be Received As Read. The motion was APPROVED.**

06-1699

**Subject:** A bond resolution in providing financial assistance for the State and Main Redevelopment Project (TID 13).

**Recommendation:** That the bond resolution in providing financial

assistance for the State and Main Redevelopment Project (TID 13) be approved.

**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 to Adopt the Report. Adopted by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

### **Public Works and Services Committee Report**

#### 05-1090

**Subject:** Direct Referral. Communication from the City Engineer submitting Change Order No. 2 on Contract 26-05 (K5-033), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor.

**Recommendation:** Change Order No. 2 on Contract 26-05 (K5-033), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor, as submitted, be approved in the amount of \$142,376.67.

Further recommends that funding to defray the cost of this change order be appropriated from the following accounts:

\$113,560.77 - Account 986.908.5020, Concrete Street Paving, Misc. Locations  
\$ 20,839.67 - Account 986.907.5310, San. Sewer Const., Misc. Locations  
\$ 3,919.98 - Account 104.986.5420, Storm Sewers, Misc. Locations  
\$ 4,056.25 - Water Department  
\$142,376.67 - Total

**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.**

#### 05-1091

**Subject:** Direct Referral. Communication from the City Engineer submitting Change Order No. 2 on Contract 30-05 (K5-037), Street Paving, LaLonde Contractors, Inc., contractor.

**Recommendation:** Change Order No. 2 on Contract 30-05 (K5-037), Street Paving, LaLonde Contractors, Inc., contractor, as submitted, be approved in the amount of \$10,531.38.

Further recommends that funding to defray the cost of this change order be appropriated from the following accounts:

\$ 3,893.98 - Account 986.908.5020, Concrete St. Paving, Misc. Locations.

\$ 6,637.40 - Water Department

\$10,531.38 - Total

**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.**

06-1482

**Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a proposal from Earth Tech, Inc. for the design of the Sixth Street Sanitary Sewer.

**Recommendation:** Mayor and City Clerk be authorized and directed to enter into an agreement with Earth Tech, Inc., Milwaukee, WI, for Sanitary Sewer Lining in Sixth Street, at a cost not-to-exceed \$42,696.00

Further recommends that funding to defray the cost of these professional services be appropriated from the following accounts:

\$40,546.00 - Account 986.907.5310, Sanitary Sewer, Various Locations

\$ 2,150.00 - Water Utility

\$42,696.00 - Total

**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.**

06-1608

**Subject:** Communication from property owners opposing Portland cement concrete paving improvements for Blue River Avenue from Illionis Street to Oregon Street.

**Recommendation:** Communication 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.**

06-1636

**Subject:** Item 15 of March 7, 2006, communication from the Commissioner of Public Works/City Engineer submitting the request of the Alderman of the 12th District to assess the lighting in the 3600 block of Haven Avenue.

**Recommendation:** Communication 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.**

06-1656

**Subject:** Communication from the Assistant Commissioner of Public Works/Operations submitting a Deed Notice for 820 Pearl Street.

**Recommendation:** A Deed Notice for 820 Pearl Street be filed with the Register of Deeds office.

**Fiscal Note:** There will be a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

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

06-1678

**Subject:** Communication from the Director of Parks, Recreation and Cultural Services presenting the first draft of policies and procedures for use of Monument Square at no charge.

**Recommendation of the Board of Parks, Recreation and Cultural Services:** Change wording in the section of the policy that says five times per year to five different events per year, and adopt as amended. Refer to Public Works and Services Committee and Common Council for approval.

**Recommendation of the Public Works and Services Committee (4-5-06):** The policy for use of Monument Square, as amended, be adopted.

**Fiscal Note:** Not applicable.

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

06-1684

**Subject:** Communication from Mr. and Mrs. Antonio Rodrigues-Pavao, 1237 North Osborne Boulevard, opposing street improvements for North Osborne Boulevard from Ravine Drive to Fairway Drive.

**Recommendation:** Communication 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.**

06-1688

**Subject:** Communication from Racine Neighborhood Watch requesting to use the City Hall Annex parking lot for its plant sale fundraiser pickup on Saturday, May 20, 2006, from 5 a.m. until 5 p.m.

**Recommendation:** The Mayor and City Clerk be authorized and directed to enter into a Hold Harmless Agreement with Racine Neighborhood Watch to use the City Hall Annex parking lot and lawn area abutting Grand Avenue on Saturday, May 20, 2006, from 5:00 a.m. to 5:00 p.m. in conjunction with a fundraiser.

**Fiscal Note:** Not applicable.

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

06-1697

**Subject:** Communication from the President of 4th Fest of Greater Racine requesting permission to use city right-of-way for the 4th of July parade and permission to use North Beach for the fireworks.

(Also refer to Board of Parks, Recreation and Cultural Services)

**Recommendation of the Public Works and Services Committee (4-5-06):** Permission be granted to Fourth Fest of Greater Racine, Inc. to close certain city streets on Tuesday, July 4, 2006, from 7:00 a.m. to 12:30 p.m., to hold the 2006 Independence Day Parade.

Further recommends that the Commissioner of Public Works/City Engineer be authorized and directed to communicate with the U. S. Coast Guard requesting permission to close the Main Street Bridge to boat traffic on Tuesday, July 4, 2006, from 7:45 a.m. to 1:00 p.m., and both the Main Street and State Street Bridges on Tuesday, July 4, 2006, from 9:05 p.m. to 10:40 p.m., for the Fourth Fest activities.

Further recommends that in the interest of public safety, the Commissioner of Public Works/City Engineer and Chief of Police be authorized and directed to close Goold Street, Yout Street, English Street, High Street, St. Patrick Street, Kewaunee Street, and Barker Street, from Main Street to Michigan Boulevard; Michigan Boulevard, from Goold Street to Hamilton Street; Chatham Street, from north of Yout Street to Hamilton Street; and Hoffert Drive, on Tuesday, July 4, 2006, between the hours of 7:00 p.m. and 10:00 p.m., with a rain date of Saturday, July 8, 2006, to provide for a

Municipal Band Concert, to be held at North Beach Gazebo, and the fireworks display, as part of the Independence Day festivities.

Further recommends that the Commissioner of Public Works/City Engineer, Chief of Police, and Director of Parks, Recreation and Cultural Services provide necessary assistance, in the interest of public safety, to implement this event.

**FISCAL NOTE:** Since the City is a co-sponsor of the event, there are no stipulations.

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

06-1702

**Subject:** Communication from Kevin F. Parco, 3918 North Bay Drive, and David Reesman, 3900 North Bay Drive, on behalf of the property owners on North Bay Drive objecting to the proposed Portland Cement Concrete Paving project for North Bay Drive from Saxony to Steeplechase Drive.

**Recommendation:** Communication 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.**

06-1707

**Subject:** Communication from Todd Shanks of TDS Co., LLP, requesting the paving of Biscayne Avenue from Oakwood Drive to Southwood Drive and a preliminary resolution be authorized.

**Recommendation:** The prayer of the petitioners be granted.

Further recommends that a preliminary resolution be introduced for the paving of Biscayne Avenue from Monarch Drive to Oakwood Drive with Portland Cement Concrete.

**Fiscal Note:** Not applicable.

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

06-1710

**Subject:** Direct Referral. Communication from the Commissioner of Public Works submitting bid results on Contract 10-06 (K6-011), Chicory Road Reconstruction.

**Recommendation:** Contract 10-06 (K6-011), Chicory Road Reconstruction, be awarded to Milwaukee General Construction Company,

Inc., Milwaukee, WI, at their bid price of \$1,286,897.60, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 768,242.07 - Account 919.986.5010, Chicory Road  
\$ 518,655.53 - Village of Mt. Pleasant  
\$1,286,897.60 - Total

Further recommends that funding in the amount of \$8,500.00 for construction inspection and \$1,000.00 for material testing be appropriated from Account 919.986.5010, Chicory Road.

**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.**

06-1717

**Subject:** Direct Referral. Communication from the Commissioner of Public Works submitting the request of Gorman & Company, Inc. to install steel H piles in the public right-of-way as part of the Main Street and State Street development project.

**Recommendation:** Permission be granted to Gorman & Company, inc., to remove sidewalks and trees and to place a H-Beam and wood lagging retaining wall system in city right-of-way as part of the Main Street and State Street development project, with the following stipulations:

1. A hold harmless agreement be executed.
2. Proof of liability insurance be submitted.
3. The contractor shall place suitable signage indicating the closure of the sidewalks.
4. The contractor shall provide secure fencing around the perimeter of the project area.
5. The contractor agrees to replace all removed or damaged sidewalk in accordance with City specifications.
6. The contractor agrees to replant an equivalent number of trees.
7. The contractor agrees to replace street lighting in accordance with City requirements.
8. The contractor shall provide traffic control signage and barriers as required in accordance with M.U.T.C.D.
9. The contractor shall secure street opening permits and pay all necessary street opening charges.
10. Upon completion of the project, the retaining wall shall be removed to a depth of 6 feet.

**Fiscal Note:** This work will be done at no cost to the City of Racine.

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

06-1719

**Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations requesting that formal bidding procedures be waived for emergency repairs to the chiller at the Safety Building.

**Recommendation:** That an emergency situation be declared in accordance with Section 62.15(1)(b) of State Statutes and that formal bidding procedures be waived for emergency replacement of the chillers at the Safety Building.

Further recommends that the Commissioner of Public Works/City Engineer be authorized and directed to negotiate with Johnson Controls, Inc., Milwaukee, WI, for the replacement of this equipment.

**Fiscal Note:** The cost of this emergency repair is estimated at \$140,000.00 which, except for a \$10,000.00 deductible, should be covered by the city's property insurance. Funds are available for the City's share of the cost of this repair.

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

### Council Action

**A motion was made by to Adopt the Report. Adopted by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

### License and Welfare Committee Report

06-1413

**Subject:** (Direct Referral) Request of the Committee for the appearance of Maria Salas, d/b/a Las Palomas, 1600 Douglas Avenue, relating to several incidents occurring in November and December 2005.

**Recommendation:** That the matter be referred to a due process hearing for determination whether the license should be revoked or suspended and that outside counsel be retained to prosecute the matter and court reporting services be retained to record the hearing.



**DUE PROCESS HEARING RECOMMENDATION (3-29-06):**

**IN THE MATTER OF:     Hearing on the License of Maria Salas for  
                                  "Class B" Intoxicating Liquors and  
                                  Fermented Malt Beverages License for  
                                  1600 Douglas Avenue, Racine, Wisconsin.**

**FINDINGS OF FACT**

1. That Maria Salas holds a "Class B" intoxicating liquors and fermented malt beverages license for Las Palomas at 1600 Douglas Avenue, Racine, Wisconsin, which authorized the sale of intoxicating liquors and fermented malt beverages for the current license year of 2005 to 2006.
2. Maria Salas has held such licenses for 1600 Douglas Avenue since February, 2005.
3. Notice of Hearing to Suspend or Revoke the "Class B" License was signed by the Chairman of the License and Welfare Committee on March 21, 2006, which notified Maria Salas that the City intended to consider suspension or revocation of the licenses.
4. On March 29, 2006 at a special meeting of the License and Welfare Committee, Maria Salas appeared in person, and the City appeared by special counsel Ken Rusch, and the Committee held a due process hearing at which both parties presented evidence, and examined and cross-examined witnesses under oath, with the proceedings being recorded by a court reporter and an interpreter interpreting the proceedings in Spanish for the Licensee.
5. During a closed session following hearing, the Committee members deliberated with regard to the allegations contained in the Notice of Hearing regarding the License for 1600 Douglas Avenue, and the Committee hereby makes the following findings, conclusions and recommendations:
  - a) There were repeated violations by underage persons being on the premises and being victims or perpetrators of assaults, and the Licensee was cited and paid a fine for an underage person on the premises.
  - b) There were repeated incidents of serious assaults and fights,

with evidence of police officers being assaulted, with some resulting injuries.

- c) There were repeated and continuing after hours violations.
- d) There was improper disposition of alcohol beverage containers and debris, resulting in a public nuisance and unsanitary conditions.

### CONCLUSIONS OF LAW

The above findings constitute violations of City of Racine Municipal Code and Wisconsin Statutes relating to premises that are licensed for the sale of alcohol beverages.

### RECOMMENDATION

That the "Class B" intoxicating liquors and fermented malt beverages license for Las Palomas at 1600 Douglas Avenue, Racine, Wisconsin, be revoked.

-  
Dated this 29th day of March, 2006.

#### **License & Welfare Committee**

\_\_\_\_\_  
Alderman David L. Maack, Chairman

\_\_\_\_\_  
Alderman Q.A. Shakoor, II

\_\_\_\_\_  
Alderman Sandy Weidner

Alderman Gregory T. Holding

\_\_\_\_\_  
Alderman Tim Hermes

*Alderman Maack requested that item 06-1413 be considered separately.*

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

**AYES:** 12 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Hermes, DeHahn and Holding

**NOES:** 1 - Fair

**EXCUSED:** 2 - Finley and Karas

**06-1642**

**Subject:**(Direct Referral) from the Purchasing Agent submitting bids received under Official Notice #8, One (1) LARGE AREA ROTARY MOWER.

**Recommendation:** That Official Notice #8, One (1) Large Area Rotary Mower, be awarded to Reinders, Inc., Elm Grove, WI, they being the only responsive bidder at their bid price of \$72,472.00.

**Fiscal Note:** Funds are available in account #101-700.5770.

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

**06-1666**

**Subject:** Application of The Brothers Club, Melvin T. Bumpus, for Change Agent for a "Class B" Retail Fermented Malt Beverage and intoxicating Liquor License for 1846 Mead Street.  
(2nd District) **(Alderman of the 2nd District included in reference)** (The agent has been requested to appear)

**Recommendation:** Change of agent be approved.

**Fiscal Note:** N/A

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

**06-1695**

**Subject:** Communication from the Chief of Police requesting authorization to accept a donation from Crime Stoppers, in the amount of \$1,300, to fund the printing of adhesive stickers, which will help the Racine Police Department in Non-consent to Trespass Enforcement.

(Also referred to the License & Welfare Committee)

**Recommendation of the Finance & Personnel Committee 03-27-06:**

That the Chief of Police be granted permission to accept \$1,300 donation from Crime Stoppers to be utilized for printing adhesive stickers regarding Non-consent to Trespass Enforcement and that an appropriate letter of

thanks be sent.

**Recommendation of the License & Welfare Committee 03-27-06:**

That the Chief of Police be granted permission to accept \$1,300 donation from Crime Stoppers to be utilized for printing adhesive stickers regarding Non-Consent to Trespass Enforcement.

**Fiscal Note:** The donation will be utilized for the purchase of stickers regarding Non-consent to Trespass Enforcement.

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

**06-1696**

**Subject:** (Direct Referral) Bids on Contract 15-06 (K6-016), Fence Replacement at Mound Cemetery.

**Recommendation:** The bid for contract 15-06(K6-016), Fence Replacement at Mound Cemetery be accepted in the amount of \$ 20,866.00.

**Fiscal Note:** Funds are available in account #207.000.5750, Cemetery Fencing.

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

**06-1698**

**Subject:** (Direct Referral) Change Order #1 and Final Payment on Contract 51-05 (K5-058) Rubblestone Wall Replacement at North Beach Bathhouse by Bukacek Construction LLC.

**Recommendation:** That Change Order #1 be approved for an increase of \$795.00 and that final payment be approved for a total contract amount of \$125,668.00.

**Fiscal Note:** Funds are available in account #985.700.5070 - North Beach Wall.

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

**06-1714**

**Subject:** (Direct Referral) Application of Community Care Organization, Inc., for a Public Passenger Vehicle Provider's License.

**Recommendation:** License be granted.

**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 to Adopt the Report. Adopted by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg,  
Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

### **Traffic Commission Report**

#### **05-1291**

**Subject:** Item 17 of 12-06-05, communication from the Alderman of the 8th District requesting to meet with the appropriate committee to discuss parking restrictions in the 1100 Block of North Memorial Drive.

**Recommendation:** The communication be received and filed.

**Fiscal Note:** N/A

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

#### **06-1456**

**Subject:** Item 15 of February 7, 2006 communication from the 5th District Alderman on behalf of Mary Meyers, requesting parking changes in the 2200 block of Douglas Avenue.

**Recommendation:** Recommends that "No Parking from 6:00 A.M. to 6:00 P.M. on Monday through Friday" be installed on "Douglas Avenue, west side, from 190 feet south of Layard Avenue south 550 feet and Douglas Avenue, east side, from 230 feet south of Layard Avenue south 370 feet".

**Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$400.00 and an annual maintenance cost of \$160.00.

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

#### **06-1587**

**Subject:** Item 19 of 2-22-06, being a communication from the Business Manager at the Racine Library in regards to restricting the parking on Ohio Street across from Goodland School.

**Recommendation:** A No Parking Any Time be installed on "Ohio Street,

east side, from Graceland Boulevard north 80 feet".

**Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$100.00 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.**

06-1647-A

**Subject:** Communication from the Racine Zoological Society requesting exclusive use of Lakeview Park for competitors and other needs and the blocking of traffic from Michigan Boulevard beginning at Lakeview Park heading north to Goold Street and Goold Street west to Main Street.

Referred to Traffic Commission and to the Board of Parks, Recreation & Cultural Services.

**Traffic Commission 3-20-06 Recommendation:** This communication be referred to the Public Works and Services Committee.

**Fiscal Note:** N/A

Referred to Public Works and Services Committee

06-1682

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering requesting the traffic code be updated for one-way streets.

**Recommendation:** Amending the traffic code relating to "One-way streets" to include, "West Street between, between Gideon Court and Marquette Street, westbound" and "West Street between, between LaSalle Street and Gideon Court, eastbound".

**Fiscal Note:** N/A

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

06-1725

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering requesting the Hospital Directional Signs near St. Luke's Hospital be removed.

**Recommendation:** The removal of all Hospital directional signs for St. Luke's Hospital in accordance with the Manual on Uniform Traffic Control Devices as St. Luke's Hospital no longer provides "continuous emergency care capability, with a physician on duty 24 hours per day, seven days per week is available."

**Fiscal Note:** N/A

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

[06-1727](#)

**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 94-81(b) of Schedule E of the Municipal Code of the General Ordinances of the City of Racine relative to "One-way streets" be amended:**

**By Including:**

1. West Street between, between Gideon Court and Marquette Street, westbound.
2. West Street between, between LaSalle Street and Gideon Court, eastbound.

**B. Recommends that Section 94-141(1) of Schedule F relating to "No parking any time," be amended:**

**By Deleting:**

1. Douglas Avenue, both sides, from Goold Street to Layard Avenue.

**By Including:**

1. Douglas Avenue, both sides, from Goold Street north 270 feet.
2. Douglas Avenue, west side, from Layard Avenue south 190 feet.
3. Douglas Avenue, east side, from Layard Avenue south 230 feet.
4. Ohio Street, east side, from Graceland Boulevard north 80 feet.

**C. Recommends that Section 94-141(23) of Schedule F relating to "No parking from 6:00 A.M. to 6:00 P.M. on Monday through Friday, be amended:**

**By Including:**

1. Douglas Avenue, west side, from 190 feet south of Layard

**Avenue south 550 feet.**

**2. Douglas Avenue, east side, from 230 feet south of Layard Avenue south 370 feet.**

**Recommendation:** Approval of changes in traffic code.

**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 John M. Engel to Adopt the Report. Adopted by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

### **Transit and Parking Commission Report**

**06-1639**

**Subject:** Communication from the University of Wisconsin-Parkside to terminate the current Racine Bus Service Contract.

**Recommendation:** The University of Wisconsin at Parkside request to change the termination date of the existing transit service contract from June 30, 2006, to May 12, 2006, be approved, and further recommend that the Mayor and City Clerk be authorized and directed to execute a contract amendment on behalf of the City of Racine.

**Fiscal Note:** Reductions in service will not impact the City of Racine share of the Belle Urban System budget, as local payments are the responsibility of the University of Wisconsin-Parkside.

*Alderman Sollman requested that item06-1639 be considered separately.*

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

**AYES:** 8 - Engel, Friedel, Hart, Maack, Sollman, Spangenberg, Weidner and Holding

**NOES:** 5 - Cape, Shakoor II, Fair, Hermes and DeHahn

**EXCUSED:** 2 - Finley and Karas



[06-1661](#)

**Subject:** Communication from the Transit Planner submitting the February 2006 operating and financial report for Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

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

[06-1662](#)

**Subject:** Communication from the Transit Planner submitting the January 2006 operating and financial report for the Belle Urban System.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

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

[06-1663](#)

**Subject:** Communication from the Transit Planner recommending the City of Racine enter into an agreement with Architectural Associates, LTD, for architect/engineering services for the design of expanded administrative offices for the Belle Urban System.

**Recommendation:** The Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Architectural Associates, LTD, for architect/engineering services for the design of expanded administrative offices for the Belle Urban System, at a cost not to exceed \$59,400, funding to be provided by Federal Capital Grant WI-03-0080 (80%), and City of Racine CIP Capital projects Account 105.900.5010 (20%).

**Fiscal Note:** Funds available as shown above.

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

[06-1664](#)

**Subject:** Communication from the Transit Planner to review and consider the scrapping of six old buses.

**Recommendation:** That surplus buses be offered for sale or sold as scrap.

**Fiscal Note:** Sale of surplus buses is indeterminate.

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

**06-1665**

**Subject:** Communication from the Lakefront Artist Fair committee requesting permission to rent parking lot #5, or a comparable lot near the Festival site, from 6:00 A.M. until 5:00 PM on May 6, 2006.

**Recommendation:** The Lakefront Artist Fair be granted permission to lease Lakefront Parking Lot No. 5 on May 6, 2006, subject to payment of lease costs of \$1.50 per space for the parking lot in accordance with existing City policies, and subject to the execution of a hold harmless agreement with the City.

**Fiscal Note:** Rental will provide \$180 for the Parking System.

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

**06-1677**

**Subject:** Communication from Barbara A. Walsh and students that attend the University of Wisconsin - Parkside wishing to address the proposed cuts to the Route 9 bus service.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

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

**06-1689**

**Subject:** Communication from the Assistant Commissioner of Public Works/Operations submitting a request from Gorman and Company for a reduced parking rate at the Gaslight Parking Ramp during construction of their building at 2nd and Main Streets.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

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

[06-1700](#)

**Subject:** Communication from the Sturtevant Village Administrator for the reduction of City bus service.

**Recommendation:** Recommend that the Village of Sturtevant request to eliminate Saturday route 7 bus service in the Village be approved, and further recommend that the existing weekday route 27 bus service in the Village be restructured as approved by the Village trustees be approved, and further recommend that the Mayor and City Clerk be authorized and directed to execute a contract amendment on behalf of the City of Racine.

**Fiscal Note:** Reductions in service will not impact the City of Racine share of the Belle Urban System budget, as local payments are the responsibility of the Village of Sturtevant.

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

### **Council Action**

**A motion was made by to Adopt the Report. Adopted by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

### **City Plan Commission Report**

[06-1605](#)

**Subject:** Direct Referral. Consideration of a request from David R. Opahle seeking a conditional use permit for a painting contractor's storage facility at 2024 N. Memorial Drive.

**Recommendation:** That the request by David R. Opahle seeking a conditional use permit for a painting contractor's storage facility at 2024 N. Memorial Drive be approved, subject to the following conditions:

- a. That the plans as presented to the Plan Commission on March 29, 2006 be approved subject to the conditions contained herein.
- b. That the maximum hours of the operation be from 6:00 a.m. to 6:00 p.m.

Monday through Saturday and no hours on Sunday.

- c. That there be no outside storage of contractor's vehicles, equipment or materials.
- d. That no junked or inoperable vehicles be stored outdoors.
- e. That no storage of boats and recreational vehicles be conducted.
- f. That all signs be professionally made and comply with all applicable ordinances.
- g. That a landscaping, fencing and paving plan be submitted to the Director of City Development for review and approval that depicts the installation of landscaping along North Memorial Drive and the paving of travel lanes and suitable parking areas. Based on the approved landscaping, fencing and parking plans, a letter of credit shall be submitted to the director of City Development for review and approval. Landscaping, fencing and paving shall be completed by September 1, 2006.
- h. That no barbed wire or razor wire be utilized and that all fencing and gates have privacy slats.
- i. That all trash and recyclables be stored in closed containers and screened from view.
- j. That all codes and ordinances be complied with and required permits acquired.
- 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 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.**

06-1616

**Subject:** Direct Referral. Appeal of a decision of the Access Corridor Development Review Committee relating to a proposed sign package for USA Payday Loans at 3326 Washington Avenue.

**Recommendation:** That the Appeal of a decision of the Access Corridor Development Review Committee relating to a proposed sign package for USA Payday Loans at 3326 Washington Avenue be denied, and the file be referred back to Access Corridor Development Review Committee.

Fiscal Note: N/A

**Referred to Access Corridor Development**

Ord.06-06

Ordinance No. 6-06 to amend Sec. 86-4 and create Sec. 86-194 of the Municipal Code of the City of Racine, Wisconsin relating to Subdivision of land - fees.

To amend Sec. 86-4 and create Sec. 86-194 of the Municipal Code of the City of Racine, Wisconsin relating to Subdivision of land - fees.

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

Part 1:

Sec. 86-4 of the Municipal Code of the City of Racine is hereby amended by changing the title to read:

**“Sec. 86-4. Lot divisions and consolidations (splits and joiners).”**

by adding “(a)” before the start of the first paragraph and by adding a new paragraph as follows:

“(b) No person shall perform a consolidation or reconfiguration of lots of record unless the assessor, in consultation with the zoning administrator, finds that the consolidation or reconfiguration does not cause a non-conformity or result in a greater degree of non-conformity under this chapter or other applicable laws or ordinances. This section shall apply to all platted and unplatted lands within the city.”

Part 2:

Sec. 86-194 of the Municipal Code of the City of Racine is hereby created to read as follows:

**“Sec. 86-194. Review Fees.**

The following review fees shall be charged by the city:

- (1) Lot division and consolidation per Sec. 86-4 - 5: \$50 application fee plus \$50 per parcel.
- (2) Preliminary plat per Sec. 86-51 - 52: \$300 application fee plus \$15 per parcel.
- (3) Final plat per Sec. 86-66 - 68: \$200 application fee plus \$15 per parcel.
- (4) Certified survey map per Sec. 86-191 - 193:\$50 application fee plus \$50 per parcel.”

Part 3:

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

Passed by the Common Council \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

FISCAL NOTE: N/A

March 29, 2006 CPC

**Recommendation:** That this file be received and filed.

**A motion was made that this Ordinance be Received As Read. The motion was APPROVED.**

**06-1703**

**Subject:** Direct Referral. Consideration of a request by Joel G. Venn of JJV Real Estate seeking a conditional use permit to operate an office for a medical transport company at 1304 Villa Street.

**Recommendation:** That the item be received and filed, and Mr. Venn be refunded his submittal fee.

Fiscal Note: N/A

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

**06-1704**

**Subject:** Direct Referral. Consideration of a request by Jawed (Joe) Awan seeking a conditional use permit to operate a facility conducting general automotive repair such as tune ups, exhaust and brakes at 1901 Taylor Avenue.

**Recommendation:** That the request by Jawed Awan seeking a conditional use permit to operate a facility conducting general automotive repair at 1901 Taylor Avenue be denied.

Fiscal Note: N/A

**Referred to City Plan Commission**

**06-1705**

**Subject:** Direct Referral. Consideration of a request by Robert Brook seeking a conditional use permit to operate an automotive trim, upholstery and tops facility at 724 Racine Street.

**Recommendation:** That the request by Robert Brooks seeking a conditional use permit to operate an automotive trim, upholstery and tops facility at 724 Racine Street be denied.

Fiscal Note: N/A

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

06-1706

**Subject:** Direct Referral. Consideration of a request by Peter Frunck of the Albion Group representing Metropolitan Group, LLC seeking to amend the conditional use permit for the Regency West shopping center to construct a 7,000 square foot multi tenant facility at 6116 Regency West Drive.

**Recommendation:** That the request by Peter Frunck of the Albion Group representing Metropolitan Group, LLC seeking to amend the conditional use permit for the Regency Point Shopping Center to construct a 7,000 square foot multi tenant facility at 6116 Regency West Drive be approved, subject to the following conditions:

- a. That the plans stamped "Received March 15, 2006" and presented to the Plan Commission on March 29, 2006 be approved, subject to the conditions contained herein.
- b. That prior to the issuance of a building permit the following shall be submitted to the Director of City Development for review and approval:
  1. a revised landscape plan.
  2. plans for the dumpster enclosure.
  3. detailed site and building exterior lighting plan.
- c. That roof-top mechanical equipment be screened from view.
- d. That prior to issuance of an occupancy permit, a detailed uniform sign policy be submitted for the review and approval of the Director of City Development that describes, among other things, the equitable distribution of the 300 square feet signage budget, the method of illumination of the channel letters, design of the drive-up order board, and the policy regarding corporate logos and symbols. The existing abandoned pole sign is to be removed.
- e. That if occupancy is requested prior to the installation of landscaping, then a letter of credit equal to the value of the landscape plan shall be submitted for the review and approval of the Director of City Development.
- f. That all trash and recyclables be stored in closed containers and screened from view.
- g. That all codes and ordinance be complied with and required permits acquired.
- 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 that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED.**

**06-1708**

**Subject:** Direct Referral. Consideration of a request by Brian J. Gill seeking a conditional use permit for an existing residence at 1510 Packard Avenue.

**Recommendation:** That a request from Brian J. Gill seeking a conditional use permit for an existing residence at 1510 Packard Avenue that utilizes both the first and second floors as dwelling space be approved, subject to the following conditions:

- a. That the house and property be maintained in good order.
- b. That by June 1, 2006 the porch skirts be repaired, painted, or replaced; and the porch steps and deck be repaired and painted.
- c. That all codes and ordinance be complied with and required permits acquired.
- d. 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.
- e. 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.**

**06-1712**

**Subject:** Direct Referral. Consideration of a request by Nicholas J. Nicholson seeking a conditional use permit to operate a facility offering

general automotive repair such as brakes, exhaust, engine, and transmission repair and replacement in Unit "C" of 1500 Durand Avenue.

**Recommendation:** That a request by Nicholas Nicholson seeking a conditional use permit to operate a facility offering general automotive repair at 1500 Durand Avenue, Unit "C" be approved, subject to the following conditions:

- a. That the plans stamped "Received March 3, 2006" and presented to the Plan Commission on March 29, 2006 be approved, subject to the conditions contained herein.
- b. That no auto body work or auto painting be conducted at this location.
- c. That there shall be no vehicle sales or salvage at this location.
- d. That all vehicles waiting repair, or those which have been repaired shall be stored on the subject property in an orderly fashion but in no case longer than 20 days.
- e. That by June 1, 2006 the following shall be accomplished:
  1. Submit a landscape plan for the review and approval of the Director of City Development. If occupancy is requested prior to the installation of landscaping, then a letter of credit equal to the value of the landscape plan shall be submitted for the review and approval of the Director of City Development.
  2. Striping of the parking lot.
  3. Submit a uniform sign package for the review and approval of the Director of City Development that illustrates the equitable distribution of the 177 square feet of available signage to all tenants, and a sign policy that describes, among other things, the location of signage, use of logos, and sign design. No pennants, banners, or streamer be displayed at this location. Additional signs not included in the original sign package shall be submitted for review and approval to the Director of City Development.
- f. That all vehicle repairs shall be conducted indoors.
- g. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and equipment.
- h. That all trash and recyclables shall be stored in closed containers and

screened from view.

- i. That the maximum hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday with no hours on Sunday.
- j. That all applicable codes and ordinances be complied with and required permits acquired.
- 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 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.**

**06-1713**

**Subject:** Direct Referral. Consideration of a request by Tim Ratiff of BBT Transmission, Inc. seeking a conditional use permit to operate an automotive transmission repair facility in Unit "B" of 1500 Durand Avenue.

**Recommendation:** That a request by Tim Ratliff seeking a conditional use permit to operate a facility offering automotive transmission repair services at 1500 Durand Avenue, Unit "B" be approved, subject to the following conditions:

- a. That the plans stamped "Received March 1, 2006" and presented to the Plan Commission on March 29, 2006 be approved, subject to the conditions contained herein.
- b. That no auto body work or auto painting be conducted at this location.
- c. That there shall be no vehicle sales or salvage at this location.
- d. That all vehicles waiting repair, or those which have been repaired shall be stored on the subject property in an orderly fashion but in no case longer than 20 days.
- e. That by June 1, 2006 the following shall be accomplished:
  - 1. Submit a landscape plan for the review and approval of the Director

of City Development. If occupancy is requested prior to the installation of landscaping, then a letter of credit equal to the value of the landscape plan shall be submitted for the review and approval of the Director of City Development.

2. Striping of the parking lot.
  3. Submit a uniform sign package for the review and approval of the Director of City Development that illustrates the equitable distribution of the 177 square feet of available signage to all tenants, and a sign policy that describes, among other things, the location of signage, use of logos, and sign design. No pennants, banners, or streamer be displayed at this location. Additional signs not included in the original sign package shall be submitted for review and approval to the Director of City Development.
- f. That all vehicle repairs shall be conducted indoors.
  - g. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and equipment.
  - h. That all trash and recyclables shall be stored in closed containers and screened from view.
  - i. That the maximum hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday with no hours on Sunday.
  - j. That all applicable codes and ordinances be complied with and required permits acquired.
  - 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 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.**

### Council Action

**A motion was made by Alderman John M. Engel to Adopt the Report. Adopted by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

### Community Development Committee

**06-1588**

**Subject:** The Public Health Administrator requests permission to accept \$15,000 from the Community Option Fund for the purpose of hiring the Coalition to End Childhood Lead Poisoning to assist the city of Racine in applying for a grant from the Department of Housing and Urban Development.

**Recommendation:** That up to \$15,000 be allocated from the Local Option Fund to the Racine Health Department to hire a grant writer to assist in developing an application to the U.S. Department of Housing and Urban Development for grant funding to end childhood lead poisoning.

Fiscal Note: There are sufficient funds in the Local Option Fund.

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

**06-1715**

**Subject:** Request of the Manager of the Workforce Development Center that the City of Racine co-sponsor the Computer Numerical Control (CNC) Boot Camp with Gateway Technical College and Workforce Development Center.

**Recommendation:** That up to \$8,000 be allocated from the Local Option Fund to Gateway Technical College for the Computer Numerical Control (CNC) Boot Camp.

Fiscal Note: There are sufficient funds in the Local Option Fund.

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

### Council Action

**A motion was made by to Adopt the Report. Adopted by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

## I. Resolutions

### Res.06-6954 PRELIMINARY RESOLUTION ON PROPOSED PORTLAND CEMENT CONCRETE PAVING

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 14th day of March, 2006, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

#### **PORTLAND CEMENT CONCRETE PAVING**

**North Bay Drive** from Saxony Drive to Steeplechase Drive

**Blue River Avenue** from Illinois Street to Oregon Street.

**Connolly Avenue** from Republic Avenue to Seventeenth Street.

**Apple Tree Circle** from cul-de-sac to North Illinois Street.

**Kentucky Street** from Kinzie Avenue to Haven Avenue.

**North Osborne Boulevard** from Harrington Drive to Ravine Drive.

**North Osborne Boulevard** from Ravine Drive to Fairway Drive.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Racine as follows:

1. That the report of the Commissioner of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.
2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner of Public Works.
3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.
4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.
5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.

6. That the assessments may be paid in cash or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per annum.

7. The City Clerk is directed to publish this resolution in the official newspaper of the City of Racine as a Class I notice in the assessment district.

8. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll, whose post office address is known or can with reasonable diligence be ascertained.

Dated \_\_\_\_\_

Signed \_\_\_\_\_  
Mayor

Published \_\_\_\_\_

Attest \_\_\_\_\_  
City Clerk

**Sponsors:** John M. Engel

**Referred to Public Works and Services Committee**

**Res.06-6955** HOLD HARMLESS AGREEMENT NEIGHBORHOOD WATCH

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a Hold Harmless Agreement with Racine Neighborhood Watch to use the City Hall Annex parking lot and lawn area abutting Grand Avenue on Saturday, May 20, 2006, from 5:00 a.m. to 5:00 p.m. in conjunction with a fundraiser.

FISCAL NOTE: Not applicable.

**Sponsors:** John M. Engel

**Adopted**

**Res.06-6956** HOLD HARMLESS AGREEMENT GORMAN & COMPANY

RESOLVED, that permission be granted to Gorman & Company, inc., to remove sidewalks and trees and to place an H-Beam and wood lagging

retaining wall system in city right-of-way as part of the Main Street and State Street development project, with the following stipulations:

1. A hold harmless agreement be executed.
2. Proof of liability insurance be submitted.
3. The contractor shall place suitable signage indicating the closure of the sidewalks.
4. The contractor shall provide secure fencing around the perimeter of the project area.
5. The contractor agrees to replace all removed or damaged sidewalk in accordance with City specifications.
6. The contractor agrees to replant an equivalent number of trees.
7. The contractor agrees to replace street lighting in accordance with City requirements.
8. The contractor shall provide traffic control signage and barriers as required in accordance with M.U.T.C.D.
9. The contractor shall secure street opening permits and pay all necessary street opening charges.
10. Upon completion of the project, the retaining wall shall be removed to a depth of 6 feet.

FISCAL NOTE: This work will be done at no cost to the City of Racine.

Sponsors: John M. Engel

**Adopted**

Res.06-6957 CONTRACT FOR CHICORY ROAD RECONSTRUCTION

RESOLVED, that Contract 10-06 (K6-011), Chicory Road Reconstruction, be awarded to Milwaukee General Construction Company, Inc., Milwaukee, WI, at their bid price of \$1,286,897.60, they being the lowest responsible bidder.

FURTHER RESOLVED, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 768,242.07 - Account 919.986.5010, Chicory Road

\$ 518,655.53 - Village of Mt. Pleasant

\$1,286,897.60 - Total

FURTHER RESOLVED, that funding in the amount of \$8,500.00 for construction inspection and \$1,000.00 for material testing be appropriated from Account 919.986.5010, Chicory Road.

FISCAL NOTE: Funds are available as herein delineated.



**Sponsors:** John M. Engel

**A motion was made by Alderman Engel that this Resolution be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

**Res.06-6958** WAIVE BIDDING PROCEDURES FOR SAFETY BUILDING REPAIRS

RESOLVED, that an emergency situation be declared in accordance with Wis. Stat. sec. 62.15(1)(b) and that formal bidding procedures be waived for emergency replacement of the chillers at the Safety Building.

FURTHER RESOLVED, that the Commissioner of Public Works/City Engineer be authorized and directed to negotiate with Johnson Controls, Inc., Milwaukee, WI, for the replacement of this equipment.

**FISCAL NOTE:** The cost of this emergency repair is estimated at \$140,000.00 which, except for a \$10,000.00 deductible, should be covered by the city's property insurance. Funds are available for the City's share of the cost of this repair.

**Sponsors:** John M. Engel

**Adopted**

**Res.06-6959** CHANGE ORDER CONCRETE STREET RECONSTRUCTION

RESOLVED, that Change Order No. 2 on Contract 26-05 (K5-033), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor, as submitted, be approved in the amount of \$142,376.67.

FURTHER RESOLVED, that funding to defray the cost of this change order be appropriated from the following accounts:

\$113,560.77 - Account 986.908.5020, Concrete Street Paving, Misc. Locations  
\$ 20,839.67 - Account 986.907.5310, San. Sewer Const., Misc. Locations  
\$ 3,919.98 - Account 104.986.5420, Storm Sewers, Misc. Locations  
\$ 4,056.25 - Water Department  
\$142,376.67 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: John M. Engel

**A motion was made by Alderman Engel that this Resolution be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

**Res.06-6960** CHANGE ORDER STREET PAVING

RESOLVED, that Change Order No. 2 on Contract 30-05 (K5-037), Street Paving, LaLonde Contractors, Inc., contractor, as submitted, be approved in the amount of \$10,531.38.

FURTHER RESOLVED, that funding to defray the cost of this change order be appropriated from the following accounts:

\$ 3,893.98 - Account 986.908.5020, Concrete St. Paving, Misc. Locations.

\$ 6,637.40 - Water Utility

\$10,531.38 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: John M. Engel

**A motion was made by Alderman Engel that this Resolution be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

**Res.06-6961** AGREEMENT SIXTH STREET SANITARY SEWER

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Earth Tech, Inc., Milwaukee, WI, for Sanitary Sewer Lining in Sixth Street, at a cost not-to-exceed \$42,696.00

FURTHER RESOLVED, that funding to defray the cost of these professional services be appropriated from the following accounts:

\$40,546.00 - Account 986.907.5310, Sanitary Sewer, Various Locations  
\$ 2,150.00 - Water Utility  
\$42,696.00 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: John M. Engel

**A motion was made by Alderman Engel that this Resolution be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

Res.06-6962    **CONDITIONAL USE PERMIT 2024 N MEMORIAL DRIVE**

RESOLVED, that the request of David R. Ophale seeking a conditional use permit for a painting contractor's storage facility at 2024 N. Memorial Drive be approved, subject to the following conditions:

- a. That the plans as presented to the Plan Commission on March 29, 2006 be approved subject to the conditions contained herein.
- b. That the maximum hours of the operation be from 6:00 a.m. to 6:00 p.m., Monday through Saturday and no hours on Sunday.
- c. That there be no outside storage of contractor's vehicles, equipment or materials.
- d. That no junked or inoperable vehicles be stored outdoors.
- e. That no storage of boats and recreational vehicles be conducted.
- f. That all signs be professionally made and comply with all applicable ordinances.
- g. That a landscaping, fencing and paving plan be submitted to the Director of City Development for review and approval that depicts the installation of landscaping along North Memorial Drive and the paving of travel lanes and suitable parking areas. Based on the approved landscaping, fencing and parking plans, a letter of credit shall be submitted to the Director of City Development for review and approval. Landscaping, fencing and paving shall be completed by September 1, 2006.
- h. That barbed wire or razor wire shall not be used and that all fencing and gates have privacy slats.

- i. That all trash and recyclables be stored in closed containers and screened from view.
- j. That all codes and ordinances be complied with and required permits acquired.
- 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 Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

Sponsors: John M. Engel

**Adopted**

[Res.06-6963](#)    **CONDITIONAL USE PERMIT 1510 PACKARD AVENUE**

RESOLVED, that the request of Brian J. Gill seeking a conditional use permit for an existing residence at 1510 Packard Avenue that utilizes both the first and second floors as dwelling space, be approved subject to the following conditions:

- a. That the house and property be maintained in good order.
- b. That by June 1, 2006 the porch skirts be repaired, painted, or replaced and that the porch steps and deck be repaired and painted.
- c. That all codes and ordinances be complied with and required permits acquired.
- d. 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.
- e. That this permit is subject to Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

Sponsors: John M. Engel

**Adopted**

Res.06-6964 CONDITIONAL USE PERMIT 6116 REGENCY WEST DRIVE

RESOLVED, that the request by Peter Furneck of the Albion Group representing Metropolitan Group, LLC seeking to amend the conditional use permit for the Regency Point Shopping Center to construct a 7,000 square foot multi tenant facility at 6116 Regency West Drive be approved, subject to the following conditions:

- a. That the plans stamped "Received March 15, 2006" and presented to the Plan Commission on March 29, 2006, be approved subject to the conditions contained herein.
- b. That prior to the issuance of a building permit, the following shall be submitted to the Director of City Development for review and approval:
  1. A revised landscape plan.
  2. Plans for the dumpster enclosure.
  3. Detailed site and building exterior lighting plan.
- c. That roof-top mechanical equipment be screened from view.
- d. That prior to issuance of an occupancy permit, a detailed uniform sign policy be submitted for the review and approval of the Director of City Development that describes, among other things, the equitable distribution of the 300 square feet signage budget, the method of illumination of the channel letters, design of the drive-up order board, and the policy regarding corporate logos and symbols. The existing abandoned pole sign is to be removed.
- e. That if occupancy is requested prior to the installation of landscaping, then a letter of credit equal to the value of the landscape plan shall be submitted to the Director of City Development for review and approval.
- f. That all trash and recyclables be stored in closed containers and screened from view.
- g. That all codes and ordinance be complied with and required permits acquired.
- 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

**Sponsors:** John M. Engel

**Adopted**

**Res.06-6965** CONDITIONAL USE PERMIT 1500 DURAND AVENUE UNIT "C"

RESOLVED, that the request of Nicholas Nicholson seeking a conditional use permit to operate a facility offering general automotive repair at 1500 Durand Avenue, Unit "C", be approved subject to the following conditions:

- a. That the plans stamped "Received March 3, 2006" and presented to the Plan Commission on March 29, 2006, be approved subject to the conditions contained herein.
- b. That no auto body work or auto painting be conducted at this location.
- c. That there shall be no vehicle sales or salvage at this location.
- d. That all vehicles waiting repair or those which have been repaired shall be stored on the subject property in an orderly fashion but in no case longer than 20 days.
- e. That by June 1, 2006 the following shall be accomplished:
  1. Submit a landscape plan for the review and approval of the Director of City Development. If occupancy is requested prior to the installation of landscaping, then a letter of credit equal to the value of the landscape plan shall be submitted for the review and approval of the Director of City Development.
  2. Striping of the parking lot.
  3. Submit a uniform sign package for the review and approval of the Director of City Development that illustrates the equitable distribution of the 177 square feet of available signage to all tenants, and a sign policy that describes, among other things, the location of signage, use of logos, and sign design. No pennants, banners, or streamers be displayed at this location. Additional signs not included in the original sign package shall be submitted to the Director of City Development for review and approval .
- f. That all vehicle repairs shall be conducted indoors.
- g. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and equipment.
- h. That all trash and recyclables shall be stored in closed containers and screened from view.

- i. That the maximum hours of operation shall be from 8:00 a.m. to 6:00 p.m., Monday through Saturday with no hours on Sunday.
- j. That all applicable codes and ordinances be complied with and required permits acquired.
- 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 Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

Sponsors: John M. Engel

**Adopted**

**Res.06-6966** CONDITIONAL USE PERMIT 1500 DURAND AVENUE UNIT "B"

RESOLVED, that the request of Tim Ratliff seeking a conditional use permit to operate a facility offering automotive transmission repair services at 1500 Durand Avenue, Unit "B" be approved, subject to the following conditions:

- a. That the plans stamped "Received March 1, 2006" and presented to the Plan Commission on March 29, 2006, be approved subject to the conditions contained herein.
- b. That no auto body work or auto painting be conducted at this location.
- c. That there shall be no vehicle sales or salvage at this location.
- d. That all vehicles waiting repair and those which have been repaired shall be stored on the subject property in an orderly fashion, but in no case longer than 20 days.
- e. That by June 1, 2006 the following shall be accomplished:
  - 1. Submit a landscape plan for review and approval of the Director of City Development. If occupancy is requested prior to the installation of landscaping, then a letter of credit equal to the value of the landscape plan shall be submitted for review and approval of the Director of City Development.

2. Striping of the parking lot.
3. Submit a uniform sign package for the review and approval of the Director of City Development that illustrates the equitable distribution of the 177 square feet of available signage to all tenants, and a sign policy that describes, among other things, the location of signage, use of logos, and sign design. No pennants, banners, or streamer be displayed at this location. Additional signs not included in the original sign package shall be submitted for review and approval to the Director of City Development.
- f. That all vehicle repairs shall be conducted indoors.
- g. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, or equipment.
- h. That all trash and recyclables shall be stored in closed containers and screened from view.
- i. That the maximum hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday with no hours on Sunday.
- j. That all applicable codes and ordinances be complied with and required permits acquired.
- 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 Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

Sponsors: John M. Engel

**Adopted**

[Res.06-6967](#) ALLOCATE FUNDS TO RACINE HEALTH DEPARTMENT FOR GRANT WRITER

RESOLVED, that up to \$15,000 be allocated from the Local Option Fund to the Racine Health Department to hire a grant writer to assist in developing an application to the U.S. Department of Housing and Urban Development for grant funding to end childhood lead poisoning.



FISCAL NOTE: There are sufficient funds in the Local Option Fund.

Sponsors: Thomas Friedel

**A motion was made by Alderman Friedel that this Resolution be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

**Res.06-6968** ALLOCATE FUNDS TO GATEWAY TECHNICAL COLLEGE FOR COMPUTER BOOT CAMP

RESOLVED, that up to \$8,000 be allocated from the Local Option Fund to Gateway Technical College for the Computer Numerical Control (CNC) Boot Camp.

FISCAL NOTE: There are sufficient funds in the Local Option Fund.

Sponsors: Thomas Friedel

**A motion was made by Alderman Friedel that this Resolution be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

**Res.06-6969** CHANGE ORDER NORTH BEACH BATHHOUSE

RESOLVED, that Change Order #1 on Contract 51-05 (K5-058), Rubblestone Wall Replacement at North Beach Bathhouse, Bukacek Construction LLC, contractor, be approved for an increase of \$795.00 and that final payment be approved for a total contract amount of \$125,668.00.

FISCAL NOTE: Funds are available in account #985.700.5070 - North Beach Wall.

Sponsors: David L. Maack

**A motion was made by Alderman Maack that this Resolution be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

**Res.06-6970** CONTRACT FOR FENCE REPLACEMENT AT MOUND CEMETERY

RESOLVED, that Contract 15-06 (K6-016), Fence Replacement at Mound Cemetery, be awarded to Statewide Fencing, Franksville, Wisconsin, at their bid price of \$20,866.00, they being the lowest responsible bidder.

FURTHER RESOLVED, that funds are available in account #207.000.5750, Cemetery Fencing.

FISCAL NOTE: Funds are available as herein delineated.

**Sponsors:** David L. Maack

**A motion was made by Alderman Maack that this Resolution be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

**Res.06-6971** PURCHASE ROTARY MOWER

RESOLVED, that Official Notice #8, One (1) Large Area Rotary Mower, be awarded to Reinders, Inc., Elm Grove, Wisconsin, at their bid price of \$72,472.00, they being the only responsible bidder.

FURTHER RESOLVED, that funds are available in account #101.700.5770.

FISCAL NOTE: Funds are available as herein delineated.

**Sponsors:** David L. Maack

**A motion was made by Alderman Maack that this Resolution be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

**Res.06-6972** HOLD HARMLESS AGREEMENT LAKEFRONT ARTIST FAIR

RESOLVED, that the Lakefront Artist Fair be granted permission to lease Lakefront Parking Lot No. 5 on May 6, 2006, subject to payment of lease costs of \$1.50 per space for the parking lot in accordance with existing City policies, and subject to the execution of a hold harmless agreement with the City.

FISCAL NOTE: Rental will provide \$180 for the Parking System.

Sponsors: Thomas M. Sollman

**Adopted**

**Res.06-6973** AMENDMENT TO PARKSIDE BUS SERVICE CONTRACT

RESOLVED, that the University of Wisconsin at Parkside's request to change the termination date of the existing transit service contract from June 30, 2006, to May 12, 2006, be approved, and that the Mayor and City Clerk be authorized and directed to execute a contract amendment on behalf of the City of Racine.

FISCAL NOTE: Reductions in service will not impact the City of Racine share of the Belle Urban System budget, as local payments are the responsibility of the University of Wisconsin-Parkside.

Sponsors: Thomas M. Sollman

**A motion was made by Alderman Sollman that this Resolution be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 8 - Engel, Friedel, Hart, Maack, Sollman, Spangenberg, Weidner and Holding

**NOES:** 5 - Cape, Shakoor II, Fair, Hermes and DeHahn

**EXCUSED:** 2 - Finley and Karas

**Res.06-6974** CONTRACT AMENDMENT VILLAGE OF STURTEVANT BUS SERVICE

RESOLVED, that the Village of Sturtevant's request to eliminate Saturday route

7 bus service in the Village be approved, that the existing weekday route 27 bus service in the Village be restructured as approved by the Village trustees be approved, and that the Mayor and City Clerk be authorized and directed to execute a contract amendment on behalf of the City of Racine.

FISCAL NOTE: Reductions in service will not impact the City of Racine share of the Belle Urban System budget, as local payments are the responsibility of the Village of Sturtevant.

Sponsors: Thomas M. Sollman

**Adopted**

**Res.06-6975** SERVICE AGREEMENT FOR OFFICES AT BELLE URBAN SYSTEM

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a professional service agreement with Architectural Associates, LTD, for architect/engineering services for the design of expanded administrative offices for the Belle Urban System, at a cost not to exceed \$59,400, funding to be provided by Federal Capital Grant WI-03-0080 (80%), and City of Racine CIP Capital projects Account 105.900.5010 (20%).

FISCAL NOTE: Funds available as shown above.

Sponsors: Thomas M. Sollman

**A motion was made by Alderman Sollman that this Resolution be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**EXCUSED:** 2 - Finley and Karas

**Res.06-6976** RESOLUTION APPROVING THE ISSUANCE OF \$1,800,000 TAXABLE TAX INCREMENT REVENUE BOND (STATE AT MAIN DEVELOPMENT, LLC PROJECT) BY THE REDEVELOPMENT AUTHORITY OF THE CITY OF RACINE, PROVIDING FOR CONTRIBUTION PAYMENTS BY THE CITY AND APPROVING RELATED DOCUMENTS AND TRANSACTIONS

WHEREAS, the Redevelopment Authority of the City of Racine, Wisconsin (the "Authority") has determined certain property located in Tax Incremental District No. 13 ("TID No. 13") of the City of Racine, Wisconsin (the "City") to be blighted within the meaning of Section 66.1333, Wisconsin Statutes; and

WHEREAS, the Common Council, in a Resolution adopted on March 7, 2005, found such property to be "blighted property" within the meaning of Section 66.1333 (2m)(bm); and

WHEREAS, the Authority proposes to carry out a program of blight elimination and urban renewal with respect to such blighted property in TID No. 13, as described in the Project Plan for TID No. 13; and

WHEREAS in order to further their redevelopment efforts with respect to such blighted property in TID No. 13, the Authority and the City propose to enter into a Development Agreement substantially in the form attached hereto as Exhibit A (the "Development Agreement") with State at Main Development, LLC (the "Developer"); and

WHEREAS, pursuant to the terms of the Development Agreement, the Authority will authorize the issuance of its Taxable Tax Increment Revenue Bond in an amount equal to \$1,800,000, or such lesser amount as is determined pursuant to the terms of the Development Agreement, (the "Bond") to the Developer in consideration for the obligations undertaken by the Developer under the Development Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City as follows:

Section 1. Agreement to Make Contribution Payments. In consideration of the benefits derived by the City from the issuance of the Bond, including blight elimination, urban renewal and the creation of tax base and jobs within the City, the City hereby agrees and covenants that it will make contribution payments to the Authority sufficient to pay the principal of and interest on the Bond, but only to the extent of any Net Tax Increment (as defined in the Development Agreement) (the "Contribution Payments"), and provided further that any such Contribution Payments shall be subject to future annual budgetary appropriations therefor and that neither such authority nor any such payment shall constitute an obligation of the City to make any such appropriation or any further payments. The Contribution Payments shall be "financing costs" of TID No. 13 under Section 66.1105(2)(f)1.b., Wisconsin Statutes, to the extent they constitute the payment of principal or interest on the Bond. The Common Council covenants that it will not voluntarily terminate TID No. 13 pursuant to Section 66.1105(7)(b), Wisconsin Statutes, prior to the maturity date of the Bond.

Section 2. Statement of Intent to Appropriate: Procedure. The Common Council hereby declares that, to the extent that Net Tax Increment is available in the special fund of TID No. 13, it fully expects and intends that it will appropriate such Net Tax Increment to meet its obligation to make Contribution Payments under Section 1 above, provided however, that such payment shall be subject to future annual appropriation by the Common Council.

On or before November 1 of each year, the Authority shall file with the City Treasurer the Authority's estimate of the amount of the City's obligation under Section 1 above, and the staff of the City shall include such amount in the City budget as submitted to the Common Council for consideration for the next succeeding fiscal year. If the Common Council does not budget and appropriate the amount of the City's obligation as estimated by the Authority, the City shall provide written notice to that effect to the Authority and to the Developer no later than 15 days after adoption and approval of the annual budget for that year. Any amount of Net Tax Increment that the Common Council does budget and appropriate to make Contribution Payments under Section 1 above shall be directed to payment to the Authority for payment of principal and interest on the Bond.

Any such payment by the City shall be a donation in assistance of the Authority, and the Authority shall not be liable for any repayment thereof.

Section 3. Approval of the Bond. The terms of the Bond as contained in the resolution to be considered by the Authority at its meeting on April 6, 2006, a copy of which has been provided to the City, are approved.

Section 4. Execution and Delivery of Documents. The Mayor and City Clerk are hereby authorized for and in the name of the City to execute and deliver any and all additional documents as may be necessary or desirable to effectuate the issuance of the Bond and the completion of the transactions contemplated hereby.

Section 5. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the City and the Authority and the owner or owners of the Bond and after issuance of the Bond no change or alteration of any kind in the provisions of this Resolution may be made, until all of the Bond have been paid in full as to both principal and interest. The owner or owners of the Bond shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce his or their rights against the City.

FISCAL NOTE: N/A

Sponsors: James T. Spangenberg

**A motion was made by Alderman Spangenberg that this Resolution be Adopted.**

**The motion was APPROVED by the following vote:**

**AYES:** 11 - Cape, Friedel, Hart, Maack, Shakoor II, Spangenberg, Weidner, Fair, Hermes, DeHahn and Holding

**NOES:** 2 - Engel and Sollman

**EXCUSED:** 2 - Finley and Karas

**Res.06-6977 ADDENDUM AGREEMENT WITH GEMS/HARRIS COMPUTER SYSTEMS**

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an addendum agreement with GEMS/Harris Computer Systems for the City to purchase the Employee Self-Service Portal software package with installation costs of \$5,400 and an additional \$600 annual maintenance fee.

FISCAL NOTE: \$5,400 installation cost is budgeted for in account 403.000.5820, GEMS Services Expansion.

Sponsors: James T. Spangenberg

A motion was made by Alderman Spangenberg that this Resolution be Adopted.  
The motion was APPROVED by the following vote:

**EXCUSED:** 2 - Finley and Karas

**AYES:** 13 - Cape, Engel, Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg,  
Weidner, Fair, Hermes, DeHahn and Holding

**J. Ordinances**

Ord.09-06

ORDINANCE NO. 9-06 TO AMEND SEC. 114-254(n) RELATING TO ZONING-YARD REQUIREMENTS

To amend Sec. 114-254(n) of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Yard requirements and open space.

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

Part 1:

Sec. 114-254(n) of the Municipal Code of the City of Racine is hereby amended by deleting from the last sentence of the paragraph the following phrase, "formed by a street line and a private drive line".

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

Sponsors: John M. Engel

**Referred to City Plan Commission****Ord.10-06****ORDINANCE NO. 10-06 TO AMEND SEC. 114-823 RELATING TO ZONING - DEFINITIONS**

To amend Sec. 114-823 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Definitions.

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

**Part 1:**

Sec. 114.823 of the Municipal Code of the City of Racine is hereby amended by deleting the paragraph of the description of "Downtown area" and inserting the following paragraph in its place:

"In this chapter, downtown area means the area described as follows:

Begin at a point being on the centerline of North Wisconsin Avenue approximately 190 feet north of the intersection of the centerlines of North Wisconsin Avenue and Hamilton Street; from said beginning point proceed east to a line being the western shore of Lake Michigan; then southerly along said line to a point on the extended centerline of Tenth Street; then west along said extended centerline to a point on the centerline of Wisconsin Avenue; then north along said centerline to a point on the centerline of Ninth Street; then west along said centerline to a point on the centerline of College Avenue; then north along said centerline to a point on the centerline of Eight Street; then west along said centerline to a point on the centerline of Grand Avenue; then south along said centerline to a point on the centerline of Ninth Street; then west along said centerline to a point on the western line of the former Chicago, Milwaukee and St. Paul Railroad right-of-way; then southwest along said western line to a point on the centerline of Tenth Street; then west along said centerline to a point on the centerline of Racine Street; then north along said centerline to a point on the centerline of Ninth Street; then west-southwest along said centerline to a point on the east line of the Union Pacific (a.k.a. Chicago and Northwestern) Railroad right-of-way; then northwest along said east line to a point on the centerline of Liberty Street; then east along said centerline to a point on the centerline of Marquette Street; then south along said centerline to a point on the line being the southern shore of the Root River; then easterly along said shoreline to a point on the centerline of Main Street at the Main Street bridge; then north along said centerline to a point on the centerline of Dodge Street; then west-southwest along said centerline to a point on the centerline of North Wisconsin Avenue; then north along said centerline to the point of beginning."

**Part 2:**





**DISTRICT 4**

	<b>JARVIS FINLEY</b>	<b>JIM KAPLAN</b>
4-9	36	58
4-10	25	73
4-11	54	7
<b>TOTAL</b>	<b>115</b>	<b>138</b>

**MAJORITY FOR JIM KAPLAN: 23**

**DISTRICT 6**

	<b>SANDY WEIDNER</b>
6-15	183
6-16	90
<b>TOTAL</b>	<b>273</b>

**DISTRICT 8**

	<b>Q.A. SHAKOOR, II</b>
8-19	31
8-20	27
<b>TOTAL</b>	<b>58</b>

**DISTRICT 10**

	<b>THOMAS FRIEDEL</b>
10-23	152
10-24	122
<b>TOTAL</b>	<b>274</b>

**DISTRICT 12**

	<b>ARON WISNESKI</b>
12-27	249
12-28	205
<b>TOTAL</b>	<b>454</b>

**DISTRICT 14**

	<b>RONALD HART</b>
14-31	100
14-32	76
<b>TOTAL</b>	<b>176</b>

RESOLVED, THAT THE FOLLOWING NAMED PERSONS BE AND THEY ARE HEREBY DECLARED ELECTED TO THE OFFICE OF ALDERPERSON FOR THE CITY OF RACINE FOR THE ENSUING TERM OF TWO YEARS.

<b>ROBERT L. ANDERSON</b>	<b>SECOND DISTRICT</b>
<b>JIM KAPLAN</b>	<b>FOURTH DISTRICT</b>
<b>SANDY WEIDNER</b>	<b>SIXTH DISTRICT</b>
<b>Q.A. SHAKOOR, II</b>	<b>EIGHTH DISTRICT</b>
<b>THOMAS FRIEDEL</b>	<b>TENTH DISTRICT</b>
<b>ARON WISNESKI</b>	<b>TWELFTH DISTRICT</b>
<b>RONALD D. HART</b>	<b>FOURTEENTH DISTRICT</b>

THE WHOLE NUMBER OF VOTES CAST AT THE SPRING ELECTION THAT WAS HELD ON APRIL 4, 2006 FOR THE OFFICE OF MUNICIPAL JUDGE IS AS FOLLOWS:

<b>DISTRICT/WARD</b>	<b>ROBERT WEBER</b>
1 - 1	19
1 - 2	37
1 - 3	35
2 - 4	42
2 - 5	47
2 - 6	218
3 - 7	45
3 - 8	59
4 - 9	70
4 - 10	72
4 - 11	36
5 - 12	47
5 - 13	36
5 - 14	155
6 - 15	178
6 - 16	96
7 - 17	91
7 - 18	176
8 - 19	29
8 - 20	21
9 - 21	80
9 - 22	142
10 - 23	153
10 - 24	122
11 - 25	122
11 - 26	85
12 - 27	263
12 - 28	215

13 - 29	139
13 - 30	89
14 - 31	110
14 - 32	71
15 -33	183
15 - 34	262
<b>TOTAL</b>	<b>3545</b>

FURTHER RESOLVED, THAT ROBERT WEBER BE AND HE IS HEREBY DECLARED ELECTED TO THE OFFICE OF MUNICIPAL JUDGE OF THE CITY OF RACINE FOR THE ENSUING TERM OF FOUR YEARS.

Dated this 5th day of April 2006

BOARD OF CANVASSERS

GIGI OLIVER  
KRISTINE NEVAREZ  
JANICE M. JOHNSON-MARTIN, CITY CLERK

**Received As Read**

**K. Miscellaneous Business**

**L. Adjourn**

*The meeting was adjourned at 8:50P.M. by Alderman Shakoor. The next scheduled meeting of the Council is Monday, April 17, 2006.*

ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK