



City of Racine Meeting Minutes Common Council

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

*Alderman Keith Fair, Alderman Robert Anderson, Alderman Tim Hermes,
Alderman Jim Kaplan, Alderman David L. Maack, Alderman Sandy Weidner,
Alderman Raymond DeHahn, Alderman Q.A. Shakoor, II, Alderman Pete Karas,
Alderman Thomas Friedel, Alderman Gregory Holding, Alderman Ronald D. Hart,
Alderman Thomas M. Sollman, Alderman James T. Spangenberg, Alderman Aron Wisneski*

Tuesday, September 5, 2006

7:00 PM

Room 205, City Hall

A. Call To Order

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

EXCUSED: Maack

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.

D. Public Comments

Scott Sharp

E. Public Hearings

1. [ZOrd.0007-06](#) AN ORDINANCE REZONING 4101 AND 4105 WASHINGTON AVENUE

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

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

Part 1:

That the property located at 4101 and 4105 Washington Avenue and more particularly described as follows:

"Lots 1 & 2 of Block 3 of Orchard Home Addition. Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "B-1 Neighborhood Convenience District and "R-3" Limited General Residence District to "B-1" and "R-3" with a Flex Development Overlay District.

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

Mayor Becker informed the members this communication has been withdrawn.

F. Communications

Refer to Finance and Personnel Committee, by Ald. Spangenberg

- 2. **06-2422** **Subject:** Communication from the City Attorney submitting the claim of Harry Christofferson for consideration.

- 3. **06-2399** **Subject:** Communication from the City Attorney submitting the claim of Charlotte Brown-Miller, Hilda Brown, LaParsha Sullivan and Michael Brown for consideration.

- 4. **06-2373** **Subject:** Communication from the Fire Chief requests to meet with the proper committee to enter into a professional service agreement for one year with J.H. Meyer and Associates for consulting services.

(Also refer to License & Welfare Committee)

- 5. **06-2376** **Subject:** The Fire Chief requests to accept a donation from S.C. Johnson & Son, Inc. in the amount of \$1,000 to be utilized for the Public Education Fund.

Refer to License & Welfare Committee.

- 6. **06-2419** **Subject:** Communication from Deputy Chief of Police Hurley, requesting permission to apply for, and accept, the 2007-2009 Office of Justice Assistance Funding for Beat Patrol Officers. State funds in the amount of

\$113,421 are available, with a 25% local match, for a total grant of \$151,228. Grant Control # 2006-037.

7. [06-2420](#) **Subject:** Communication from Deputy Chief of Police Hurley, requesting permission to apply for, and accept, the 2006 Wisconsin Office of Justice Assistance Juvenile Accountability Block Grant (formerly the Wisconsin Office of Justice Assistance Juvenile Accountability Incentive Block Grant). The grant is in the amount of \$30,000, with matching funds in the amount of \$3,333 to be supplied by Racine County. Grant Control # 2006-039.
8. [06-2421](#) **Subject:** Communication from the City Attorney submitting the claim of Joan Christofferson for consideration.
9. [06-2425](#) **Subject:** Request of the Wellness Committee to modify the City's group benefits plan
10. [06-2426](#) **Subject:** A communication from the Director of Information Systems requesting to waive the bidding process and sole source the procurement of Storage Area Network equipment.
11. [06-2441](#) **Subject:** Communication from Fire Chief Hansen requesting permission to accept \$122,500 from the State of Wisconsin - Wisconsin Emergency Management for services to be rendered as part of the State of Wisconsin Level A Regional Hazardous Materials Team. Funds are to be deposited into the State Revenue Funds account 268.000.6810.

(Also refer to License & Welfare Committee)
12. [06-2442](#) **Subject:** Communication from Fire Chief Hansen to request permission to accept the Homeland Security/Mutual Aid Interoperability OJA Grant HS-05-IC-0399 dated August 18, 2006. Also requesting permission for the Mayor and City Clerk to be authorized to sign on behalf of the City for the grant. This grant will provide funding to reprogram radios in the police and fire department with SIEC interoperability frequencies, and to purchase new radio equipment replacing outdated equipment. Total for the grant is \$97,290 after applying the local match. Grant Control #2006-25.

(Also refer to License & Welfare Committee)
13. [06-2448](#) **Subject:** Communication from the Interim Finance Director requesting to discuss refunding the \$7,000,000 note anticipation notes dated June 26, 2006 and due on December 28, 2006. These notes funded the 2006 Capital Improvements.
14. [06-2449](#) **Subject:** Communication from the Interim Finance Director requesting to discuss refunding the \$2,000,000 note anticipation notes dated July 30, 2003 and the \$2,000,000 note anticipation notes dated August 10, 2004,

both of which are due on December 1, 2006. These notes are funding projects in TIF 10, the former Jacobson-Extron property.

15. [06-2457](#) **Subject:** Communication from the Mayor requesting to discuss accepting the 2006 Weed and Seed Grant.
16. [06-2460](#) **Subject:** Development agreement with Key Bridge Group for the Pointe Blue redevelopment project.

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

17. [06-2398](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer recommending that the northern parcel of the Walker property be transferred to the Racine Water Utility and that the land transfer be recorded with the Register of Deeds.
18. [06-2412](#) **Subject:** Communication from Nathan Kroes, 2512 Rupert Boulevard, requesting a street light be installed in the 2500 block of Rupert Boulevard.
19. [06-2413](#) **Subject:** Communication from the Alderman of the 11th District requesting the installation of street lights in Georgetown.
20. [06-2431](#) **Subject:** Communication from the Downtown Racine Corporation requesting to close portions of Main Street and Sixth Street for the 4th Annual Party on the Pavement on Saturday, October 7, 2006, from 12:00 p.m. to 7:00 p.m.
21. [06-2461](#) **Subject:** Communication from the Commissioner of Public Works submitting a request for final payment on Contract 26-06 (K6-027), HVAC System and Controls at City Hall, Johnson Controls, Inc., contractor.
22. [06-2463](#) **Subject:** Communicaton from Robert Matson, 2351-1/2 Mohr Avenue, requesting to review the alternate side street parking ordinance as it relates to Mohr Avenue.
23. [06-2464](#) **Subject:** Communication from Schubert Media Group, Inc. proposing the transfer of certain assets and assignment of lease held with the City from Schubert Media to Adams Outdoor Advertising.

Refer to License and Welfare Committee, by Ald. Maack

24. [06-2393](#) **Subject: (New)** Application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License, for Cera's Tequila Bar, Cerafin Davalos, Agent, at 607 Sixth Street.
25. [06-2395](#) **Subject:** The application of Lone Star Steakhouse & Saloon, David P. Buckett, Agent, for a Change of Agent for a "Class B" Retail Fermented

Malt Beverage and Intoxicating Liquor License for 5880 Durand Avenue.
(14th District)

26. [06-2423](#) **Subject:** Communication from Veterans Club Inc., Steven R. Heather, Agent, requesting to amend the premises description at 820 Main Street.
27. [06-2433](#) **Subject:** Communication from MPDT Partnership, Mario Passarelli, Agent, requesting to amend the premises description at 303 Dodge.
28. [06-2452](#) **Subject: (New)** Application of Phoenix Tap, Michael A. Draves, Agent, for a Class "B" Retail Fermented Malt Beverage License for 1600 Douglas Avenue. (4th District)
29. [06-2455](#) **Subject: (New)** Application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for DeRose Bar & Restaurant, LLC, Sandra Barz, Agent, at 1444 Blake Avenue.
30. [06-2465](#) **Subject:** Communication from Fire Chief Hansen to request permission to appear before the License and Welfare Committee to request that formal bidding be waived and that the Purchasing Agent be authorized and directed to negotiate with Jefferson Fire and Safety for the procurement of a Bauer Breathing Air Compressor. Funds for this purchase are available in account 101.300.5770, Machinery and Equipment, Fire.
- (Also refer to the Finance and Personnel Committee)
31. [06-2466](#) **Subject: (NEW)** The application of Terry L. Jackson for a Secondhand Article Dealer's License for 949 Washington Avenue. (1st District)

Refer to Traffic Commission, by Ald. Hart

32. [06-2396](#) **Subject:** Communication from the Alderman of the 12th District wishing to discuss the installation of a stop sign at the intersection of Graceland Blvd. and Illinois St.

Refer to Executive Committee, by Ald. Weidner

33. [06-2459](#) **Subject:** Communication from the Mayor wishing to discuss with the Executive Committee, a border agreement with Mt. Pleasant west of Oakes Road.

Refer to Committee of the Whole, by Ald. Weidner

34. [06-2456](#) **Subject:** Communication from the Alderman of the 7th District requesting that a resolution be drafted for healthcare, to be placed on the November ballot.

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Spangenberg

35. [06-2342](#) **Subject:** Communication from the City Attorney submitting the claim of Colleen & Mike Wilson for consideration.

Recommendation of the Finance & Personnel Committee of

08-21-06: The claim be denied.

Colleen & Mike Wilson, 4421 Wright Av, claim reimbursement in the amount of \$334.09 for replacing four tires that were gummed up with fresh tar used during DPW street crack filling operations in their area on Wright Avenue the week of June 5, 2006. The DPW crews placed cones and signs in the street to warn traffic from driving through the area while the tar hardens. Therefore, the City denies any negligence.

Fiscal Note: N/A

36. [06-2364](#) **Subject:** Letter from Chief of Police Spenner, requesting authorization to accept the donation of one Motorola Centracom from Jon Formhals.

(Also referred to License & Welfare Committee.)

Recommendation from the Finance & Personnel Committee

08-21-06: The Chief of Police granted permission to accept a donation of a Motorola Centracom Radio Console from Jon Formhals. An appropriate letter of thanks be sent.

Fiscal Note: N/A

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

Council Action

**A motion was made by Alderman James T. Spangenberg to Adopt the Report.
Adopted by the following vote:**

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

EXCUSED: 1 - Maack

Public Works and Services Committee Report, by Ald. Hart

37. [06-2177](#) **Subject:** Communication from Riverbend Lofts, LLC, 720 Marquette Street, requesting permission to build decks over city right-of-way.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into an agreement with Riverbend Lofts, LLC for the construction of balconies which extend over the public right-of-way of Racine Street with the following stipulations:

A. Riverbend Lofts, LLC provide a hold harmless agreement with liability insurance from the date of construction to the date of closing for the condominiums associated with these proposed balconies.

B. Riverbend Lofts, LLC agrees to place a deed restriction upon all aforementioned condominiums which requires the condominium owners to enter into a hold harmless agreement with liability insurance with the City of Racine.

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.

38. [06-2346](#)

Subject: Communication from the Commissioner of Public Works requesting that formal bidding be waived and that the City of Racine enter into a service contract with Johnson Controls, Inc. for building automation system upgrades for the City of Racine community centers.

Recommendation: The proposal from Johnson Controls, Inc. for the upgrading of temperature controls and HVAC control equipment for the Humble Park, Cesar Chavez, Tyler-Domer, Bryant, and Martin Luther King Community Centers be approved for the lump sum price of \$77,400.00.

Further recommends that funds to defray the cost of these services be appropriated from Account 892.030.5790, Community Center Temperature Control Upgrades.

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.

39. [06-2356](#)

Subject: Communication from the Commissioner of Public Works/City Engineer submitting a street dedication for the extension of Phillips Avenue.

Recommendation: The following parcel of land from the north line of the abandoned Chicago-Milwaukee-St. Paul and Pacific Railroad to the north line of DeKoven Avenue, and more particularly described as follows, be dedicated for street right-of-way purposes:

That part of the west ½ of the Northeast 1/4 of Section 20, Township 3 North, Range 23 East in the City of Racine, Racine County, Wisconsin, described as follows:

Begin at the intersection of the north line of DeKoven Avenue and the center line of vacated Phillips Avenue; run thence South 87 degrees 52 minutes 49 seconds West along said north line, 74.90 feet to the point of curvature of a non-tangent curve, concave to the northwest, having a radius of 45.00 feet, a chord of 63.57 feet bearing North 42 degrees 56 minutes 27 seconds East; thence northeasterly along said curve 70.59 feet to the west line of vacated Phillips Avenue; thence North 01 degree 59 minutes 55 seconds West along said west line extended north, 943.73 feet to the north line of the abandoned Chicago, Milwaukee, St. Paul and Pacific railroad right of way; thence North 81 degrees 34 minutes 30 seconds East along said north line, 60.38 feet to the east line of vacated Phillips Avenue extended north; thence South 01 degree 59 minutes 55 seconds East along said east line 99.63 feet to the south line of the abandoned Chicago, Milwaukee, St. Paul and Pacific railroad right of way; thence South 81 degrees 34 minutes 30 seconds West along said south line, 30.19 feet to the centerline of vacated Phillips Avenue; thence South 01 degree 59 minutes 55 seconds East along said centerline, a distance of 892.32 feet the POINT OF BEGINNING and the north line of DeKoven Avenue.

Containing 33,130 square feet or 0.7606 acres, more or less.

Further recommends that a resolution be introduced to the Common Council and referred to the City Plan Commission.

Fiscal Note: Not applicable.

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

40. [06-2402](#)

Subject: Direct Referral. Communication from the Transit Planner submitting a request for final payment on Contract 25-04 (K4-035), Racine Railroad Depot Restoration, Tri-North Builders, Inc., contractor.

Recommendation: The work of Tri-North Builders, Inc. under Contract 25-04 (K4-035), Racine Railroad Depot Restoration, be accepted and final payment authorized for a total contract amount of \$1,491,124.85, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 6438 of April 6, 2005.

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

41. [06-2403](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering, submitting Change Order No.

3 on Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving, Milwaukee General Construction Co., Inc., contractor.

Recommendation: Change Order No. 3 on Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving, Milwaukee General Construction Co., Inc., contractor, as submitted, be approved in the amount of \$4,736.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 986.908.5020, Concrete Pavement Replacement, Miscellaneous 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.**

42. [06-2404](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 1 on Contract 40-06 (K6-042), Professional Services - Marino Park and State Street Storm Sewer, Earth Tech, Inc., consultant.

Recommendation: Amendment No. 1 on Contract 40-06 (K6-042), Professional Services - Marino Park and State Street Storm Sewer, Earth Tech, Inc., consultant, as submitted, be approved in the not-to-exceed amount of \$8,100.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 104.986.5420, Stormwater Sewers - Various 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.**

43. [06-2410](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a three-party agreement between the City, Wisconsin DOT and HNTB for Design of 6th Street (STH 20) from Main Street to Grand Avenue.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into a three-party agreement with the State of Wisconsin Department of Transportation and HNTB for the Design of 6th Street (STH20) from Main Street to Grand Avenue, at the not-to-exceed cost of \$257,713.72, which is funded 75%, or \$193,285.29, by the State of Wisconsin, and 25%, or \$64,428.43, by the City of Racine.

Further recommends that funds to defray the cost of these professional services are available in the 2007 CIP.

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.

44. [06-2415](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 39-06 (K6-041), Pritchard/Reservoir Park Pond Retrofit.

Recommendation: Contract 39-06 (K6-041), Pritchard/Reservoir Park Pond Retrofit, be awarded to K&L Construction, Inc., Whitelaw, WI, at their bid price of \$376,336.80, 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:

\$ 77,000.00 - Account 104.986.5520, Highridge Pond Retrofit

\$ 77,000.00 - Account 104.986.5530, Pritchard Pond Retrofit

\$222,336.80 - Account 104.985.5420, Storm Sewers, Various Locations

\$376,336.80 - 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.

45. [06-2432](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a proposal from Earth Tech, Inc. for Pond Construction Inspection and Management Services for the Pritchard/Reservoir Park Pond Retrofit.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into an agreement with Earth Tech, Inc. for Pond Construction Inspection and Management Services for the Pritchard/Reservoir Park Pond Retrofit at a price not-to-exceed \$40,120.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 104.986.5420, Storm Sewers, Miscellaneous 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.

46. [06-2446](#)

Subject: Direct Referral. Communication from the Commissioner of

Public Works/City Engineer submitting a request for final payment on Contract 19-06 K6-020), 2006 Sidewalk Replacement, Phase I, A.W. Oakes & Son, Inc., contractor.

Recommendation: The work of A.W. Oakes & Son, Inc., under Contract 19-06 (K6-020), 2006 Sidewalk Replacement, Phase I, be accepted and final payment authorized for a total contract amount of \$155,985.25.

Fiscal Note: Contract was authorized under Resolution No. 6989 of April 17, 2006.

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

47. [06-2447](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works submitting Change Order No. 1 on Contract 17-06(K6-018), Asphalt Paving, C.D.B.G., Payne & Dolan, Inc., contractor.

Recommendation: Change Order No. 1 on Contract 17-06 (K6-018), C.D.B.G., Payne & Dolan, Inc., contractor, as submitted, be approved in the amount of \$76,609.50.

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

\$36,387.05 - Account 986.907.5310, Sanitary Sewer Construction-Variou Locations

\$ 3,477.25 - Account 985.907.5310, Sanitary Sewer Construction

\$36,745.20 - Account 985.907.5420, Sanitary Manhole Reconstruction

\$76,609.50 - 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.

48. [06-2451](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works requesting permission to waive formal bidding procedures for the purchase of a Case tractor.

Recommendation: Waive formal bidding procedures for the purchase of a Case Tractor.

Further recommends that the Purchasing Agent be authorized and directed to negotiate for the purchase of a Case tractor for use by the Department of Public Works.

Fiscal Note: The purchase of this equipment was approved in the 2006 budget.

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

Council Action

A motion was made by Alderman Ronald D. Hart to Adopt the Report. Adopted by the following vote:

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

EXCUSED: 1 - Maack

License and Welfare Committee Report, by Ald. Maack

49. [06-2161](#) **Subject:** Communication from Alderman Holding proposing the License and Welfare committee change the name to the "Public Safety and Licensing" Committee.

Recommendation of the License & Welfare Committee 07/10/06:

That the License and Welfare Committee change of name to "Public Safety and License" Committee.

Recommendation of the Committee of the Whole 08/14/2006: That the License and Welfare Committee be changed to "Public Safety and Licensing" Committee.

Fiscal Note: N/A

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

50. [06-2334](#) **Subject: (New)** Application of Xpress Food Mart, Narendra Shah, Agent, for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2418 Douglas Avenue. (5th District)

Recommendation of the License & Welfare Committee of 08/28/06:

That the license be granted.

Fiscal Note: N/A

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

51. [06-2344](#) **Subject: (Direct Referral)** Final payment for design services for Plans and Specifications for the redesign of Monument Square by Ken Saiki Design, Inc.

Recommendation of the License and Welfare Committee of

08/28/06: That Final payment of design services for Plans and Specifications for the redesign of Monument Square by Ken Saiki Design, Inc. be made with and increased amount of \$400.00.

Fiscal Note: \$138,000.00 change in contract amount was approved by Resolution 6387 of 02/16/06.

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

52. [06-2355](#)

Subject: Application of Mega Marts, LLC., Guy B. Bristow, Agent, for a Change of Agent for a "Class A" Retail Fermented Malt Beverage License for 2210 Rapids Drive. (7th District)

Recommendation of the License & Welfare Committee of 08/28/06:

That the 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.

53. [06-2363](#)

Subject: Request of the Board of Cemetery Commissioners to conduct Saturday burials.

Recommendation of the Board of Cemetery Commission July 17, 2006: Approve

Recommendation of the Finance and Personnel Committee August

21, 2006: The Board of Cemetery Commission be granted permission to allow Saturday burials at Mound and Graceland Cemetery and that the additional fee be incurred by the user of the service.

Recommendation of the License & Welfare Committee of 08/28/06:

That the Board of Cemetery Commission be granted permission to allow Saturday burials at Mound and Graceland Cemetery and further recommend the City Attorney, along with Donnie Snow work in conjunction with the Bruce Company to attempt to renegotiate the contract, to include Saturday burials.

Fiscal Note: The City's subsidy to reinstate Saturday burials would be approximately \$28,453 annually.

Alderman Weidner requested that item 06-2363 be considered separately.

Alderman Shakoor made a motion that the recommendation be amended to read as follows:

The Board of Cemetery Commission be granted permission to allow Saturday burials at Mound and Graceland cemeteries, and that the additional fees be incurred by the user of the service.

The Director of Parks, Recreation and Cultural Services and the City Attorney are directed to undertake mid-term renegotiation of that portion of the Bruce contract regarding Saturday burial fees. In the event re-negotiation efforts are unsuccessful, the City representatives are directed to explore the feasibility of contracting with an outside contractor for Saturday burials.

Further recommend that the fiscal note associated with this item be deleted.

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

NOES: 2 - Karas and Wisneski

EXCUSED: 1 - Maack

54. [06-2365](#)

Subject: (New) Application for a "Class C" and Class "B" Retail Fermented Malt Beverage License for Sher-A-Punjab, Inc., Kaminder Singh, Agent, located at 3340 Douglas Avenue. (7th District)

Recommendation of the License & Welfare Committee of 08/28/06:

That the license be granted.

Fiscal Note: N/A

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

55. [06-2366](#)

Subject: (Direct Referral) (Renewal) Application for a Gasoline Station Owner's and Manager's License for Waseem Beg, at 3024 Rapids Drive.

Recommendation of the License & Welfare Committee of 08/28/06:

The the license be granted.

Fiscal Note: N/A

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

56. [06-2367](#)

Subject: (New) Application of Rajendra Kumar Z. Patel, Agent, for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License with Groceries for 2303 Lathrop Avenue. (11th District)

Recommendation of the License & Welfare Committee of 08/28/06:

That the license be denied, due to the negative impact it would have on the neighborhood, the telephone calls opposing the license being granted, and the saturation of other licenses already in the area.

Fiscal Note: N/A

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

57. [06-2369](#) **Subject:** Communication from the City Clerk wishing to discuss changes for Operator's (Bartender) Licenses.

Recommendation of the License & Welfare Committee of 08/28/06:

That the changes for Operator's (Bartender's) Licenses be approved and that the City Clerk and City Attorney draft an ordinance to reflect the fees.

Fiscal Note: N/A

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

58. [06-2372](#) **Subject: (Direct Referral)** Change order #1 and final payment for engineering services for Horlick Athletic Field Football Lights by David Hanson & Associates.

Recommendation of the License & Welfare Committee of 08/28/06:

That Change Order #1 and final payment for engineering services for Horlick Athletic Field Football Lights, by David Hanson & Associates, be approved with an increase of \$473.75..

Fiscal Note: \$7,823.75 total contract amount approved by Resolution 6365 of 02/01/05.

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

59. [06-2394](#) **Subject: (Direct Referral)** Communication from the Purchasing Agent submitting the monthly report for the sale of Abandoned Vehicles, August 14, 2006.

Recommendation of the License & Welfare Committee of 08/28/06:

The item be received and filed.

Fiscal Note: This will generate \$6,211.01 in revenues.

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

Council Action

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

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

EXCUSED: 1 - Maack

Traffic Commission Report, by Ald. Hart

60. [06-2230](#) **Subject:** (Direct Referral) Communication from the ACPW/Engineer regarding the installation of school zone parking restrictions for 21st Century School and Next Generation Now.
- Recommendation:** The request to install a 50 foot school parking zone restriction be approved.
- Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.
- A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**
61. [06-2280](#) **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 94-141(1) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking anytime" be amended:**
- By Adding:**
1. Mound Avenue, west side, from 1000 feet south of Liberty Street south 1,240 feet, and from West Sixth Street north 560 feet.
 2. Mound Avenue, west side, from 16 feet south of Liberty Street, south 48 feet.
 3. Mound Avenue, west side, from 235 feet south of Liberty Street, south 328 feet.
- By Deleting:**
1. Mound Avenue, west side, from 300 feet south of Liberty Street south 400 feet and from 1,000 feet to 1,240 feet south of Liberty Street, and from West Sixth Street north 560 feet.
- B. Recommends that Section 94-141(9) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No stopping, standing or parking from 7:30 A.M. to 4:30**

P.M. on any school day except for school buses" be amended:

By Adding:

1. Mound Avenue, west side, from 625 feet south of Liberty Street south 448 feet.

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

By Deleting:

1. Mound Avenue, west side, from 700 feet south of Liberty Street south 240 feet.

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

62. [06-2324](#)

Subject: Communication from Jim and Julie Kaplan requesting that "Two Hour Parking Signs, 7 AM to 6 PM except Saturday and Sunday and Holidays" be placed on the north side of the 400 block of Kewaunee Street from the northwest corner of Kewaunee Street and North Main Street.

Recommendation: The request for "Two Hour parking, 7:30 A.M. to 3:00 P.M. on school days" be placed on the north side of Kewaunee Street from North Wisconsin Street to North Main Street.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

Alderman Hart requested that item 06-2324 be considered separately.

ABSTENTIONS: 1 - Kaplan

AYES: 12 - Fair, Anderson, Hermes, DeHahn, Shakoore II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

NOES: 1 - Weidner

EXCUSED: 1 - Maack

63. [06-2389](#)

Subject: (Direct Referral) Communication from the Deputy Chief of Police wishing to discuss school crossing guard locations for the 2006 - 2007 school session.

Recommendation: In accordance with Section 2-279(2) of the Municipal Code of the General Ordinances of the City of Racine

recommends the following list of School Crossing Guard locations be approved for the 2006 - 2007 school year:

Arthur Ave. & Kinzie Ave.	Arthur Ave. & Osborne Blvd.
Arthur Ave. & Washington Ave.	Bate St. & Taylor Ave.
Blue River Ave. & Kentucky St.	Blue River Ave. & Lathrop Ave.
Byrd Ave. & Roosevelt Ave.	Goold St. & LaSalle St.
Drexel Ave. & Durand Ave.	Grange Ave. & Seventeenth St.
Graceland Blvd. & Ohio St.	Howland Ave. & W. 6th St.
Grange Ave. & Sixteenth St.	Kewaunee St. & Main St.
Kentucky St. & Twenty-first St.	Kinzie Ave. & Ohio St.
Kinzie Ave. & Osborne Blvd.	LaSalle St. & North St.
LaSalle St. & Romaine Ave.	Neptune Ave. & Yout St.
Ohio St. & Sixteenth St.	Roosevelt Ave. & Sixteenth St.
Seventeenth St. & Taylor Ave.	Seventeenth St. & West Blvd.
West Blvd. & Wright Ave.	West St. & Dr. M. L. King Dr.

Fiscal Note: Estimated salary cost is \$145,000 with funding available in Account 101-310-502, Police - Other Salaries.

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

64. [06-2444](#)

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 94-141(1) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking anytime" be amended:

By Adding:

1. Mound Avenue, west side, from 1,000 feet south of Liberty Street south 1,240 feet, and from West Sixth Street north 560 feet.
2. Mound Avenue, west side, from 16 feet south of Liberty Street, south 48 feet.

By Deleting:

1. Mound Avenue, west side, from 300 feet south of Liberty Street south 400 feet and from 1,000 feet to 1,240 feet south of Liberty Street, and from West Sixth Street north 560 feet.

B. Recommends that Section 94-141(9) of Schedule F of the

Municipal Code of the General Ordinances of the City of Racine relative to "No stopping, standing or parking from 7:30 A.M. to 4:30 P.M. on any school day except for school buses" be amended:

By Adding:

1. Mound Avenue, west side, from 835 feet south of Liberty Street south 50 feet.

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

By Deleting:

1. Mound Avenue, west side, from 700 feet south of Liberty Street south 240 feet.

By Adding:

1. Mound Avenue, west side, from 420 feet south of Liberty Street south 369 feet.

2. Mound Avenue, west side, from 894 feet south of Liberty Street south 74 feet.

D. Recommends that Section 94-143(14) of Schedule G of the Municipal Code of the General Ordinances of the City of Racine relative to "Two-hour parking from 7:30 A.M. to 3:00 P.M. on school days" be amended:

By Adding:

1. Kewaunee Street, north side, from North Main Street to North Wisconsin Street.

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

Council Action

A motion was made by Alderman Ronald D. Hart to Adopt the Report. Adopted by the following vote:

Transit and Parking Commission Report, by Ald. Sollman

65. [06-2277](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering to discuss the extension of the current juror parking agreement with the Racine County Clerk of Courts.
- Recommendation:** The Mayor and City Clerk be authorized and directed to execute an agreement with Racine County, subject to approval by the County Board, for the provision of pre-paid on-street juror parking in the vicinity of the Courthouse, for a period of sixteen months from September 1, 2006 through December 31, 2007, at a cost of \$550 per month.
- Fiscal Note:** The Parking System will realize \$2,200 in parking revenue during 2006 and \$6,600 in parking revenue during 2007 during the term of this agreement.
- A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**
66. [06-2312](#) **Subject:** Communication from the Transit Planner submitting the June 2006 operating and financial report for the Belle Urban System.
- 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.**
67. [06-2353](#) **Subject:** Communication from the Transit Planner regarding policies and procedures to be implemented by the Belle Urban System for its complementary dial-a-ride service.
- Recommendation:** The No Show Policy for the Belle Urban System Dial-a-Ride Transit Program be adopted as amended.
- Fiscal Note:** N/A
- A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**
68. [06-2354](#) **Subject:** Communication from the Transit Planner submitting the July 2006 operating and financial report for Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service.
- Recommend:** 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.**

69. [06-2360](#)

Subject: Communication from the Transit Planner wishing to discuss the acquisition of additional wheelchair-lift equipped vehicles for the provision of paratransit service, which will begin on October 1.

Recommendation: Bidding requirements be waived and that the City of Racine purchase two (2) 2001 Ford F450 Super Duty Triton paratransit vehicles from Roller Auctioneers, 7500 York Street, Denver, CO, 80229, for the sum of \$11,420, with funds coming from account 105.900.5030, Capital Projects.

Fiscal Note: Funds available as delineated above.

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

70. [06-2450](#)

Subject: (Direct Referral) Communication from the Transit Planner submitting the July 2006 operating and financial report for the Belle Urban System.

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.**

Council Action

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

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

EXCUSED: 1 - Maack

City Plan Commission Report, by Ald. Holding

71. [06-2130](#)

Subject: Direct Referral. A request from Felix Servantez of Servantez Property, Inc. seeking a conditional use permit to establish an automobile repair and sales facility at 4101 & 4105 Washington Avenue

Recommendation of City Plan Commission 07-26-06: That an ordinance be created to rezone the property at 4101 and 4105 Washington Avenue from B-1 Neighborhood Convenience District and R-3 Limited General Residence District to B-1 and R-3 with a Flex Development Overlay District.

Fiscal Note: N/A

Recommendation of City Plan Commission 08-30-06: That the use supplement be denied.

Alderman Fair requested that item 06-2130 be considered separately.

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

EXCUSED: 1 - Maack

72. [06-2295](#)

Subject: Direct. Referral. Review of a request by Milovan Milicevic for a conditional use permit for an auto sales and service, auto body repair and painting at 2711 Lathrop Avenue.

Recommendation: That the item be deferred.

City Plan Commission Recommendation 08-30-06: That the request by Mr. Milicevic to display for sale up to 31 vehicles with parking adjacent to the sidewalk and reductions in landscaped areas be denied, and that The at conditional use permit go forward as indicated below, as recommended by Staff at the July 26, 2006 meeting

That the request by Milovan Milcevic seeking a conditional use permit for mixed use facility containing auto repair, sales and service, auto body repair and painting shop, and indoor storage and distribution be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on August 30, 2006 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits are obtained from the Building Inspection Department.
- c. That as illustrated on the building and site plan, the use of the building shall be apportioned as follows: 4,000 square feet for auto sales, repair, and service; 8,120 square feet for auto repair, and body shop; and, 4,912 square feet for auto painting; and 5,880 square feet for a storage, and distribution facility.
- d. That up to 20 vehicles may be displayed for sale.
- e. That the outside storage of junked vehicles, vehicle parts, materials, and equipment be prohibited.
- f. That all aspects of the operation of the automobile repair,

servicing, body shop, auto paint, and storage, and distribution facility businesses be conducted indoors including vending machines, product displays, or sales, excluding automobiles for sale.

- g. That other than those vehicles offered for sale, only employee vehicles, and customer vehicles awaiting repair shall be permitted to be parked, or stored on site, and for no longer than 20 days. Outdoor storage of vehicles for more than 20 days is prohibited.
- h. That all parked or displayed vehicles be confined to spaces that are striped, and that vehicles be positioned in a manner that does not constrict traffic circulation on the property.
- i. That the maximum hours of operation be from 8:00 a.m. to 9:00 p.m. Monday through Saturday with no hours on Sunday.
- j. That all trash and recyclables be stored in closed containers and screened from view.
- k. That all codes and ordinances be complied with and required permits acquired.
- l. 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.
- m. 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.

73. [06-2332](#)

Subject: Request by Scott Fergus of Keybridge Development Group seeking a conditional use permit for the Pointe Blue planned development at 1129 Michigan Boulevard.

Recommendation: That the plans submitted by Scott Fergus of Keybridge Development Group seeking a conditional use permit for the planned development for properties on both sides of Michigan Boulevard between Dodge Street and Hamilton Street be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on August 9, 2006 be approved subject to the conditions contained herein.
- b. That the boundaries of the Pointe Blue planned development shall include those lands illustrated on the document entitled "Pointe Blue, Master Plan" and dated July 21, 2006, hereafter referred to as the Master Plan.
- c. That overall land use within the boundaries illustrated on the Master Plan shall comply with the table entitled "Pointe Blue Analysis (08-30-06) Block Sizes, Units, Floor Area, Uses".
- d. That the following uses are permitted uses, conditional uses, or prohibited uses within the boundaries illustrated in the Master Plan:
 1. Permitted uses: unless otherwise listed as a conditional use or prohibited use herein in paragraphs d. 2 and d.3., those permitted uses in the "B-1" Neighborhood Convenience District, "B-2" Community Shopping District, "B-4 Central Business District and the "B-5" Central Service District. Ground floor residential units in Block A (West), Block B (Center) and Block C (East). Permitted business uses may occupy a gross floor area totaling up to 6,000 square feet including photo copying, laser printing, color copying, letter press, offset printing with sheet sizes up to 11 inches by 17 inches. However, the following business uses may occupy a gross floor area totaling no more than 1,200 square feet: physical fitness centers including physical culture, health services, and gymnasiums; banks and other financial institutions; carpet and rug stores; household appliance stores; paint, glass, and wallpaper stores; hardware stores, and home improvement centers having no outside storage or sales; projecting signs.
 2. Conditional uses: unless otherwise prohibited herein in paragraph d.3., dwelling units below the second floor in the Mid-Rise Block, High-Rise Block and West Block; bed and breakfast inns; uses occupying a gross floor area totaling greater than 6,000 square feet; drive-in and drive-up facilities for permitted uses; group day care center; those uses in paragraph d.2. regulated by the 1,200 square feet limitation seeking floor areas totaling greater than 1,200 square feet; massage therapy; marinas or establishments leasing mooring space or slips to the public and providing goods, services and boat sales and storage to boat owners, but not engaged in production, processing, or manufacturing;

electronic and wireless communications transmission or receiving facilities utilizing design that is integrated into the surrounding natural and architectural environment; live entertainment; heliports.

3. Prohibited uses: convenient cash establishments; laundromats open to the general public; community living arrangements; community gardens; free standing electronic and wireless communications transmission or receiving towers; boarding houses, lodging houses, rooming houses, hotels and motels; educational institutions, religious institutions, nursing homes; community centers; funeral establishments; commercial parking facilities; second hand stores, rummage shops and flea markets; automobile oriented business such as fuel dispensing, washes, sales, service, repair, salvage, and detailing; business machine sales and service; catering establishments; clubs and lodges; department stores; dry cleaning (not including pick-up and drop-off station less than 1,200 square feet in gross floor area); employment agencies; frozen food stores including locker rental in conjunction therewith; garden supply, tool and seed stores; meeting halls; pet shops, animal hospitals, and commercial pet boarding, training and kennels facilities; radio and television service and repair; theaters; bus stations; drive-in establishments; advertising signs; shops, storage and yards for the tradesman; printing and publishing other than that described in paragraph d.2.; adult entertainment uses; recycling drop-off sites; charitable meal establishments; tattoo and body piercing establishments; laboratories for medical, and dental research and testing; machinery sales, service, display or storage; recording studios; mixed use developments; building materials product sales and storage; warehousing and wholesaling.
- e. That all business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- f. That the following shall be accomplished at the time of submittal of final plans for review and approval by the Plan Commission and Common Council, and prior to the issuance of any and all applicable permits:
 1. Submit the following materials to the director of City

Development for review and recommendation:

- Detailed site, lighting, landscaping, architectural and signage plans.
 - Restoration and adaptive reuse plan for the remaining coast guard buildings.
 - Draft copies of all appropriate documents as outlined by Section 114-181 of the City of Racine Municipal Code.
 - Project specific condominium documents.
2. Resolve technical requirements and discrepancies as indicated by the City Engineer, Racine Water and Waste Water Utilities, and Department of City Development.

- g. 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.
- h. 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.

74. [ZOrd.0007-06](#) AN ORDINANCE REZONING 4101 AND 4105 WASHINGTON AVENUE

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

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

Part 1:

That the property located at 4101 and 4105 Washington Avenue and more particularly described as follows:

"Lots 1 & 2 of Block 3 of Orchard Home Addition. Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "B-1 Neighborhood Convenience District and "R-3" Limited General Residence District to "B-1" and "R-3" with a Flex Development Overlay District.

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

Alderman Holding requested that Zoning Ord.0007-06 be considered separately.

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

EXCUSED: 1 - Maack

75. [06-2416](#)

Subject: Direct Referral. Request by the Department of City Development for the rezoning of properties on both sides of Michigan Boulevard between Dodge and Hamilton Streets (Commonly known as the Walker Manufacturing and W.H. Pugh properties) from I-2 General Industrial District to B-5 Central Service District.

Recommendation: That the an ordinance be introduced to rezone the properties on both sides of Michigan Boulevard between Dodge and Hamilton Streets from I-2 General Industrial District to B-5 Central Service District.

Fiscal Note: N/A

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

76. [06-2417](#)

Subject: Direct Referral. Request by Tim Hunt seeking a conditional use permit for a roofing contractor's office, showroom and storage facility at 1830 Charles Street.

Recommendation: That the request by Tim Hunt seeking a conditional use permit to operate a roofing contractor's office, showroom, and storage facility at 1830 Charles Street be granted, subject to the following conditions:

a. That the plans stamped "Received August 9, 2006" and presented to the Plan Commission on August 30, 2006 be approved subject to the conditions contained herein.

b. That an occupancy permit and all other applicable permits be requested

from the Building Department.

c. That all parking and drive areas be paved and striped by June 1, 2007, and that the paved areas be designed so as to accommodate a landscaping strip along Edgewood Avenue.

d. That the outside storage of junked vehicles, vehicle parts, materials and equipment be prohibited. Outdoor storage of new construction materials in screened areas is allowed.

e. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.

f. That all aspects of the operation of this business be conducted indoors including vending machines, product displays, or sales.

g. That vehicles be positioned in a manner that neither constricts traffic circulation on the property nor hinders traffic flow on Charles Street or Edgewood Avenue.

h. That the maximum hours of operation be from 6 a.m. to 6:00 p.m. Monday through Saturday with no hours on Sunday.

i. That all trash, recyclables, and dumpsters be stored in stored closed containers and screened from view.

j. That a landscape plan be submitted to the Director of City Development for review and approval for the Edgewood Avenue frontage. If an occupancy permit is requested prior to the installation of landscaping, then a letter of credit for said landscaping shall be submitted for the review and approval of the Director of City Development prior to the issuance of an occupancy permit.

k. That all signs be professionally made, comply with the zoning ordinance requirements and be submitted for the review and approval of the Director of City Development.

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

m. 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.

n. That this permit is subject to review by the Plan Commission 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. [06-2418](#)

Subject: Direct Referral. Request by Eric and Theresa Marcus of Allied Commercial Holdings, Inc. seeking a conditional use permit for a dog hotel and spa at 1308-18th Street.

Recommendation: That the request from Eric and Theresa Marcus of Allied Commercial Holdings, Inc. seeking a conditional use permit for a dog hotel and spa at 1308 - 18th Street be approved, subject to the following conditions:

- a. That the plans stamped "Received August 11, 2006" and presented to the Plan Commission on August 30, 2006 be approved subject to the conditions contained herein.
- b. That an occupancy permit and other applicable permit be obtained from the Building Department.
- c. That all yard areas, landscaping, buildings and grounds be maintained in a professional manner and on a daily basis.
- d. That the maximum hours the operation is to be open to the public are from 6:00 a.m. to 8:30 p.m daily.
- e. That the maximum hours during which outdoor activities may be conducted are between 6:00 a.m. and 8:30 p.m. daily.
- f. That all employee parking areas and customer parking and drop off areas be contained on site.
- g. That all parking areas be paved with either concrete or asphalt, and striped by June 1, 2007.
- h. That there be no outside storage of equipment or materials.
- i. That all animal waste be cleaned from yard areas on a daily basis.
- j. That all trash, animal waste, and recyclables be stored in closed containers and screened from view.

- k. That a site plan be submitted for the review and approval of the Director of City Development that illustrates the following: employee parking areas, customer parking, and drop-off areas, dumpster enclosure placement, and outdoor activity areas.
- l. That all signs be professionally made, comply with the zoning ordinance requirements, and be submitted for the review and approval of the Director of City Development.
- m. That all codes and ordinances be complied with and required permits acquired.
- n. 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.
- o. 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 Gregory Holding to Adopt the Report. Adopted by the following vote:

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

EXCUSED: 1 - Maack

Committee of the Whole Report, by Ald. Weidner

79. [06-2159](#) **Subject:** Communication from the Alderman of the 14th District wishing to discuss combining the Department of Public Works and the Parks Department.

Recommendation: that the pending audit of the Department of Public Works be expanded to determine if it is feasible to combine with the Parks Department.

FISCAL NOTE: to be determined.

Alderman Fair requested that item 06-2159 be considered separately.

Alderman Karas made a motion that the item be deferred. Motion failed by the following vote:

AYES: DeHahn, Fair and Karas

NOES: Shakoor, Sollman, Spangenberg, Weidner, Wisneski, Anderson, Friedel, Hart,

Helding Hermes and Kaplan

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

NOES: 2 - Fair and Karas

EXCUSED: 1 - Maack

80. [06-2162](#) **Subject:** Communication from Alderman Shakoor requesting to have the License and Welfare Committee name changed to the "Public Protection and License Committee.

Recommendation of the License & Welfare Committee of 07/10/06:

That the item be received and filed.

Recommendation of the Committee of the Whole of 08/14/2006: 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.

81. [Ord.28-06](#) ORDINANCE NO. 28-06 TO AMEND SEC. 2-118, REPEAL SEC. 2-120 AND AMEND SEC. 2-121 OF THE MUNICIPAL CODE RELATING TO ADMINISTRATION.

To amend Sec. 2-118, repeal Sec. 2-120, and to amend Sec. 2-121 of the Municipal Code of the City of Racine, Wisconsin relating to Administration - Actions on resolutions; Alderman included in reference; notice of consideration; Motions which take precedence.

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

Part 1:

Sec. 2-118 of the Municipal Code of the City of Racine is hereby amended by deleting the second sentence in the paragraph.

Part 2:

Sec. 2-120 of the Municipal Code of the City of Racine is hereby repealed.

Part 3:

Sec. 2-121 of the Municipal Code of the City of Racine is hereby amended by adding the phrase "to receive and file," before the phrase "to lay on the table" in the third line.

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

Recommendation: That the ordinance be adopted.

FISCAL NOTE: N/A

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

82. [Ord.33-06](#)

ORDINANCE NO. 33-06

To amend Secs. 2-77, 2-411, 6-18, 6-56, 6-85, 6-102, 6-132, 6-166, 22-83, 22-87, 22-180, 22-349, 22-357, 22-505, 22-617, 22-769, 22-807, 22-834, 22-840, 22-924, 22-925, 22-1031, 34-27, 34-56, 38-30, 42-136, 42-167, 42-185, 70-37, 70-86, 82-153, 82-155, 82-226 and 102-28 of the Municipal Code of the City of Racine, Wisconsin relating to License and welfare committee.

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

Part 1:

Secs. 2-77, 2-411, 6-18, 6-56, 6-85, 6-102, 6-132, 6-166, 22-83, 22-87, 22-180, 22-349, 22-357, 22-505, 22-617, 22-769, 22-807, 22-834, 22-840, 22-924, 22-925, 22-1031, 34-27, 34-56, 38-30, 42-136, 42-167, 42-185, 70-37, 70-86, 82-153, 82-155, 82-226 and 102-28 of the Municipal Code of the City of Racine are amended by deleting the words "license and welfare" wherever it appears in the section and inserting the words "public safety and license" in its place.

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 Public Safety and License be amended to Public Safety and Licensing, and that the Ordinance be adopted as amended.

FISCAL NOTE: N/A

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

83. [06-2240](#)

Subject: Communication from the Alderman of the 6th District on behalf of Mr. John Mozol, 565 Harvey Drive, requesting the appropriate Resolution supporting the USS Edson Project be created.

Recommendation: to adopt the following resolution:

WHEREAS, many coastal cities in the United States have converted retired naval vessels into successful tourist attractions; and
WHEREAS, the USS Edson is an historic U.S. Navy destroyer, which served three tours of duty in Vietnam and was named after a winner of the Medal of Honor; and
WHEREAS, the USS Edson has previously served as a floating naval museum; and
WHEREAS, this project will not involve any public funding or expenditure.
NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Racine go on record strongly supporting the Wisconsin Naval Ship Association's USS Edson Project and encourages its citizens and veterans groups to generously provide funds to assist in establishing the USS Edson as a training and living history platform.
FURTHER RESOLVED, that a copy of this resolution be forwarded to the City of Sheboygan and the County of Sheboygan as evidence of Racine's support.

FISCAL NOTE: N/A

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

84. [06-2321](#)

Subject: (Direct Referral) Communication from Wilbur Jones, 1615 Linden Avenue, requesting permission to address the Committee regarding incidents that occurred at his establishment, Viper's, 509 High Street.

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.**

Council Action

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

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

EXCUSED: 1 - Maack

Mayor's Report, by Ald. Weidner

78. [06-2414](#) **Subject:** Communication from Mayor Becker nominating appointments/reappointments to the following Boards and Commissions for the City of Racine.

Harbor Commission:

Appoint Tony Hermann (replacing Jeff McMahon), 3430 Michigan Blvd., for a 3-year term ending in June 2009.

Cable Commission:

Appoint Marlesia Marshall, 815 8th Street, to fill an unexpired term ending in May 2007.

Reappoint Wayne Clingman, 236 Jones Avenue, for a 3-year term ending in May 2009.

Reappoint Ron Thomas, 1429 Grange Avenue, for a 3-year term ending in May 2009.

Reappoint Alderman Greg Holding, for a one-year term ending in May 2007.

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

EXCUSED: 1 - Maack

Board of Health, by Ald. DeHahn

85. [06-2233](#) **Subject:** Communication from Countryside Humane Society, Inc. submitting a contract Animal Control for 2007-2008.

Recommendation of the Finance & Personnel Committee 07-24-06:

The item be deferred.

Recommendation of the Board of Health 08-08-06: That the Mayor and City Clerk be authorized and directed to sign a two-year contract with Countryside Humane Society, Inc. for animal control services for 2007-08.

Recommendation of the Finance & Personnel Committee 08-21-06:
That the Mayor and City Clerk be authorized and directed to sign a two-year contract with Countryside Humane Society, Inc. for animal control services for 2007-08.

Fiscal Note: \$165,220.00 for 2007 with an increase that shall not exceed 3% for 2008.

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

EXCUSED: 1 - Maack

H. Resolutions

86. [Res.06-7193](#) CITY'S SUPPORT OF USS EDSON PROJECT

WHEREAS, many coastal cities in the United States have converted retired naval vessels into successful tourist attractions; and

WHEREAS, the USS Edson is a historic U.S. Navy destroyer, which served three tours of duty in Vietnam and was named after a winner of the Medal of Honor; and

WHEREAS, the USS Edson has previously served as a floating naval museum; and

WHEREAS, this project will not involve any public funding or expenditure.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Racine goes on record strongly supporting the Wisconsin Naval Ship Association's USS Edson Project and encourages the City's citizens and veterans groups to generously provide funds to assist in establishing the USS Edson as a training and living history platform.

FURTHER RESOLVED, that a copy of this resolution be forwarded to the City of Sheboygan and the County of Sheboygan as evidence of Racine's support.

FISCAL NOTE: N/A

87. [Res.06-7194](#) SCHOOL CROSSING GUARD LOCATIONS FOR 2006-2007 SCHOOL YEAR

RESOLVED, that, in accordance with Sec. 2-279(2) of the Municipal Code of the General Ordinances of the City of Racine, the following list of School Crossing Guard locations be approved for the 2006-2007 school year:

Arthur Ave. & Kinzie Ave.	Arthur Ave. & Osborne Blvd.
Arthur Ave. & Washington Ave.	Bate St. & Taylor Ave.
Blue River Ave. & Kentucky St.	Blue River Ave. & Lathrop Ave.
Byrd Ave. & Roosevelt Ave.	Goold St. & LaSalle St.
Drexel Ave. & Durand Ave.	Grange Ave. & Seventeenth St.
Graceland Blvd. & Ohio St.	Howland Ave. & W. Sixth St.
Grange Ave. & Sixteenth St.	Kewaunee St. & Main St.
Kentucky St. & Twenty First St.	Kinzie Ave. & Ohio St.
Kinzie Ave. & Osborne Blvd.	LaSalle St. & North St.
LaSalle St. & Romayne Ave.	Neptune Ave. & Yout St.
Ohio St. & Sixteenth St.	Roosevelt Ave. & Sixteenth St.
Seventeenth St. & Taylor Ave.	Seventeenth St. & West Blvd.
West Blvd. & Wright Ave.	West St. & Dr. M. L. King Dr.

FISCAL NOTE: Estimated salary cost is \$145,000 with funding available in Account 101-310-502, Police - Other Salaries.

88. [Res.06-7195](#)

FINAL PAYMENT FOR REDESIGN OF MONUMENT SQUARE

RESOLVED, that final payment of design services for Plans and Specifications for the redesign of Monument Square by Ken Saiki Design, Inc. be made with an increase in the amount of \$400.00.

FISCAL NOTE: \$138,000.00 change in contract amount was approved by Resolution 6387 of 02/16/05.

89. [Res.06-7196](#)

CHANGE ORDER AND FINAL PAYMENT FOR HORLICK ATHLETIC FIELD FOOTBALL LIGHTS

RESOLVED, that Change Order #1 and final payment for engineering services for Horlick Athletic Field Football Lights, David Hanson & Associates, be approved with an increase of \$473.75.

FISCAL NOTE: \$7,823.75 total contract amount approved by Resolution 6365 of 02/01/05.

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

EXCUSED: 1 - Maack

90. [Res.06-7197](#)

AGREEMENT WITH RIVERBEND LOFTS FOR BALCONIES

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter

into an agreement with Riverbend Lofts, LLC for the construction of balconies which extend over the public right-of-way of Racine Street with the following stipulations:

A. Riverbend Lofts, LLC provide a hold harmless agreement with liability insurance from the date of construction to the date of closing for the condominiums associated with these proposed balconies.

B. Riverbend Lofts, LLC shall place a deed restriction upon all aforementioned condominiums that requires the condominium owners to enter into a hold harmless agreement with liability insurance with the City of Racine.

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

91. [Res.06-7198](#) COMMUNITY CENTERS SERVICE CONTRACT WITH JOHNSON CONTROLS

RESOLVED, that formal bidding procedures be waived and that the proposal from Johnson Controls, Inc. for the upgrading of temperature controls and HVAC control equipment for the Humble Park, Cesar Chavez, Tyler-Domer, Bryant, and Martin Luther King Community Centers for the lump sum price of \$77,400.00 be approved.

FURTHER RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a service contract with Johnson Controls, Inc., for HVAC control equipment at Humble Park, Cesar Chavez, Tyler-Domer, Bryant, and Martin Luther King Community Centers.

FURTHER RESOLVED, that funds to defray the cost of these services be appropriated from Account 892.030.5790, Community Center Temperature Control Upgrades.

FISCAL NOTE: Funds are available as herein delineated.

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

EXCUSED: 1 - Maack

92. [Res.06-7199](#) STREET DEDICATION FOR RIGHT-OF-WAY PURPOSES

RESOLVED, that the following parcel of land from the north line of the abandoned Chicago-Milwaukee-St. Paul and Pacific Railroad to the north line of DeKoven Avenue, and more particularly described as follows, be dedicated for street right-of-way purposes:

That part of the west ½ of the Northeast 1/4 of Section 20, Township 3 North, Range 23 East in the City of Racine, Racine County, Wisconsin, described as

follows:

Begin at the intersection of the north line of DeKoven Avenue and the center line of vacated Phillips Avenue; run thence South 87 degrees 52 minutes 49 seconds West along said north line, 74.90 feet to the point of curvature of a non-tangent curve, concave to the northwest, having a radius of 45.00 feet, a chord of 63.57 feet bearing North 42 degrees 56 minutes 27 seconds East; thence northeasterly along said curve 70.59 feet to the west line of vacated Phillips Avenue; thence North 01 degree 59 minutes 55 seconds West along said west line extended north, 943.73 feet to the north line of the abandoned Chicago, Milwaukee, St. Paul and Pacific railroad right of way; thence North 81 degrees 34 minutes 30 seconds East along said north line, 60.38 feet to the east line of vacated Phillips Avenue extended north; thence South 01 degree 59 minutes 55 seconds East along said east line 99.63 feet to the south line of the abandoned Chicago, Milwaukee, St. Paul and Pacific railroad right of way; thence South 81 degrees 34 minutes 30 seconds West along said south line, 30.19 feet to the centerline of vacated Phillips Avenue; thence South 01 degree 59 minutes 55 seconds East along said centerline, a distance of 892.32 feet the POINT OF BEGINNING and the north line of DeKoven Avenue.
Containing 33,130 square feet or 0.7606 acres, more or less.

FISCAL NOTE: N/A

93. [Res.06-7200](#) CONTRACT FOR PRITCHARD/RESERVOIR PARK POND RETROFIT

RESOLVED, that Contract 39-06 (K6-041), Pritchard/Reservoir Park Pond Retrofit, be awarded to K&L Construction, Inc., Whitelaw, WI, at its bid price of \$376,336.80, it being the lowest responsible bidder.

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

\$ 77,000.00 - Account 104.986.5520, Highridge Pond Retrofit
 \$ 77,000.00 - Account 104.986.5530, Pritchard Pond Retrofit
 \$222,336.80 - Account 104.985.5420, Storm Sewers, Various Locations
 \$376,336.80 - Total

FISCAL NOTE: Funds are available as herein delineated.

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

EXCUSED: 1 - Maack

94. [Res.06-7201](#) FINAL PAYMENT FOR RACINE RAILROAD DEPOT RESTORATION

RESOLVED, that the work of Tri-North Builders, Inc., under Contract 25-04 (K4-035), Racine Railroad Depot Restoration, be accepted and final payment

authorized for a total contract amount of \$1,491,124.85 from funds heretofore appropriated.

FISCAL NOTE: Contract was authorized under Resolution No. 6438 of April 6, 2005.

95. [Res.06-7202](#) CHANGE ORDER CONCRETE STREET RECONSTRUCTION AND PAVING

RESOLVED, that Change Order No. 3 on Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving, Milwaukee General Construction Co., Inc., contractor, as submitted, be approved in the amount of \$4,736.00.

FURTHER RESOLVED, that funding to defray the cost of this change order be appropriated from Account 986.908.5020, Concrete Pavement Replacement, Miscellaneous Locations.

FISCAL NOTE: Funds are available as herein delineated.

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

EXCUSED: 1 - Maack

96. [Res.06-7203](#) AMENDMENT TO CONTRACT FOR MARINO PARK AND STATE STREET STORM SEWER

RESOLVED, that Amendment No. 1 on Contract 40-06 (K6-042), Professional Services - Marino Park and State Street Storm Sewer, Earth Tech, Inc., consultant, as submitted, be approved in the not-to-exceed amount of \$8,100.00.

FURTHER RESOLVED, that funding to defray the cost of these professional services be appropriated from Account 104.986.5420, Stormwater Sewers - Various Locations.

FISCAL NOTE: Funds are available as herein delineated.

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

EXCUSED: 1 - Maack

97. [Res.06-7204](#) AGREEMENT FOR DESIGN OF SIXTH STREET

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a three-party agreement with the State of Wisconsin Department of Transportation and HNTB for the Design of 6th Street (STH20) from Main Street

to Grand Avenue, at the not-to-exceed cost of \$257,713.72, which is funded 75%, or \$193,285.29, by the State of Wisconsin, and 25%, or \$64,428.43, by the City of Racine.

FURTHER RESOLVED, that funds to defray the cost of these professional services are available in the 2007 CIP.

FISCAL NOTE: Funds are available as herein delineated.

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

EXCUSED: 1 - Maack

98. [Res.06-7205](#) WAIVE FORMAL BIDDING PROCEDURES FOR PURCHASE OF TRACTOR

RESOLVED, that formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to negotiate for the purchase of a Case tractor for use by the Department of Public Works.

FISCAL NOTE: The purchase of this equipment was approved in the 2006 budget.

99. [Res.06-7206](#) FINAL PAYMENT 2006 SIDEWALK REPLACEMENT

RESOLVED, that the work of A.W. Oakes & Son, Inc., under Contract 19-06 (K6-020), 2006 Sidewalk Replacement, Phase I, be accepted and final payment authorized for a total contract amount of \$155,985.25.

FISCAL NOTE: Contract was authorized under Resolution No. 6989 of April 17, 2006.

100. [Res.06-7207](#) CHANGE ORDER ASPHALT PAVING, CDBG

RESOLVED, that Change Order No. 1 on Contract 17-06 (K6-018), C.D.B.G., Payne & Dolan, Inc., contractor, as submitted, be approved in the amount of \$76,609.50.

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

\$36,387.05 - Account 986.907.5310, Sanitary Sewer Construction-Variou
Locations

\$ 3,477.25 - Account 985.907.5310, Sanitary Sewer Construction

\$36,745.20 - Account 985.907.5420, Sanitary Manhole Reconstruction

\$76,609.50 - Total

FISCAL NOTE: Funds are available as herein delineated.

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

EXCUSED: 1 - Maack

101. [Res.06-7208](#) AGREEMENT FOR POND SERVICES PRITCHARD/RESERVOIR PARK

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Earth Tech, Inc. for Pond Construction Inspection and Management Services for the Pritchard/Reservoir Park Pond Retrofit at a price not-to-exceed \$40,120.00.

FURTHER RESOLVED, that funds to defray the cost of these professional services be appropriated from Account 104.986.5420, Storm Sewers, Miscellaneous Locations.

FISCAL NOTE: Funds are available as herein delineated.

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

EXCUSED: 1 - Maack

102. [Res.06-7209](#) AGREEMENT WITH RACINE COUNTY FOR JUROR PARKING

RESOLVED, that the Mayor and City Clerk be authorized and directed to execute an agreement with Racine County, subject to approval by the County Board, for the provision of pre-paid on-street juror parking in the vicinity of the Courthouse, for a period of sixteen months from September 1, 2006 through December 31, 2007, at a cost of \$550 per month.

FISCAL NOTE: The Parking System will realize \$2,200 in parking revenue during 2006 and \$6,600 in parking revenue during 2007 during the term of this agreement.

103. [Res.06-7210](#) WAIVE FORMAL BIDDING PROCEDURES FOR BUS PURCHASE

RESOLVED, that formal bidding procedures be waived and that the Belle Urban System be authorized and directed to purchase two (2) 2001 Ford F450 Super Duty Triton paratransit vehicles from Roller Auctioneers, 7500 York Street, Denver, CO, 80229, for the sum of \$11,420, with funds coming from account 105.900.5030, Capital Projects.

FISCAL NOTE: Funds available as delineated above.

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

EXCUSED: 1 - Maack

104. [Res.06-7211](#) CONDITIONAL USE PERMIT FOR 2711 LATHROP AVENUE

RESOLVED, that the request of Milovan Milcevic seeking a conditional use permit for mixed use facility containing auto repair, sales and service, auto body repair and painting shop, and indoor storage and distribution be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on August 30, 2006 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That as illustrated on the building and site plan, the use of the building shall be apportioned as follows: 4,000 square feet for auto sales, repair, and service; 8,120 square feet for auto repair, and body shop; and, 4,912 square feet for auto painting; and 5,880 square feet for a storage and distribution facility.
- d. That up to 20 vehicles may be displayed for sale.
- e. That the outside storage of junked vehicles, vehicle parts, materials, and equipment be prohibited.
- f. That all aspects of the operation of the automobile repair, servicing, body shop, auto paint, and storage, and distribution facility businesses be conducted indoors including vending machines, product displays, or sales, excluding automobiles for sale.
- g. That other than those vehicles offered for sale, only employee vehicles, and customer vehicles awaiting repair shall be permitted to be parked, or stored on site, and for no longer than 20 days. Outdoor storage of vehicles for more than 20 days is prohibited.
- h. That all parked or displayed vehicles be confined to spaces that are striped, and that vehicles be positioned in a manner that does not constrict traffic circulation on the property.
- i. That the maximum hours of operation be from 8:00 a.m. to 9:00 p.m. Monday through Saturday with no hours on Sunday.
- j. That all trash and recyclables be stored in closed containers and screened from view.
- k. That all codes and ordinances be complied with and required permits acquired.

l. 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.

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

FISCAL NOTE: N/A

105. [Res.06-7212](#) **CONDITIONAL USE PERMIT FOR POINTE BLUE DEVELOPMENT, MICHIGAN BOULEVARD**

RESOLVED, that the plans submitted by Scott Fergus of Keybridge Development Group seeking a conditional use permit for the planned development for properties on both sides of Michigan Boulevard between Dodge Street and Hamilton Street be approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on August 9, 2006 be approved subject to the conditions contained herein.

b. That the boundaries of the Pointe Blue planned development shall include those lands illustrated on the document entitled "Pointe Blue, Master Plan" and dated July 21, 2006, hereafter referred to as the Master Plan.

c. That overall land use within the boundaries illustrated on the Master Plan shall comply with the table entitled "Pointe Blue Analysis (08-31-06) Block Sizes, Units, Floor Area, Uses".

d. That the following uses are permitted uses, conditional uses, or prohibited uses within the boundaries illustrated in the Master Plan:

1. Permitted uses: unless otherwise listed as a conditional use or prohibited use herein in paragraphs d. 2 and d.3., those permitted uses in the "B-1" Neighborhood Convenience District, "B-2" Community Shopping District, "B-4" Central Business District and the "B-5" Central Service District. Ground floor residential units in Block A (West), Block B (Center) and Block C (East). Permitted business uses may occupy a gross floor area totaling up to 6,000 square feet including photo copying, laser printing, color copying, letter press, offset printing with sheet sizes up to 11 inches by 17 inches. However, the following business uses may occupy a gross floor area totaling no more than 1,200 square feet: physical fitness centers including physical culture, health services, and gymnasiums; banks and other financial institutions; carpet and rug stores; household appliance stores; paint, glass, and wallpaper stores; hardware stores, and home improvement centers having no outside storage or sales; projecting signs.

2. Conditional uses: unless otherwise prohibited herein in paragraph d.3., dwelling units below the second floor in the Mid-Rise Block, High-Rise Block and West Block; bed and breakfast inns; uses occupying a gross floor area totaling greater than 6,000 square feet; drive-in and drive-up facilities for

permitted uses; group day care center; those uses in paragraph d.2. regulated by the 1,200 square feet limitation seeking floor areas totaling greater than 1,200 square feet; massage therapy; marinas or establishments leasing mooring space or slips to the public and providing goods, services and boat sales and storage to boat owners, but not engaged in production, processing, or manufacturing; electronic and wireless communications transmission or receiving facilities utilizing design that is integrated into the surrounding natural and architectural environment; live entertainment; heliports.

3. Prohibited uses: convenient cash establishments; laundromats open to the general public; community living arrangements; community gardens; free standing electronic and wireless communications transmission or receiving towers; boarding houses, lodging houses, rooming houses, hotels and motels; educational institutions, religious institutions, nursing homes; community centers; funeral establishments; commercial parking facilities; second hand stores, rummage shops and flea markets; automobile oriented business such as fuel dispensing, washes, sales, service, repair, salvage, and detailing; business machine sales and service; catering establishments; clubs and lodges; department stores; dry cleaning (not including pick-up and drop-off station less than 1,200 square feet in gross floor area); employment agencies; frozen food stores including locker rental in conjunction therewith; garden supply, tool and seed stores; meeting halls; pet shops, animal hospitals, and commercial pet boarding, training and kennels facilities; radio and television service and repair; theaters; bus stations; drive-in establishments; advertising signs; shops, storage and yards for the tradesman; printing and publishing other than that described in paragraph d.2.; adult entertainment uses; recycling drop-off sites; charitable meal establishments; tattoo and body piercing establishments; laboratories for medical, and dental research and testing; machinery sales, service, display or storage; recording studios; mixed use developments; building materials product sales and storage; warehousing and wholesaling.

e. That all business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

f. That the following shall be accomplished at the time of submittal of final plans for review and approval by the Plan Commission and Common Council, and prior to the issuance of any and all applicable permits:

1. Submit the following materials to the director of City Development for review and recommendation:

- Detailed site, lighting, landscaping, architectural and signage plans.
- Restoration and adaptive reuse plan for the remaining Coast Guard buildings.
- Draft copies of all appropriate documents as outlined by Section 114-181 of the City of Racine Municipal Code.
- Project specific condominium documents.

2. Resolve technical requirements and discrepancies as indicated by the City

Engineer, Racine Water and Waste Water Utilities, and Department of City Development.

g. 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.

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

FISCAL NOTE: N/A

106. [Res.06-7213](#) CONDITIONAL USE PERMIT FOR 1830 CHARLES STREET

RESOLVED, that the request of Tim Hunt seeking a conditional use permit to operate a roofing contractor's office, showroom, and storage facility at 1830 Charles Street be granted, subject to the following conditions:

a. That the plans stamped "Received August 9, 2006" and presented to the Plan Commission on August 30, 2006 be approved subject to the conditions contained herein.

b. That an occupancy permit and all other applicable permits be requested from the Building Department.

c. That all parking and drive areas be paved and striped by June 1, 2007, and that the paved areas be designed so as to accommodate a landscaping strip along Edgewood Avenue.

d. That the outside storage of junked vehicles, vehicle parts, materials and equipment be prohibited. Outdoor storage of new construction materials in screened areas is allowed.

e. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.

f. That all aspects of the operation of this business be conducted indoors including vending machines, product displays, or sales.

g. That vehicles be positioned in a manner that neither constricts traffic circulation on the property nor hinders traffic flow on Charles Street or Edgewood Avenue.

h. That the maximum hours of operation be from 6:00 a.m. to 6:00 p.m. Monday through Saturday with no hours on Sunday.

i. That all trash, recyclables, and dumpsters be stored in stored closed containers and screened from view.

j. That a landscape plan be submitted to the Director of City Development for

review and approval for the Edgewood Avenue frontage. If an occupancy permit is requested prior to the installation of landscaping, then a letter of credit for said landscaping shall be submitted for the review and approval of the Director of City Development prior to the issuance of an occupancy permit.

k. That all signs be professionally made, comply with the zoning ordinance requirements and be submitted for the review and approval of the Director of City Development.

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

m. 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.

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

FISCAL NOTE: N/A

107. [Res.06-7214](#) **CONDITIONAL USE PERMIT FOR 1308-18TH STREET**

RESOLVED, that the request of Eric and Theresa Marcus of Allied Commercial Holdings, Inc. seeking a conditional use permit for a dog hotel and spa at 1308 - 18th Street be approved, subject to the following conditions:

a. That the plans stamped "Received August 11, 2006" and presented to the Plan Commission on August 30, 2006 be approved subject to the conditions contained herein.

b. That an occupancy permit and other applicable permit be obtained from the Building Department.

c. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.

d.. That the maximum hours the operation is to be open to the public are from 6:00 a.m. to 8:30 p.m daily.

e. That the maximum hours during which outdoor activities may be conducted are between 6:00 a.m. and 8:30 p.m. daily.

f. That all employee parking areas and customer parking and drop off areas be contained on site.

g. That all parking areas be paved with either concrete or asphalt and striped by June 1, 2007.

h. That there be no outside storage of equipment or materials.

- i. That all animal waste be cleaned from yard areas on a daily basis.
- j. That all trash, animal waste, and recyclables be stored in closed containers and screened from view.
- k. That a site plan be submitted for the review and approval of the Director of City Development that illustrates the following: employee parking areas, customer parking, and drop-off areas, dumpster enclosure placement, and outdoor activity areas.
- l. That all signs be professionally made, comply with the zoning ordinance requirements, and be submitted for the review and approval of the Director of City Development.
- m. That all codes and ordinances be complied with and required permits acquired.
- n. 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.
- o. That this permit is subject to Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

108. [Res.06-7215](#) CREATION OF BUSINESS IMPROVEMENT DISTRICT NO. 2, WEST RACINE

WHEREAS, owners of commercial property in West Racine, pursuant to Wis. Stat. sec. 66.1109 (2) (a), petitioned the City of Racine for the creation of a business improvement district; and

WHEREAS, on June 28, 2006, the City Plan Commission conducted a public hearing on the creation of the district and its initial operating plan, and following the public hearing, recommended the creation of the district and adoption of the operating plan, and

WHEREAS, the required thirty day period between the public hearing and action by the Common Council has elapsed.

RESOLVED, by the Common Council of the City of Racine that Business Improvement District No. 2, West Racine, is created and its initial operating plan is adopted.

FURTHER RESOLVED, that the Mayor is authorized and directed to appoint members to the district board pursuant to Wis. Stat. sec. 66.1109 (3) (a) and the adopted operating plan.

FURTHER RESOLVED, that the Interim Finance Director is authorized and

directed to collect the special assessments on the properties in the district in the amounts and manner described in the adopted operating plan.

FISCAL NOTE: The operating plan calls for total special assessments of \$18,286.60 on the properties in the district.

AYES: 13 - Fair, Anderson, Hermes, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

EXCUSED: 1 - Maack

ABSTENTIONS: 1 - Kaplan

I. Ordinances

109. [Ord.34-06](#) ORDINANCE NO. 34-06 relating to Operator's Licenses.

To amend Secs. 6-9, 6-131, repeal and recreate Sec. 6-132, repeal Sec. 6-134 and amend Sec. 6-136 of the Municipal Code of the City of Racine, Wisconsin relating to Operator's licenses.

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

Part 1:

Sec. 6-9 of the Municipal Code of the City of Racine is hereby amended by deleting in the first sentence the phrase, "or provisional operator's licenses."

Part 2:

Sec. 6-131 of the Municipal Code of the City of Racine is hereby amended by changing the title to read: "**Operator's license required.**" and by deleting the words "or provisional operator's license" in two places in the paragraph.

Part 3:

Sec. 6-132 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

"Operator's license. An operator's license shall authorize the holder to serve or purvey those alcohol beverages for which sale is authorized at the premises where the operator is employed. The licenses shall expire on the second June 30 following issuance. The fee for an operator's license will be prorated as follows:

12-24 months	\$75.00
9-12 months	\$40.00
3 months or less	\$75.00 for the next licensing period and the three months would not be charged."

Part 4:

Sec. 6-134 of the Municipal Code of the City of Racine is hereby repealed.

Part 5:

Sec. 6-136 of the Municipal Code of the City of Racine is hereby amended by deleting the words "or provisional operator's license."

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

- 110. [ZOrd.0008-06](#) AN ORDINANCE TO REZONE MICHIGAN BOULEVARD BETWEEN DODGE AND HAMILTON STS

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

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

Part 1:

That the properties located on both sides of Michigan Boulevard between Dodge and Hamilton Streets, and more particularly described as follows:

"Part of Blocks 56 and 57, and all of Block 58 of the Original Plat of the City of Racine in the fractional Northeast ¼ of Section 9, Town 3 North, Range 23 East, in the City of Racine, Racine County, Wisconsin as described herein: beginning at a point being the intersection of the center lines of Chatham Street and Hamilton Street proceed East along the centerline of Hamilton Street to the centerline of Michigan Boulevard, then north along the center line of Michigan Boulevard 150', then N. 87-52-44 E. 947.76', then S. 02-04-16 E. 392.20', then S. 30-02-32 E. 256.96', then S. 63-50-03 E. 132.82', then S. 07-10-57 E. 83.48', then S. 79-59-04 W. 234.06', then S. 86-03-56 W. 585.18', then S. 85-58-20 W.

269.54', then N. 09-26-21 W. 142' to the intersection of said line and the extended centerline of Dodge Street, then West along the centerline of Dodge Street to it's point of intersection with the centerline of Chatham Street, then north along the centerline of Chatham Street to the point of beginning"

be rezoned from "I-2" General Industrial District , to "B-5" Central Service 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

K. Adjourn

The meeting was adjourned at 8:15 p.m. by Alderman Shakoor. The next scheduled meeting of the Council is September 19, 2006].

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK