



City of Racine

Journal of Council Proceedings

Common Council

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

Tuesday, May 16, 2006

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 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 Weidner. .

to Approve the Minutes

D. Public Comments

*Beth Jurgaitis
Bob Stevenson
Jim Rooney*

E. Communications

1. [06-1934](#) **Subject:** Building Report for the month of April 2006.

Received and Filed

Refer to Finance and Personnel Committee

2. [06-1880](#) **Subject:** Communication from the Purchasing Agent requesting to accept the bid with Virchow Krause & Company, LLP for Official Notice # 5, Performance Audit of the Health Department.

Recommendation: That the item be received and filed

Fiscal Note: N/A

Referred to Finance and Personnel Committee

3. [06-1917](#) **Subject:** Communication from Interim Fire Chief requesting permission to accept a donation from the Sam's Club Foundation in the amount of \$1,000 to be utilized for the Racine Fire Department Public Education Fund.

Also refer to License & Welfare Committee.

Recommendation of the Finance & Personnel Committee 05-22-06:

That the Interim Fire Chief be granted permission to accept \$1,000 donation from Sam's Club Foundation to be utilized for the Racine Fire Department Public Education Fund and an appropriate letter of thanks be submitted.

Fiscal Note: N/A

Referred to Finance and Personnel Committee**Referred to License and Welfare Committee**

4. [06-1936](#) **Subject:** Racine County Economic Development Corporation requesting a City loan guarantee for a business loan to Schmidt Industrial Truck.

Recommendation: That the City of Racine guarantee a business loan from the Racine County Economic Development Corporation to Schmidt Industrial Truck, Inc.

Referred to Finance and Personnel Committee

5. [06-1938](#) **Subject:** Communication from the City Attorney requesting to fill the Executive Secretary position in the Attorney's office.

Recommendation: That the position of Executive Secretary in the City Attorney's office be filled.

Fiscal Note: Funding for this position is provided for in the 2006 budget.

Referred to Finance and Personnel Committee

6. [06-1940](#) **Subject:** Communication from Interim Finance Director requesting to appear before the committee to discuss the recently vacated position in the City Clerk's Office and the creation of Customer Service Specialist, SU9 position.

Recommendation: Permission granted for the elimination of Records Clerk, SU-7, position and the creation of a new position, Customer Service Specialist, SU-9, for the City Clerk's office upon permanent vacancy of the Records Clerk position.

Fiscal Note: Funding for this position is provided for in the 2006 budget and was recommended by the Clerk-Treasurer's study.

Referred to Finance and Personnel Committee

7. [06-1941](#) **Subject:** Communication from the Interim Finance Director requesting to appear before the committee to discuss filling a part-time payroll technician position.

Recommendation: That the position of part-time payroll technician in the Finance Department be filled.

Fiscal Note: Funding for this position is provided for in the 2006 budget.

Referred to Finance and Personnel Committee

Referred to License and Welfare Committee

Refer to Public Works and Services Committee

8. [06-1897](#) **Subject:** Communication from the Program Director of the First Choice Pre-Apprenticeship Training Program requesting the use of the Marquette Street Fire Station.

Referred to Public Works and Services Committee

Referred to Executive Committee

9. [06-1899](#) **Subject:** Communication from Godske Awnings & Textiles, Inc. requesting permission to put awnings on the property at 440 Main Street.

Referred to Public Works and Services Committee

10. [06-1900](#) **Subject:** Communication from the Director of Operations of Recreational Leadership Company, LLC, requesting permission to use the Walker site parking lot from August 6-14, 2006 and to close Christopher Columbus Causeway from Lake Avenue east to the water's edge from August 7-13, 2006, in connection with the Racine Boat & RV Show.

Referred to Public Works and Services Committee

11. [06-1905](#) **Subject:** Communication from The Journal Times requesting additional alley lighting.

Referred to Public Works and Services Committee

12. [06-1911](#) **Subject:** Communication from Environmental Audits, on behalf of Twin Disc, Inc., requesting permission to install a private utility in the public right-of-way in the 1200 block of Thirteenth Street.

Referred to Public Works and Services Committee

13. [06-1923](#) **Subject:** Communication from a representative of the Downtown Rotary Club requesting a special events noise variance and permission to extend the curfew, use the 5th Street Parking Ramp, hang banners at Civic Centre and Festival Hall, use city streets for a parade, and operate a spotlight and run interactive games at Festival Park on May 20 & 21, 2006 in connection with the Rotary Post Prom.

Alderman Hart requested to suspend the rules and that the item be received and filed.

Received and Filed

14. [06-1924](#) **Subject:** Communication from First Choice Pre-Apprenticeship Jobs Training Program requesting to use the southwest end of the parking lot at 800 Center Street for wheel barrow training.

(Also referred to the Executive Committee)

Received and Filed

Referred to Executive Committee

Referred to Executive Committee

Refer to License and Welfare Committee

15. [06-1892](#) **Subject:** Application of Central International, LLC, Ramez AbdulNour, Agent, for a "Class C" Wine and Class "B" Retail Fermented Malt Beverage License for 424 Main Street.
(1st District) (**Alderman of the 1st District included in reference**)

Referred to License and Welfare Committee

16. [06-1895](#) **Subject:** The application of Asiana, LLC, Haeyoung Choi, Agent, for a Class "B" and "Class C" Fermented Malt Beverage and Wine License for 423 Sixth Street.
(1st District) (**Alderman of the 1st District included in reference**)

Referred to License and Welfare Committee

17. [06-1904](#) **Subject:** Application of 2nd Time Around, Ralph Martinez, Agent, for a "Class B" Retail Fermented Malt Beverage and intoxicating Liquor License for 1922 Sixteenth Street.

(3rd District) (**Alderman of the 3rd District included in reference**) (The Agent has been requested to appear)

Referred to License and Welfare Committee

18. [06-1909](#) **Subject:** The following applications for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2006-2007:

Vishal Corporation 3015 Rapids Drive
Prabodh Gala, Agent

Shree Krishna Enterprises, Inc. 2062 Lathrop Avenue
Jagdish Patel, Agent

Mitraj, Inc. 3711 Douglas Avenue
Radhhesyam Patel, Agent

Jesus S. & Yolanda Maldonado 516 High Street

AD United Petroleum 1917 Sixteenth Street

M Smit N Corp. 918 West Boulevard
Maheshkumar K. Patel, Agent

Nagra Pump & Pantry, LLC 1826 Douglas Avenue
Sukhwinder S. Nagra

Referred to License and Welfare Committee

19. [06-1910](#) **Subject:** The following applications for a Class "B" Retail Fermented Malt Beverage License for 2006-2007:

Joseph Hrouda 3 Fifth Street

Shannon J. Curtin 100 Kewaunee Street

Clifford Wolosek 301 Hamilton Street

St. John Nepomuk 1923 Green St.
Terry A. Killberg, Agent

Referred to License and Welfare Committee

20. [06-1913](#) **Subject:** Application of Avarice Enterprises, LLC., Zachary Morrow, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1300 Michigan Blvd.

(4th District) (**Alderman of the 4th District included in reference**) (The agent has been requested to appear)

Referred to License and Welfare Committee

21. [06-1914](#) **Subject:** The following applications for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2006-2007:

Redline Tavern Corp. 1200 N. Wisconsin Street
Connie M. Nau, Agent

George's Tavern 1201 N. Main Street
David Popoff, Agent

George's Tavern 1201 N. Main Street
David Popoff, Agent (Amended Premise Description)

Radojko Radicevic 2515 Douglas Avenue

T.B. Hansen's, Inc. 501 Goold Street
Thomas R. Hansen, Agent

Fides F. Wagner-Richardson 1102 Mound Avenue

David J. Russell 600 High Street

Roma Associates of Racine, Inc. 3701 Durand Avenue
3701 Durand Avenue

Outbreak Billiards Inc. 1717 Douglas Avenue
Marko Stanosevic, Agent

6100 West, Inc. 231 Main Street
Douglas Nicholson, Agent

Lone Star Steakhouse & Saloon 5850 Durand Avenue
of WI, Inc.
Teresa Licari, Agent

Dynasty Co., Inc. 2427 Lathrop Ave.
John Bouikidis

Evelyn J. Scheibner, LLC 331 Main Street

The Corner House, Inc. 1521 Washington Avenue
John G. Kopulos, Agent

Yardarm Bar & Grill, LTD 920 Erie Street
Laura Tomaser, Agent

Thang D. Pham 3616 Northwestern Avenue

Racine Labor Hall 2100 Layard Avenue
Richard R. Fought, Agent

WHG Real Estate South, LLC 2521 S. Green Bay Road
Paul Freeman, Agent

Referred to License and Welfare Committee

22. [06-1915](#) **Subject:** The following application(s) for a "Class B" Club Retail Fermented Malt Beverage and Intoxicating Liquor License for 2006-2007:

Deutscher Maenner Verein 701 Villa Street
Neal J. Seiser, Agent

Referred to License and Welfare Committee

23. [06-1916](#) **Subject:** The following applications for a Class "A" Retail Fermented Malt Beverage License for 2006-2007:

S. H. Petroleum, Inc. 3818 Durand Avenue
Sandeep K. Verma, Agent

Lee's Deli, Inc. 2615 Washington Avenue
John P. Henes, Agent

Max Supermarket, LLC 1200 Villa Street
Rajinder Kaur, Agent

Douglas Pump & Pantry LLC 3357 Douglas Avenue
Sukhwindar S. Nagra

2100 N. Main Street, LLC 2100 N. Main Street
Jitender Kaur, Agent

Open Pantry Food Marts of
WI, Inc. 3441 Spring Street
James L. Schutz, Agent

Open Pantry Food Marts of
WI, Inc. 2731 Durand Avenue
Heather M. Smith, Agent

Referred to License and Welfare Committee

24. [06-1933](#) **Subject:** The application of Speedway SuperAmerica LLC, Rachel Wells, Agent, for a Change of Agent for a Class "A" Retail Fermented Malt Beverage License for 2110 S. GreenBay Road. (14th District)

(Alderman of the 14th District included in reference.)

Referred to License and Welfare Committee

25. [06-1935](#) **Subject:** Application of What About Me?, Edward Scharding, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 600 Sixth Street.

(1st District) (**Alderman of the 1st District included in reference**) The agent has been requested to appear)

Referred to License and Welfare Committee

Refer to Traffic Commission

26. [06-1942](#) **Subject:** Communication regarding the installation of a Stop or Yield sign at the intersection of Monroe and Linderman.

Referred to City Plan Commission

Refer to City Plan Commission

27. [06-1939](#) **Subject:** Amendment to the zoning ordinance to regulate pay day loan and other "convenient cash" agencies conditional uses in the business zoning districts.

Referred to City Plan Commission

Refer to Community Development Committee

28. [06-1937](#) **Subject:** Project New Life requesting an amendment to its 2005 Emergency Shelter Grant contract.

Referred to Community Development Committee

Refer to Committee of the Whole

29. [06-1926](#) **Subject:** The City Administrator requesting to present the audit by Virchow and Krause of the Parks & Recreation and Cultural Services Department.

(Also refer to the Parks & Recreation and Cultural Services Board)

The City Administrator requesting to present the audit by Virchow and Krause of the Parks & Recreation and Cultural Services Department.

(Also refer to the Parks & Recreation and Cultural Services Board)

Referred to Committee of the Whole

Referred to Board of Park, Recreation and Cultural Services

30. [06-1928](#) **Subject:** Communication from the City Administrator recommending a change in the City policy establishing an earlier deadline for Council communications submitted to the City Clerks office to improve the agenda process.

Referred to Committee of the Whole

31. [06-1929](#) **Subject:** Communication from the City Administrator requesting to present an update to the City of Racine's 5-year Capital Improvement Plan.

Referred to Committee of the Whole

F. Committee Reports

Finance and Personnel Committee Report

32. [06-1536](#) **Subject:** Communication from the City Attorney submitting the claim of Xochitl Julian for consideration.

Recommendation: That the claim of Xochitl Julian, 418 Randolph St. be denied.

Xochitl Julian, 418 Randolph St., claims reimbursement for injuries and damages in the amount of \$5,741.45 arising from her trip and fall in the area of the doorway threshold at City Hall on December 12, 2005. Ms. Julian asserts the floor was unsafe due to snow being tracked in on people's feet. The City denies any negligence in the manner of snow removal.

Fiscal Note: N/A

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

33. [06-1687](#) **Subject:** Communication from the Alderman of the 9th District wishing to discuss the costs of partisan political visits to the City of Racine. This item was deferred per Minutes of November 8, 2004.

Recommendation: That the item be received and filed.

Fiscal Note: N/A

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

34. [06-1808](#) **Subject:** Communication from Old Timers Athletic Club requesting the use of a portion of the Hotel Tax Fund to promote their annual youth baseball and adult softball tournaments.

Recommendation: Permission granted to allocate \$2,500 from the Room Tax Fund for the Old Timers Athletic Club for the promotion of the youth and adult softball tournaments.

Fiscal Note: There are sufficient funds in the Room Tax Fund.

Alderman Spangenberg requested that Item 06-1808 be considered separately.

Alderman Friedel amended the recommendation to allocate funds to Racine Convention and Visitors Bureau and the Old timers Athletic Club work with the Racine Convention & Visitors Bureau to draw on the funds as needed.

A motion was made by Alderman Friedel that this Communication be Adopted As Amended.

35. [06-1825](#) **Subject:** The Mayor and City Clerk be authorized to enter into a 3-year agreement with CGI to develop a Community Movie Showcase for the City of Racine.

Recommendation: That the Mayor and City Clerk be authorized and directed to enter into a 3-year agreement with CGI Communications, Inc. to develop a Community Movie Showcase for the City of Racine.

Fiscal Note: No cost required on the part of the City.

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

36. [06-1838](#) **Subject:** Communication from the Board of Directors of the Friends of Seniors, Inc. wishing to discuss the present lease agreement with the City of Racine.

Recommendation: That the item be denied.

Fiscal Note: N/A

Recommendation of the Board of Parks, Recreation & Cultural Services: That the communication be received and filed.

Fiscal note: N/A

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

37. [06-1841](#) **Subject:** Communication from the Racine Theatre Guild requesting to apply for \$5,000 of Room Tax funds available to Racine-based organizations.

Recommendation: That the City of Racine appropriate \$5,000 from the Room Tax Fund to the Racine Theatre Guild to be utilized for outside marketing for 2006.

Fiscal Note: There are sufficient funds available in Room Tax Fund.

Alderman Spangenberg requested that item 06-1841 be considered separately.

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

AYES: 12 - Fair, Anderson, Hermes, Kaplan, Weidner, DeHahn, Shakoor II, Holding, Hart, Sollman, Spangenberg and Wisneski

NOES: 2 - Maack and Friedel

EXCUSED: 1 - Karas

38. [06-1849](#) **Subject:** Communication from Racine Police Department Investigator Jody Spiegelhoff requesting to waive a portion of the rental fee for Johnson's Park for a fundraiser event to be held on July 29, 2006 for a Racine Police Department employee.

Recommendation: That the item be received and filed.

Fiscal Note: N/A

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

39. [06-1851](#)

Subject: Communication from the City Clerk wishing to meet with the appropriate committee to discuss entering into an agreement with Racine County for the purchase of handicapped accessible voting equipment.

Recommendation: That the City Clerk and the Mayor be authorized and directed to enter into an agreement with Racine County for the purchase of handicapped accessible voting equipment.

Fiscal Note: The State of Wisconsin will reimburse payment for the voting equipment.

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

40. [06-1856](#)

Subject: Communication from the Interim Finance Director requesting to discuss the borrowing for the 2006 Capital Improvement Projects.

Recommendation: That approval granted for the borrowing for the 2006 Capital Improvement projects.

Fiscal Note: 2006 Capital Projects are budgeted at \$7,049,300.

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

41. [06-1858](#)

Subject: Communication from the Interim Finance Director requesting to discuss 2005 to 2006 budget carry forwards.

Recommendation: That all remaining encumbered 2005 funds be carried forward to 2006.

101.111.5620	Professional Studies	55,000.00
	Total Fund 101	55,000.00
984.120.5020	Electronic Timekeeping	22,000.00
984.120.5030	MIS-Communications Room Remodeling	133,732.50
984.520.5010	Island Park Bridges	286,804.00
984.908.5130	Asphalt Street Resurfacing	22,000.00
984.907.5320	Sanitary Manhole Reconstruction	8,616.69
	Total Fund 984	473,153.19

985.010.5010	Electronic Voting-Common Council	30,244.25
985.020.5020	Redundant E-Mail Server and Software	25,000.00
985.100.5010	City Hall-Window Replacement	68,948.79
985.100.5020	City Hall-HVAC Upgrades	45,600.00
985.105.5010	Transfer to BUS	275,930.00
985.106.5010	Transfer to Parking	19,187.00
985.108.5010	Transfer to Civic Center	130,000.00
985.300.5010	Station #1-Vehicle Exhaust System	13,693.75
985.360.5770	Warning Siren Replacement	15,000.00
985.590.5010	Replace City Circuits	39,191.24
985.600.5010	Traffic Signal Replacements	22,549.00
985.600.5030	Traffic Signal LED Lamp Replacements	18,530.15
985.700.5010	Raze Lincoln and Marino Shelter	13,407.15
985.700.5040	Sidewalk Replacement Parks	1,629.37
985.700.5070	North Beach Wall	775.00
985.710.5050	Horlick Football Lights	7,312.36
985.907.5310	Sanitary Sewer Construction-Various Locations	34,264.34
985.907.5330	Racine Street Sanitary Sewer	14,398.09
985.908.5130	Asphalt Resurfacing	22,848.42
985.908.5220	Replacement-Curb and Gutter	3,673.23
985.908.5510	Sidewalks-New	2,000.00
985.908.5520	Sidewalk Replacement	6,252.86
985.913.5010	Environmental Remediation	9,057.21
985.913.5040	GIS Layers	1,105.95
985.913.5050	Metra Study	35,000.00
985.913.5090	Michigan at Goid Slope Stabilization	90,177.43
	Total Fund 985	<u>945,775.59</u>

Fiscal Note: There are sufficient funds remaining to be carried forward.

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

42. [06-1859](#)

Subject: Communication from the Interim Finance Director appearing before the Committee to discuss refunding Tax Incremental Financing District No. 11 (West Racine) short-term debt that is due in June.

Recommendation: That approval granted for refunding Tax Incremental Financing District No. 11 (West Racine) note anticipation notes.

Fiscal Note: The amount for refunding is not to exceed \$2,000,000 for TIF No. 11.

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

43. [06-1872](#)

Subject: Communication from the City Clerk submitting the bid received for printing the Common Council Proceedings and legal notices.

Recommendation: That the Racine Journal Times be awarded the bid to publish the Common Council proceedings and all legal notices for the period of June 1, 2006 through May 31, 2007, they being the only bidder.

Fiscal Note: There are sufficient funds available in account 101.010.5540 City Council proceedings.

Alderman Maack requested that item 06-1872 be considered separately.

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

AYES: 11 - Fair, Anderson, Hermes, Kaplan, Weidner, DeHahn, Shakoor II, Friedel, Sollman, Spangenberg and Wisneski

NOES: 3 - Maack, Holding and Hart

EXCUSED: 1 - Karas

44. [06-1896](#)

Subject: (Direct Referral) A request of the Director of Human Resources, pursuant to sec. 19.85(1)(g), Wis. Stat., to meet with the Finance and Personnel Committee and to confer with legal counsel concerning a strategy to be adopted with respect to litigation in which the City is likely to become involved regarding the request of Local 67, AFSCME, to represent Local 2239, AFSCME.

Recommendation: That the City staff be allowed to seek a declaratory judgment from the WERC regarding AFSCME Local 67 and AFSCME Local 2239.

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: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

Public Works and Services Committee Report

45. [Ord.13-06](#)

Ordinance No. 13-06 to amend Secs. 46-26, 46-28(a) and 46-31 of the Municipal Code relating to Finance - Bidding procedure.

To amend Secs. 46-26, 46-28(a) and 46-31 of the Municipal Code of the City of Racine, Wisconsin relating to Finance - Bidding procedure.

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

Part 1:

Sec. 46-26 of the Municipal Code of the City of Racine is hereby amended by deleting in the last sentence "\$15,000.00" and inserting "\$25,000.00" in its place.

Part 2:

Sec. 46-28(a) of the Municipal Code of the City of Racine is hereby amended by deleting in the second paragraph, first sentence, "\$15,000.00" and inserting "\$25,000.00" in its place.

Part 3:

Sec. 46-31 of the Municipal Code of the City of Racine is hereby amended by deleting in the title "\$15,000.00" and inserting "\$25,000.00" in its place.

Part 4:

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

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

46. [06-1795](#) **Subject:** Communication from River Bend Nature Center requesting that the sidewalk and one lane of the northbound traffic on the east side of the Main Street Bridge be blocked for the first annual River Bend Derby Duck Race on June 24, 2006.

Recommendation of the Public Works and Services Committee

(4-25-06): The River Bend Nature Center be granted permission to close the sidewalk and one lane of the north bound traffic along the east side of the Main Street Bridge for the 1st Annual River Bend Derby Duck Race which will be held on Saturday, June 24, 2006, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A certificate of liability be filed with the City Attorney's office;
- C. Department of Public Works staff review and approve the means and methods for placing the rubber ducks in the river so as to not damage the Main Street Bridge.
- D. Sponsor shall be responsible for placement of all traffic control devices.

Fiscal Note: Not applicable.

Recommendation of the Board of Harbor Commissioners (4-27-06):

Receive and file.

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

47. [06-1848](#) **Subject:** Communication from the Rotary Foundation of Racine West, Inc., requesting additional street closures for their events on July 7 & 8, 2006.

Recommendation: Permission be granted to the Racine Rotary West Club to close the parking lane along the east side of Main Street, from 11th Street to 14th Street, and the parking lane on the south side of 11th Street, from Main Street to Pershing Park Drive, in conjunction with the third annual Great Midwest Dragon Boat Festival, to be held July 7-8, 2006.

Fiscal Note: Not applicable.

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

48. [06-1855](#) **Subject:** Communication from K. Singh & Associates, Inc. requesting permission to perform soil borings in Michigan Boulevard as Part of Environmental Site Assessment Activities for the Former Walker Manufacturing Property.

Recommendation: Permission be granted to K. Singh & Associates, Inc. to install two (2) soil borings within the Michigan Boulevard right-of-way at the intersection of Hamilton Street, provided that a permit is secured through the Engineering Department and an agreement executed in accordance with Sec. 66.0425, Wis. Stats., Privileges in Streets, and further provided that this construction will be performed so as not to create a hazard for pedestrian or vehicular traffic, and that any monitoring wells will be abandoned in accordance with Wisconsin Administrative Code NR 112 and NR 141.25.

Further recommends that K. Singh & Associates, Inc. be charged a \$50.00 fee to cover administrative costs and costs associated with filing this item with the Register of Deeds office.

Further recommends that the property owner provides the City Attorney's office with a legal description of the location of the soil borings within the street right-of-way.

Fiscal Note: In addition, the required Street Opening Permit will generate an additional \$125.00 in revenue.

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

49. [06-1857](#)

Subject: Communication from Pentecost Lutheran Church requesting permission to close Jerome Boulevard between Coolidge Avenue and Case Avenue from 7 a.m. to 10 p.m. on Saturday, August 19, 2006, in conjunction with their annual neighborhood party.

Recommendation: Pentecost Lutheran Church be granted permission to close Jerome Boulevard, between Coolidge Avenue and Case Avenue, for an event on Saturday, August 19, 2006, from 7:00 a.m. to 10:00 p.m., in accordance with their request.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.

E. The sponsor shall pay a \$250.00 special event fee.

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

FISCAL NOTE: There will be nominal costs to various City departments, on a regular shift basis, to assist in implementing this event.

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

50. [06-1868](#)

Subject: Communication from Godske Awnings & Textiles, Inc. requesting permission to put awnings on the property at 1301 Washington Avenue over the side walk.

Recommendation: The property owner of 1301 Washington Avenue be granted permission to install stationary, projecting awnings, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

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

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

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

51. [06-1878](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineering submitting a request for final payment on Contract 6-04 (K4-007), 2004 CCTV Services and Manhole Inspections, Westco Environmental Services, Inc., contractor.

Recommendation: The work of Westco Environmental Services, Inc., under Contract 6-04 (K4-007), 2004 CCTV Services and Manhole Inspections, be accepted and final payment authorized for a total contract amount of \$75,769.20.

Fiscal Note: Contract was authorized under Resolution No. 5854-B of March 16, 2004.

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

52. [06-1879](#)

Subject: Direct Referral. Communication from the Transit Planner

submitting Change Order No. 3 on Contract 25-04 (K4-035), Racine Depot Restoration, Tri-North Builders, Inc., contractor.

Recommendation: Change Order No. 3 on Contract 25-04 (K4-035), Racine Railroad Depot Restoration, Tri-North Builders, Inc., contractor, as submitted, be approved in the amount of \$78,646.77.

Further recommends that funding to defray the cost of this change order be appropriated from Account 105.900.5010, Capital Projects.

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.

53. [06-1885](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works submitting bid results on Contract 16-06 (K6-017), City Resurfacing.

Recommendation: Contract 16-06 (K6-017), City Resurfacing, be awarded to Payne & Dolan, Inc., at their bid price of \$470,183.15, 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:

\$ 20,000.00 - Account 986.908.5110, Bituminous Concrete Paving
\$421,233.15 - Account 986.908.5130, Asphalt Resurfacing
\$ 950.00 - Account 986.907.5310, Sanitary Sewer Const.-Various Locations
\$ 28,000.00 - Account 104.985.5420, Storm Sewers-Misc. Locations
\$470,183.15 - 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.

54. [06-1886](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works submitting bid results on Contract 21-06 (K6-022), 2006 Street Lighting Renovations (CDBG).

Recommendation: Contract 21-06 (K6-022), 2006 Street Lighting Renovations (CDBG), be awarded to J.F. Edwards Construction Company, Inc., at their bid price of \$152,890.18, 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:

\$ 22,455.66 - Account 985.590.5010, Replace City Circuits
\$105,434.52 - Account 986.590.5010, Replace City Circuits
\$ 25,000.00 - Account 896.030.5950, Street Lighting
\$152,890.18 - 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.**

55. [06-1887](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works submitting bid results on Contract 27-06 (K6-028), 2006 Traffic Signal Renovations.

Recommendation: Contract 27-06 (K6-028), 2006 Traffic Signal Renovations, be awarded to Outdoor Lighting Construction Co., Inc., at their bid price of \$62,093.30, 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:

\$22,549.00 - Account 985.600.5010, Traffic Signal Replacement
\$39,544.30 - Account 986.600.5010, Traffic Signal Replacement
\$62,093.30 - 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.**

56. [06-1912](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works submitting bid results on Contract 14-06 (K6-015), Island Park Streambank Stabilization.

Recommendation: Contract 14-06 (K6-015), Island Park Streambank Stabilization, be awarded to K&L Construction, Inc., at their bid price of \$48,130.50, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 104.985.5420, Storm Sewers-Misc. Locations.

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.**

57. [06-1920](#)

Subject: Communication from the Assistant Commissioner of Public

Works/Engineering submitting Amendment No. 2 on Contract 61-05 (K5-070), Professional Services-2006 CCTV Services and Manhole Inspections, Earth Tech, Inc., consultant.

Recommendation: Amendment No. 2 to Contract 61-05 (K5-070), Professional Services for 2006 CCTV Services and Manhole Inspections, Earth Tech, Inc., consultant, as submitted, be approved in the amount of \$50,675.00.

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

\$25,337.50 - Account 104.985.5420, Storm Sewer, Various Locations
\$25,337.50 - Account 986.907.5310, Sanitary Sewer, Various Locations
\$50,675.00 - 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.

58. [06-1921](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering submitting a proposal from Earth Tech, Inc. to provide professional services for the 2006 Illicit Discharge Detection and Elimination Program.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into a professional services contract with Earth Tech, Inc. to provide professional services for the 2006 Illicit Discharge Detection and Elimination Program at a cost not-to-exceed \$60,000.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 104.000.5330, Monitoring Detection Enforcement.

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.

59. [06-1922](#)

Subject: Communication from All Sports Pub, 3458 Rapids Drive, requesting permission to close off a turn lane for a special event on Saturday, May 13, 2006.

Recommendation: Permission be granted to All Sports Pub, 3458 Rapids Drive, to close off the right turn lane from Rapids Drive onto N. Green Bay Road on Saturday, May 13, 2006, to provide motorcycle

parking for a benefit.

Further recommends that the sponsor pay a \$250.00 special event fee.

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

Fiscal Note: There will be nominal costs to various City departments, on a regular shift basis, to assist in implementing this event.

**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: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

License and Welfare Committee Report

60. [06-1614](#) **Subject:** Communication from Lakefront Beverage Consultants requesting the City of Racine to renew the beverage contract for an additional two years and waive the 180 -day notification clause.

Recommendation of License & Welfare on 3-13-06: The item be deferred until the Civic Centre Commission meets to discuss the item.

Recommendation of Civic Centre Commission on 4-26-06: That the item be denied.

Ayes: Alderman James Spangenberg, Lydia Vela, Kate Scheller, Andy Kindsvater, Jeff Coe,
Ray Mathews

Noes: None

Abstain: None

Recommendation of the License & Welfare Committee on 5/8/06:
That the item be received and filed.

Fiscal Note: N/A

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

61. [06-1821](#) **Subject:** Communication from the Purchasing Agent requesting to discuss bid received for Official Notice #5, Performance Audit of the Health Department.

Recommendation: That Official Notice #5, Performance Audit of the Health Department be awarded to Virchow-Krause at their bid price of \$36,775.00, they being the only responsible bidder.

Fiscal Note: Funds are available in account 101.111.5620, Professional Studies.

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

62. [06-1826](#) **Subject:** Application of Rum Point, Inc., Patrick J. O'Neil, Agent, for a "Class B" Retail Fermented Malt Beverage and intoxicating Liquor License for 2 Christopher Columbus Drive.

(1st District) (**Alderman of the 1st District included in reference**) (The agent has been requested to appear)

Recommendation of the License & Welfare Committee on 5/8/06:
That the application of Rum Point Inc., Patrick J. O'Neil, Agent, for a "Class B" Retail Fermented Malt Beverage and intoxicating Liquor License for 2 Christopher Columbus Drive be approved.

Fiscal Note: N/A

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

63. [06-1835](#) **Subject:** (Direct Referral) Communication from the Purchasing Agent submitting the report on bids received from the sale of Abandoned Vehicles.

Recommendation of the License & Welfare Committee 5/8/06: That the item be received and filed.

Fiscal Note: \$5,412.02 in revenues.

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

64. [06-1836](#)

Subject: (Direct Referral) The application for James L. Preston for a Public Passenger Vehicle Driver's License. (Renewal)

Recommendation of the License & Welfare Committee 5/8/06: That the application for James L. Preston for a Public Passenger Vehicle Driver's License (Renewal), be approved.

Fiscal Note: N/A

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

65. [Ord.17-06](#)

Ordinance No. 17-06 to amend Secs. 22-291 and 22-297 of the Municipal Code relating to Cigarette and tobacco products retailers - Statutory provision adopted; Penalty for violation of article.

To amend Secs. 22-291 and 22-297 of the Municipal Code of the City of Racine, Wisconsin relating to Cigarette and tobacco products retailers - Statutory provision adopted; Penalty for violation of article.

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

Part 1:

Sec. 22-291 of the Municipal Code of the City of Racine is hereby amended by adding "(a)" at the beginning of the paragraph, by changing "Stats." to read "Stat." in two places in the paragraph and by adding the following paragraph at the end of the section:

"(b) The provisions of Wis. Stat. § 134.66(2)(a), (am), (cm) and (e) relating to licenses for cigarette and tobacco products are adopted as a portion of this article as far as may be applicable to the city. A violation of any such provisions of Wis. Stat. § 134.66(2)(a), (am), (cm) and (e) shall constitute a violation of this article."

Part 2:

Sec. 22-297 of the Municipal Code of the City of Racine is hereby amended by adding "(a)" at the beginning of the paragraph, by deleting the phrase "this article" in the second line, by inserting "sec. 22-291(a) or sec. 22-292" in its place, and by adding the following paragraph at the end of the section:

"(b) A person who commits a violation of sec. 22-291(b) is subject to a

forfeiture of:

a. Not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or

b. Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.

3. A court shall suspend any license or permit issued under s. 134.65, 139.34 or 139.79 to a person for:

a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;

b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or

c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.

4. The court shall promptly mail notice of a suspension under subd. 3 to the department of revenue and to the clerk of each municipality which has issued a license or permit to the person.”

Part 3:

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

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Recommendation of the License & Welfare Committee 5/8/06:

That Ordinance No. 17-06 be adopted.

FISCAL NOTE: N/A

Sponsors: David L. Maack

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

66. [06-1847](#) **Subject:** (Direct Referral) The application of Anything Goes Limousine, for a Public Passenger Vehicle Provider's License.

Recommendation of the License & Welfare Committee 5/8/06: That the application of Anything Goes Limousine, for a Public Passenger Vehicle Provider's License, be approved.

Fiscal Note: N/A

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

67. [06-1860](#) **Subject:** Direct Referral. Bids for Contract 28-06 (K6-029) New Grandstand Bleachers at Horlick Athletic Field.

Recommendation of License & Welfare Committee of 5/8/06: That the item be received and filed.

Fiscal Note: N/A

Alderman Maack requested that item 06-1860 be considered separately.

Referred to License and Welfare Committee

68. [06-1865](#) **Subject:** Direct Referral, Contract 47-05 K5-054), Roof Replacement at Mound Cemetery by Carlson Racine Roofing, Racine WI.

Recommendation of the License & Welfare Committee 5/8/06: That the work of Carlson Racine Roofing, be accepted and authorization for final payment be approved for a total contract amount of \$50,969.00.

Fiscal Note: This contract was approved by Resolution 6655 of September 6, 2005.

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

69. [06-1867](#)

Subject: (Direct Referral) Final payment for engineering services for plans and specifications for replacing the roof at Mound Cemetery Maintenance Building by Industrial Roofing Services, Inc.

Recommendation of the License & Welfare Committee of 5/8/06:

That the engineering services for plans and specifications of Industrial Services, Inc. for replacing the roof at Mound Cemetery Maintenance Building, be accepted and final payment in the amount of \$7,000.00 be paid.

Fiscal Note: This contract was approved by Resolution 6366 of February 1, 2005.

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

70. [06-1873](#)

Subject: The Application of MPDT, Partnership, for a "Class B" Retail Fermented Malt Beverage and intoxicating Liquor License for 303 Dodge Street.

Recommendation of the License & Welfare Committee 5/8/06: That the application of MPDT, Partnership, for a "Class B" Retail Fermented Malt Beverage and intoxicating Liquor License for 303 Dodge Street, be approved.

Fiscal Note: N/A

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

71. [06-1918](#)

Subject: CHARTER ORDINANCE TO AMEND SEC. 5-3 OF THE CHARTER ORDINANCES RELATING TO GASOLINE SERVICE STATIONS - LICENSE APPLICATION.

To amend Charter ordinance sec. 5-3 of the Municipal Code of the City of Racine, Wisconsin relating to Gasoline service stations - License application.

Recommendation of the License & Welfare Committee 5/8/06: That Charter Ordinance #0001-06 be adopted.

Recommendation of the Public Works and Services Committee (5-9-06): Charter Ordinance #0001-06 be adopted.

Fiscal Note: Not applicable.

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

72. [06-1919](#)

Subject: ORDINANCE NO. 15-06 TO REPEAL AND RECREATE SEC. 22-476 OF THE MUNICIPAL CODE RELATING TO GASOLINE SERVICE STATIONS - APPLICATION FOR OWNER'S LICENSE; INVESTIGATION.

To repeal and recreate Sec. 22-476 of the Municipal Code of the City of Racine, Wisconsin relating to Gasoline service stations - application for owner's license.

Recommendation of the License & Welfare Committee 5/8/06: That Ordinance #15-06 be adopted.

Recommendation of the Public Works and Services Committee (5-9-06): Ordinance 15-06 be adopted.

Fiscal Note: Not applicable.

**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: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

City Plan Commission Report

73. [06-1812](#)

Subject: The Establishment of Design Standards for the Expanded Downtown Area to address the need to establish specific design standards in sub-areas of the downtown area.

Recommendation: To receive and file.

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

74. [06-1850](#)

Subject: Communication from Aldermen of the 11th and 12th Districts requesting to meet with City Plan Commission to discuss zoning rules for various types of establishments.

Recommendation: That a 90-day moratorium be enacted regarding Payday Loan and similar establishments to allow time for the preparation of an ordinance.

Fiscal Note: N/A

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

75. [06-1874](#)

Subject: Direct Referral. Request from Maria Guerrero and Vidal Trejo seeking a conditional use permit for an existing residence at 1616-9th Street that utilizes both the first and second floors as dwelling space.

Recommendation: That a request from Maria Guerrero and Vidal Trejo seeking a conditional use permit for an existing residence at 1616 - 9th Street that utilizes both the first and second floors as dwelling space be approved, subject to the following conditions:

- a. That the structures and property be maintained in good order.
- b. That all codes and ordinance be complied with and required permits acquired.
- c. 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.
- d. 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.

76. [06-1875](#)

Subject: Direct Referral. Request from Eric and Theresa Marcus of National Auto Parts & Sales, Inc. and Allied Commercial Holdings, Inc. seeking a conditional use permit for a motor vehicles and parts rebuilding facility at 1800 Clark Street.

Recommendation: That a request from Eric and Theresa Marcus of National Auto Parts & Sales, Inc. and Allied Commercial Holdings, Inc. seeking a conditional use permit for a motor vehicle and parts rebuilding facility at 1800 Clark Street be approved, subject to the following

conditions:

- a. That the plans stamped "Received April 26, 2006" and presented to the Plan Commission on May 10, 2006 be approved, subject to the conditions contained herein.
- b. That an occupancy permit shall be requested from the Building Department prior to the operation of this business at this location.
- c. That auto body work be conducted indoors and be limited to minor repairs as required to rebuild motor vehicles and parts.
- d. That there shall be no on-site retail sales of vehicles or vehicle parts. Sales shall not involve dealing directly with customers on the premises.
- e. 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.
- f. That all vehicle and part repairs and rebuilding 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 all applicable codes and ordinances be complied with and required permits acquired.
- j. That signage be professionally made and comply with applicable zoning ordinance requirements.
- 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.

77. [06-1876](#) **Subject:** Direct Referral. Consideration of the establishment of Design Standards for the expanded downtown area.

Recommendation: That a resolution be adopted by the Common Council with the following language: that the document entitled "Downtown Design Standards" dated May 10, 2005 is hereby adopted this 16th day of May, 2006, a copy of which is on file in the office of the Director of City Development.

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

78. [06-1881](#) **Subject:** Direct Referral. Appeal of a decision of the Access Corridor Development Review Committee relating to a pole sign 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 pole sign for USA Payday Loans at 3326 Washington Avenue be approved, subject to the following conditions:

- a. That the pole sign as presented to the Access Corridor Development Review Committee on April 26, 2006 be approved.
- b. That all applicable permits be obtained.
- c. That no major changes be made to the conditions of this approval without the approval of the Access Corridor Development Review Committee, and no minor changes be made without the approval of the Director of City Development.
- d. That this approval is subject to the review of the Access Corridor Development Review Committee for compliance with the listed conditions.

Fiscal Note: N/A

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

79. [06-1927](#) **Subject:** 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.

4/12/06 CPC

Recommendation: That the ordinance be adopted, as amended.

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

80. [06-1930](#)

Subject: Ordinance ZOord.0002-06 to rezone 3037, 3051, 3063 and 3077 Douglas Avenue

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

Recommendation: That the ordinance be adopted.

Fiscal Note: N/A

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

81. [06-1931](#)

Subject: 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.

4-12-06 CPC

Recommendation: that the ordinance be adopted.

**A motion was made that this Zoning Item 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: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

Mayor's Report

06-1925

Subject: Communication from Mayor Becker nominating appointments/reappointments to the following Boards and Commissions for the City of Racine.

Appoint Jay Christie, 2131 N. Main Street, to Board of Ethics (replacing M.A. Miritz) for a 6 year term ending in May 2012.

Reappoint Mike Fox, 427 Jonathon Drive, to Board of Harbor Commissioners for a 3 year term ending in June 2009.

Reappoint Jeff McMahon, 214 Augusta Street, to Board of Harbor Commissioners for a 3 year term ending in June 2009.

Reappoint Dr. William Little, 444 Dena Circle, to Board of Health for a 2 year term ending in April 2008.

Reappoint John Berge, 1529 Crabapple Drive, to Board of Health for a 2 year term ending in April 2008.

Appoint Alderman Greg Holding to City Plan Commission (replacing Alderman Engel) for a one year term ending in May 2007.

Appoint Howard Harper, 837 Main Street, to City Plan Commission (replacing Joe Muratore Jr.) for a 3 year term ending in May 2009.

Reappoint John Dickert, 151 Westminster Square, to City Plan Commission for a 3 year term ending in May 2009.

Appoint Howard Harper, 837 Main Street, to Elderly Housing Authority to fill an unexpired term ending in June 2007.

Reappoint Cheryl Esch, 3426 Lindermann Avenue, to Library Board for a 3 year term ending in June 2009.

Appoint Alderman Ron Hart to Traffic Commission (replacing Alderman Engel) for a one year term ending in May 2007.

Appoint Jarvis Finley, 1222 Marquette Street, to Traffic Commission (replacing Mark Kowbel) for a 3 year term ending in May 2009.

Appoint Alderman Greg Holding to Community Development Committee for a 1 year term ending in May 2007.

Appoint Alderman Ron Hart to Community Development Committee for a

one year term ending in May 2007.

Appoint Alderman Sandy Weidner to Community Development Committee for a one year term ending in May 2007.

Reappoint Alderman David Maack to Community Development Committee for a one year term ending in May 2007.

Reappoint Alderman Jim Spangenberg to Community Development Committee for a one year term ending in May 2007.

Reappoint Kenneth Lumpkin to Community Development Committee for a 3 year term ending in May 2009.

Appoint Jay Christie, 2131 N. Main Street, to Racine Sister City Planning Council to fill an unexpired appointment ending in December 2006.

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

Board of Parks, Recreation, and Cultural Services Report

82. [06-1775](#) **Subject:** Communication from the Event Chairman for the North American Championships sailing competition requesting to use two parking lots by North Beach on August 12-18, 2006.

Transit & Parking Commission Recommendation: Refer this to Board of Parks, Recreation and Cultural Services.

Fiscal Note: N/A

Recommendation of the Board of Parks, Recreation & Cultural Services: To approve pending Council approval for overnight camping and the organization work with staff.

Fiscal note: \$275.00 special event fee to the City.

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

83. [Ord.11-06](#) Ordinance No. 11-06 to amend Secs. 102-57(3) and 102-58(e) of the Municipal

Code relating to Vegetation - Planting.

To amend Secs. 102-57(3) and 102-58(e) of the Municipal Code of the City of Racine, Wisconsin relating to Vegetation - Permits for public utilities and contractors; Planting.

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

Part 1:

Sec. 102-57(3) of the Municipal Code of the City of Racine is hereby amended by deleting the last sentence of the paragraph.

Part 2:

Sec. 102-58(e) of the Municipal Code of the City of Racine is hereby amended by replacing the word "Elms" with the following "American Elm, Siberian Elm and Slippery Elm".

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

Recommendation: That the amendment to Ordinance 11-06 be adopted.

Sponsors: Sandy Weidner

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

84. [06-1807](#)

Subject: Communication from the Racine Theatre Guild requesting the free use of the Stage on Wheels for the first annual RTG Children's Theatre

Festival on Sunday, July 30, 2006, from 12:00-5:00 p.m.

Also refer to the Board of Parks, Recreation and Cultural Services

Recommendation of the Finance & Personnel Committee 04-24-06:

That the item be denied

Ayes: Aldermen James T. Spangenberg; Thomas Friedel; and Sandy Weidner,

Noes: Alderman Pete Karas

Abstain: Alderman Aron Wisneski

Fiscal Note: N/A

Recommendation of the Board of Parks, Recreation & Cultural Services 5-10-06: Recommend that the request 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.**

85. [Ord.18-06](#) Ordinance No. 18-06 to amend Sec. 70-101 of the Municipal Code relating to Parks - Closing hours.

To amend Sec. 70-101(a) of the Municipal Code of the City of Racine, Wisconsin relating to Parks, Recreation and Cultural Services - Parks; Closing hours.

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

Part 1:

Sec. 70-101(a) of the Municipal Code of the City of Racine is hereby amended by inserting after "law enforcement officers," the phrase, "city concession contractors and employees thereof for a period not more than 45 minutes after park closing but only while actively engaged in their work,".

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

Recommendation: That the amendment to Ordinance 18-06 be received and filed.

Sponsors: Sandy Weidner

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

86. [06-1854](#)

Subject: Communication from the Spirit of Racine Triathlon requesting the use of North Beach Park on July 23, 2006 for their annual race.

Recommendation: To approve the request of Racine County Visitors and Convention Bureau to use designated areas of North Beach on July 19 - 14, 2006 for the Spirit of Racine Triathlon resulting in the assessment of the appropriate special events fee.

Fiscal note: \$485.00 special events fee to the City

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

87. [06-1869](#)

Subject: (Direct Referral) Communication from Easter Seals Kindcare requesting to collaborate and form a partnership with the Racine Parks, Recreation & Cultural Services Department.

Recommendation: Recommends the request from Easter Seals Kindcare 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: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

Board of Harbor Commissioners

88. [05-1207](#) **Subject:** (Direct Referral) Main Entrance fog horn problem discussion.

Recommendation: Seek funding from the Waterways Commission for improvement of the fog horn system.

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

89. [05-1214](#) **Subject:** (Direct Referral) Installation of Visitor piers at Main St. Bridge.

Recommendation: Pursue funding on this project.

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: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

G. Resolutions

90. [Res.06-7015](#) OFFICIAL NOTICE #5 PERFORMANCE AUDIT OF HEALTH DEPARTMENT

RESOLVED, that Official Notice #5, Performance Audit of the Health Department, be awarded to Virchow-Krause at their bid price of \$36,775.00, they being the only responsible bidder.

FISCAL NOTE: Funds are available in account 101.111.5620, Professional Studies.

Sponsors: David L. Maack

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

91. [Res.06-7016](#) MOUND CEMETERY ROOF REPLACEMENT FINAL PAYMENT

RESOLVED, that the work of Carlson Racine Roofing for Roof Replacement at Mound Cemetery be accepted and final payment authorized in the contract amount of \$50,969.00.

FISCAL NOTE: This contract was approved by Resolution 6655 of September 6, 2005.

Sponsors: David L. Maack

Adopted

92. [Res.06-7017](#) FINAL PAYMENT ROOF REPLACEMENT MOUND CEMETERY

RESOLVED, that the engineering services for plans and specifications of Industrial Services, Inc. for replacing the roof at Mound Cemetery Maintenance Building be accepted and final payment be made in the amount of \$7,000.00.

FISCAL NOTE: This contract was approved by Resolution 6366 of February 1, 2005.

Sponsors: David L. Maack

Adopted

93. [Res.06-7018](#) POINTE BLUE DEVELOPMENT PROJECT

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a 3-party agreement, namely the Pointe Blue Development Project Term Sheet, between the City, the Redevelopment Authority and Key Bridge Group, Inc.

FURTHER RESOLVED, that a development agreement be negotiated to implement the provisions of the Term Sheet.

FISCAL NOTE: An unknown amount will be expended for financial and legal consultants to complete the development agreement, with such costs being an allowable TID expenditure.

Sponsors: Sandy Weidner

Adopted

94. [Res.06-7019](#) ROTARY CLUB POST PROM EVENTS

RESOLVED, that the request of the Rotary Post Prom Committee of the Downtown Rotary Club, to close:

Fifth Street, from Lake Avenue to Festival Park Drive,
Festival Park Drive, from Fifth Street to Sixth Street,
Sixth Street, from Festival Park Drive to Pershing Park Drive,
Pershing Park Drive, from Sixth Street to Eleventh Street, and
Eleventh Street from Pershing Park Drive to Main Street,

from 7:00 p.m., Saturday, May 20, 2006, to 4:30 a.m., Sunday, May 21, 2006, for the Rotary Post Prom, be approved.

FURTHER RESOLVED, that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to the event;
- C. The setup and dismantling of barricades will be the responsibility of the sponsor;
- D. Any overtime and/or equipment and material loss will be charged to the sponsor;
- E. Sponsor shall pay a \$350.00 special event fee.

FURTHER RESOLVED, that permission be granted for the curfew to be extended to the attendees until 4:00 a.m., Sunday, May 21, 2006; approve use of the 5th Street Parking Ramp from 8:00 p.m., May 20, 2006 to 4:00 a.m., May 21, 2006 for 401 spaces at a fee of \$1.50 per space for a total cost of \$601.50; approve use of Lakefront Parking Lot #4 on May 20 & 21, 2006 at no cost, subject to execution of a hold harmless agreement; allow hanging of banners at Racine Civic Center and Festival Hall; permit use of search lights at Festival Hall site on May 20, 2006, and permit use of the following interactive games in the colonnade area of Festival Park until 3:00 a.m., Sunday, May 21, 2006: Laser Maize, Gladiator Joust, Inflatable Twister, Quarterback Attack, Pop-a-shot, and Dance Machine.

FURTHER RESOLVED, that the Commissioner of Public Works and Chief of Police provide limited assistance, in the interest of public safety, to implement this event.

FISCAL NOTE: There will be nominal costs to the various City departments, on a regular shift basis, to assist in implementing this event.

Sponsors: Ronald D. Hart

Alderman Hart requested to suspend the rules for item # 06-7019 and the resolution be adopted.

Adopted

95. [Res.06-7020](#) HOLD HARMLESS AGREEMENT 1301 WASHINGTON AVENUE

RESOLVED, that the property owner of 1301 Washington Avenue be granted permission to install stationary, projecting awnings, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.

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

FISCAL NOTE: There will be no cost to the City of Racine.

Sponsors: Ronald D. Hart

Adopted

96. [Res.06-7021](#) PENTECOST LUTHERAN CHURCH EVENT

RESOLVED, that Pentecost Lutheran Church be granted permission to close Jerome Boulevard, between Coolidge Avenue and Case Avenue for an event on Saturday, August 19, 2006, from 7:00 a.m. to 10:00 p.m., in accordance with their request.

FURTHER RESOLVED, that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. Proof of liability insurance be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.

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

FISCAL NOTE: There will be nominal costs to various City departments, on a regular shift basis, to assist in implementing this event.

Sponsors: Ronald D. Hart

Adopted

97. [Res.06-7022](#) ADDITIONAL STREET CLOSURES FOR DRAGON BOAT FESTIVAL

RESOLVED, that permission be granted to the Racine Rotary West Club to close the parking lane along the east side of Main Street, from 11th Street to 14th Street, and the parking lane on the south side of 11th Street, from Main Street to Pershing Park Drive, in conjunction with the third annual Great Midwest Dragon Boat Festival, to be held July 7-8, 2006.

FISCAL NOTE: Not applicable.

Sponsors: Ronald D. Hart

Adopted

98. [Res.06-7023](#) HOLD HARMLESS AGREEMENT FOR FORMER WALKER SITE PROPERTY

RESOLVED, that permission be granted to K. Singh & Associates, Inc. to install two (2) soil borings within the Michigan Boulevard right-of-way at the intersection of Hamilton Street, provided that a permit is secured through the Engineering Department and an agreement executed in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets, and further provided that this construction will be performed so as not to create a hazard for pedestrian or vehicular traffic, and that any monitoring wells will be abandoned in accordance with Wisconsin Administrative Code NR 112 and NR 141.25.

FURTHER RESOLVED, that K. Singh & Associates, Inc. be charged a \$50.00 fee to cover administrative costs and costs associated with filing this item with the Register of Deeds office.

FURTHER RESOLVED, that the property owner provides the City Attorney's office with a legal description of the location of the soil borings within the street right-of-way.

FISCAL NOTE: In addition, the required Street Opening Permit will generate an additional \$125.00 in revenue.

Sponsors: Ronald D. Hart

Adopted**99. [Res.06-7024](#) CONTRACT FOR CITY RESURFACING**

RESOLVED, that Contract 16-06 (K6-017), City Resurfacing, be awarded to Payne & Dolan, Inc., at their bid price of \$470,183.15, 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:

\$ 20,000.00 - Account 986.908.5110, Bituminous Concrete Paving
\$421,233.15 - Account 986.908.5130, Asphalt Resurfacing
\$ 950.00 - Account 986.907.5310, Sanitary Sewer Const.-Various Locations
\$ 28,000.00 - Account 104.985.5420, Storm Sewers-Misc. Locations
\$470,183.15 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

Adopted**100. [Res.06-7025](#) CONTRACT FOR 2006 STREET LIGHTING RENOVATIONS**

RESOLVED, that Contract 21-06 (K6-022), 2006 Street Lighting Renovations (CDBG), be awarded to J.F. Edwards Construction Company, Inc., at their bid price of \$152,890.18, 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:

\$ 22,455.66 - Account 985.590.5010, Replace City Circuits
\$105,434.52 - Account 986.590.5010, Replace City Circuits
\$ 25,000.00 - Account 896.030.5950, Street Lighting
\$152,890.18 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

Adopted**101. [Res.06-7026](#) CONTRACT FOR 2006 TRAFFIC SIGNAL RENOVATIONS**

RESOLVED, that Contract 27-06 (K6-028), 2006 Traffic Signal Renovations, be awarded to Outdoor Lighting Construction Co., Inc., at their bid price of \$62,093.30, 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:

\$22,549.00 - Account 985.600.5010, Traffic Signal Replacement
\$39,544.30 - Account 986.600.5010, Traffic Signal Replacement
\$62,093.30 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

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

102. [Res.06-7027](#) FINAL PAYMENT 2004 CCTV SERVICES AND MANHOLE INSPECTIONS

RESOLVED, that the work of Westco Environmental Services, Inc., under Contract 6-04 (K4-007), 2004 CCTV Services and Manhole Inspections, be accepted and final payment authorized for a total contract amount of \$75,769.20.

FISCAL NOTE: Contract was authorized under Resolution No. 5854-B of March 16, 2004.

Sponsors: Ronald D. Hart

Adopted

103. [Res.06-7028](#) CHANGE ORDER RACINE RAILROAD DEPOT RESTORATION

RESOLVED, that Change Order No. 3 on Contract 25-04 (K4-035), Racine Railroad Depot Restoration, Tri-North Builders, Inc., contractor, as submitted, be approved in the amount of \$78,646.77.

FURTHER RESOLVED, that funding to defray the cost of this change order be appropriated from Account 105.900.5010, Capital Projects.

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

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

AYES: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

104. [Res.06-7029](#)

CONTRACT FOR ISLAND PARK STREAMBANK STABILIZATION

RESOLVED, that Contract 14-06 (K6-015), Island Park Streambank Stabilization, be awarded to K&L Construction, Inc., at their bid price of \$48,130.50, they being the lowest responsible bidder.

FURTHER RESOLVED, that funding to defray the cost of this public works project be appropriated from Account 104.985.5420, Storm Sewers-Misc. Locations.

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

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

AYES: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

105. [Res.06-7030](#) AMENDMENT TO 2006 CCTV SERVICES AND MANHOLE INSPECTIONS

RESOLVED, that Amendment No. 2 to Contract 61-05 (K5-070), Professional Services for 2006 CCTV Services and Manhole Inspections, Earth Tech, Inc., consultant, as submitted, be approved in the amount of \$50,675.00.

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

\$25,337.50 - Account 104.985.5420, Storm Sewer, Various Locations
\$25,337.50 - Account 986.907.5310, Sanitary Sewer, Various Locations
\$50,675.00 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

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

AYES: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

106. [Res.06-7031](#) CONTRACT FOR 2006 ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a professional services contract with Earth Tech, Inc. to provide professional services for the 2006 Illicit Discharge Detection and Elimination Program at a cost not-to-exceed \$60,000.00.

FURTHER RESOLVED, that funding to defray the cost of these professional services be appropriated from Account 104.000.5330, Monitoring Detection Enforcement.

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

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

AYES: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

107. [Res.06-7032](#) ALL SPORTS PUB SPECIAL EVENT

RESOLVED, that permission be granted to All Sports Pub, 3458 Rapids Drive, to close off the right turn lane from Rapids Drive onto N. Green Bay Road on Saturday, May 13, 2006, to provide motorcycle parking for a benefit.

FURTHER RESOLVED, that the sponsor pay a \$250.00 special event fee.

FURTHER RESOLVED, that the Commissioner of Public Works/City Engineer

and Chief of Police provide limited assistance, in the interest of public safety, to implement this event.

FISCAL NOTE: There will be nominal costs to various City departments, on a regular shift basis, to assist in implementing this event.

Sponsors: Ronald D. Hart

Adopted

108. [Res.06-7033](#) AMENDMENT TO COMPASS OPERATING AGREEMENT

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an amended to the operating agreement with Compass of Racine, LLC, to provide alcohol beverage services for the Civic Centre for a period of one year, under terms and conditions to be negotiated, and that Compass of Racine, LLC, be authorized to purchase the equipment and cooler from the current vendor, with funds to be taken from the existing capital budget.

FISCAL NOTE: Purchase of the cooler and equipment from the current vendor will be handled through existing CIP, and the "Class B" Public Facility, Soda/Water Beverage, Non-Intoxicating Beverages Licenses and the Liquor Liability Insurance be handled through the operating budget.

Sponsors: James T. Spangenberg

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

AYES: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

109. [Res.06-7034](#) AGREEMENT FOR COMMUNITY MOVIE SHOWCASE

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a 3-year agreement with CGI Communications, Inc. to develop a Community Movie Showcase for the City of Racine.

FISCAL NOTE: No cost required on the part of the City.

Sponsors: James T. Spangenberg

Adopted

110. [Res.06-7035](#) ALLOCATE FUNDS FOR OLD TIMERS ATHLETIC CLUB

RESOLVED, that permission be granted to allocate \$2,500 from the Room Tax Fund for the Old Timers Athletic Club for the promotion of the youth and adult softball tournaments.

FISCAL NOTE: There are sufficient funds in the Room Tax Fund.

Sponsors: James T. Spangenberg

Alderman Spangenberg requested item 06-7035 be adopted as amended in the committee report.

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

AYES: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

111. [Res.06-7036](#) APPROPRIATE FUNDS FOR RACINE THEATRE GUILD

RESOLVED, that the City of Racine appropriate \$5,000 from the Room Tax Fund to the Racine Theatre Guild to be utilized for outside marketing for 2006.

FISCAL NOTE: There are sufficient funds available in Room Tax Fund.

Sponsors: James T. Spangenberg

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

AYES: 12 - Fair, Anderson, Hermes, Kaplan, Weidner, DeHahn, Shakoor II, Holding, Hart, Sollman, Spangenberg and Wisneski

NOES: 2 - Maack and Friedel

EXCUSED: 1 - Karas

112. [Res.06-7037](#) AWARD BID FOR PRINTING COMMON COUNCIL PROCEEDINGS

RESOLVED, that the Racine Journal Times be awarded the bid to publish the Common Council proceedings and all legal notices for the period of June 1, 2006 through May 31, 2007, they being the only bidder.

FISCAL NOTE: There are sufficient funds available in account 101.010.5540, City Council proceedings.

Sponsors: James T. Spangenberg

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

AYES: 12 - Fair, Anderson, Hermes, Kaplan, Weidner, DeHahn, Shakoor II, Friedel, Holding, Sollman, Spangenberg and Wisneski

NOES: 2 - Maack and Hart

EXCUSED: 1 - Karas

113. [Res.06-7038](#) AGREEMENT WITH RACINE COUNTY FOR VOTING EQUIPMENT

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Racine County for the purchase of handicapped accessible voting equipment.

FISCAL NOTE: The State of Wisconsin will reimburse payment for the voting equipment.

Sponsors: James T. Spangenberg

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

AYES: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

114. [Res.06-7039](#) 2005 TO 2006 BUDGET CARRY FORWARDS

RESOLVED, that all remaining encumbered 2005 funds be carried forward to 2006.

101.111.5620 Professional Studies	55,000.00
Total Fund 101	55,000.00
984.120.5020 Electronic Timekeeping	22,000.00
984.120.5030 MIS-Communications Room Remodeling	133,732.50
984.520.5010 Island Park Bridges	286,804.00
984.908.5130 Asphalt Street Resurfacing	22,000.00
984.907.5320 Sanitary Manhole Reconstruction	8,616.69
Total Fund 984	473,153.19

985.010.5010	Electronic Voting-Common Council	30,244.25
985.020.5020	Redundant E-Mail Server and Software	25,000.00
985.100.5010	City Hall-Window Replacement	68,948.79
985.100.5020	City Hall-HVAC Upgrades	45,600.00
985.105.5010	Transfer to BUS	275,930.00
985.106.5010	Transfer to Parking	19,187.00
985.108.5010	Transfer to Civic Center	130,000.00
985.300.5010	Station #1-Vehicle Exhaust System	13,693.75
985.360.5770	Warning Siren Replacement	15,000.00
985.590.5010	Replace City Circuits	39,191.24
985.600.5010	Traffic Signal Replacements	22,549.00
985.600.5030	Traffic Signal LED Lamp Replacements	18,530.15
985.700.5010	Raze Lincoln and Marino Shelter	13,407.15
985.700.5040	Sidewalk Replacement Parks	1,629.37
985.700.5070	North Beach Wall	775.00
985.710.5050	Horlick Football Lights	7,312.36
985.907.5310	Sanitary Sewer Construction-Various Locations	34,264.34
985.907.5330	Racine Street Sanitary Sewer	14,398.09
985.908.5130	Asphalt Resurfacing	22,848.42
985.908.5220	Replacement-Curb and Gutter	3,673.23
985.908.5510	Sidewalks-New	2,000.00
985.908.5520	Sidewalk Replacement	6,252.86
985.913.5010	Environmental Remediation	9,057.21
985.913.5040	GIS Layers	1,105.95
985.913.5050	Metra Study	35,000.00
985.913.5090	Michigan at Goold Slope Stabilization	90,177.43
	Total Fund 985	945,775.59

FISCAL NOTE: There are sufficient funds remaining to be carried forward.

Sponsors: James T. Spangenberg

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

AYES: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Karas

115. [Res.06-7040](#) DOWNTOWN DESIGN GUIDELINES

RESOLVED, that the document entitled "Downtown Design Guidelines" dated May 10, 2005 is hereby adopted this 16th day of May, 2006, a copy of which is on file in the Office of the Director of City Development.

FISCAL NOTE: N/A

Sponsors: Sandy Weidner

Adopted

116. [Res.06-7041](#) DOWNTOWN DESIGN STANDARDS

RESOLVED, that the document entitled "Downtown Design Standards" dated May 10, 2005 is hereby adopted this 16th day of May, 2006, a copy of which is on file in the Office of the Director of City Development.

FISCAL NOTE: N/A

Sponsors: Sandy Weidner

Adopted

117. [Res.06-7042](#) 90 DAY MORATORIUM FOR CONVENIENT-CASH BUSINESSES

WHEREAS, the City of Racine has experienced a proliferation of "convenient-cash" businesses and similar businesses such as check-cashing businesses, payday loan stores, etc., that make non-traditional, short-term consumer loans; and

WHEREAS, "usury" is an unconscionable and exorbitant rate or amount of interest, and the presence of a usurious rate makes a loan agreement unethical or sometimes illegal, in whole or in part; and

WHEREAS, instead of offering a product that enables borrowers to escape emergencies, payday lenders 'flip' borrowers, renewing their loans repeatedly for high fees without extending further credit, which traps borrowers into paying back many times the amount of the original loan at annual interest rates that are typically 400 percent or higher; and

WHEREAS, the clustering of payday loan agencies in and around economically disadvantaged neighborhoods causes severe financial problems for the residents of those communities; and

WHEREAS, research has shown that such businesses target minority neighborhoods; and

WHEREAS, convenient-cash businesses, because of the frequency of cash transactions and the amount of money exchanged, are attractive to criminals seeking to commit robberies; and

WHEREAS, the health, safety and welfare of Racine residents should be

protected by legislation limiting the geographic concentration of convenient-cash businesses and similar establishments and the proximity of such establishments to residentially-zoned areas.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Racine hereby imposes a 90 day moratorium upon the granting of any occupancy permit for a convenient-cash business or similar establishment to provide time for the Common Council to develop and implement ordinances containing appropriate restrictions for the establishment of such businesses.

FISCAL NOTE: N/A

Sponsors: Sandy Weidner and Gregory Holding

Adopted

118. [Res.06-7043](#) CONDITIONAL USE PERMIT FOR 1616 - 9TH STREET

RESOLVED, that the request from Maria Guerrero and Vidal Trejo seeking a conditional use permit for an existing residence at 1616 - 9th Street that utilizes both the first and second floors as dwelling space, be approved subject to the following conditions:

- a. That the structures and property be maintained in good order.
- b. That all codes and ordinances be complied with and required permits acquired.
- c. 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.
- d. That this permit is subject to Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

Sponsors: Sandy Weidner

Adopted

119. [Res.06-7044](#) CONDITIONAL USE PERMIT FOR 1800 CLARK STREET

RESOLVED, that the request from Eric and Theresa Marcus of National Auto Parts & Sales, Inc. and Allied Commercial Holdings, Inc. seeking a conditional use permit for a motor vehicle and parts rebuilding facility at 1800 Clark Street, be approved subject to the following conditions:

- a. That the plans stamped "Received April 26, 2006" and presented to the Plan Commission on May 10, 2006 be approved, subject to the conditions contained herein.
- b. That an occupancy permit shall be obtained from the Building Department prior to the operation of this business at this location.
- c. That auto body work be conducted indoors and be limited to minor repairs as required to rebuild motor vehicles and parts.
- d. That there shall be no on-site retail sales of vehicles or vehicle parts. Sales shall not involve dealing directly with customers on the premises.
- e. 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.
- f. That all vehicle and part repairs and rebuilding shall be conducted indoors.
- g. That there shall be no outside storage of junked vehicles, vehicles parts or accessories, or equipment.
- h. That all trash and recyclables shall be stored in closed containers and screened from view.
- i. That all applicable codes and ordinances be complied with and required permits acquired.
- j. That signage be professionally made and comply with applicable zoning ordinance requirements.
- 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: Sandy Weidner

Adopted

H. Ordinances

- 120. [Ord.20-06](#) Ordinance No. 20-06 to amend Sec. 114-1, create Sec. 114-638.5, amend Sec. 114-824, amend Sec. 114-826(4) and amend Sec. 114-827 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Mapped district.

Part 1:

Sec. 114-1 of the Municipal Code of the City of Racine is hereby amended by adding the following definition after the definition for "*Extended medical care facilities*":

"*Facility or facilities* means those physical attributes of a use including, but not limited to, landscaping, trash handling, parking and drive areas, lighting, utilities, signage, display or storage areas, equipment and buildings and appurtenances."

Part 2:

Sec. 114-638.5 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Sec. 114-638.5. Applicability.

(a) Design guidelines contained in this division shall apply to all facilities such as, but not limited to, office, commercial, residential facilities containing five or more living units, lodging, museum, theater, governmental, parking and utility facilities, excepting that maintenance and repair activities that do not alter the property's exterior design features are exempt from the requirements of this division.

(b) The Access Corridor Development Review Committee shall review projects within those portions of the State Street corridor district that are also within the River sub-district and lie west, north and north-west of the Root River, and areas within the State Street corridor sub-district, as described in the "Downtown Design Standards" adopted by common council resolution no. Res.06-7041 of May 16, 2006, using the design considerations contained in that document and in the "Downtown Design Guidelines adopted by common council resolution number Res.06-7040 of May 16, 2006."

Part 3:

Sec. 114-824 of the Municipal Code of the City of Racine is hereby amended by adding "(a)" at the beginning of the paragraph and by adding the following paragraphs after "(a)":

"(b) Sub-districts within the Downtown area are: River, State Street corridor, Marquette corridor, Sixth and Seventh Streets corridor, Main Street corridor, Marina, and Gaslight. Each sub-district presents opportunities and challenges that warrant individual design considerations as contained in the "Downtown Design Standards" adopted by common council resolution number Res.06-7041 on May 16, 2006.

(c) The Access Corridor Development Review Committee shall review projects within the River sub-district located west, north and north-west of the Root River, and areas within the State Street corridor sub-district, using the design

considerations contained in the "Downtown Design Standards" adopted by common council resolution number Res.06-7041 of May 16, 2006."

Part 4:

Sec. 114-826(4) of the Municipal Code of the City of Racine is hereby amended to read as follows:

"(4) Maintenance and repair activities that do not alter the property's exterior design features are exempt from the requirements of this division."

Part 5:

Sec. 114-827 of the Municipal Code of the City of Racine is hereby amended by adding the following paragraph at the beginning of the section:

"(a) Persons contemplating a project in the Downtown Area should review the Downtown Design Guidelines and Downtown Design Standards adopted by common council resolutions Res.06-7040 and Res.06-7041 of May 16, 2006, as guides in understanding the purpose, scope and intent of this division."

And by inserting "(b)" before the existing paragraph and by inserting the following phrase after the word "residential" in the first sentence: "facilities containing five or more living units".

Part 6:

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: Sandy Weidner

Referred to City Plan Commission

J. Adjourn

The meeting was adjourned at 8:15 P.M. by Alerman Shakoor, II. The next scheduled meeting of the Council is June 6, 2006.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK