



# 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*

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Tuesday, July 18, 2006

7:00 PM

Room 205, City Hall

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## A. Call To Order

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

**EXCUSED:** Anderson and Hart

## B. Pledge of Allegiance To The Flag

*Mayor Becker led the Council in the Pledge of Allegiance to the Flag.*

## F. Approval of Journal of Council Proceedings (Minutes)

*Minutes of the previous meeting were approved as printed on motion of Alderman Weidner.*

## D. Public Comments

*Don Rintz  
Mary Whitman  
Kate Remington  
Jim Spodich  
Megan Chambers  
Jim Chambers  
Tom Bunker  
Vivian Merlo  
Mark M. Giese  
George Meyers*

## H. Communications

### Refer to Finance and Personnel Committee

[06-2221](#)

**Subject:** Communication from the Mayor asking that the North Beach Oasis contract be amended to provide for payment by concessionaire for designated North Beach improvements in lieu of revenues to the City.

Referred to Finance and Personnel Committee

Referred to Board of Park, Recreation and Cultural Services

[06-2233](#)

**Subject:** Communication from Countryside Humane Society, Inc. submitting a contract Animal Control for 2007-2008.

Also refer to Board of Health.

Referred to Finance and Personnel Committee

Referred to Board of Health

[06-2235](#)

**Subject:** Communication from the Public Health Administrator requesting permission to accept funding, and for the Mayor and City Clerk to enter into a contract with State of Wisconsin Department of Natural Resources in the amount of \$5,875.00.

There will be no match required.

Referred to Finance and Personnel Committee

#### **Refer to Public Works and Services Committee**

[06-2067](#)

**Subject:** Communication from Brian R. Exner, 2418 Westwood Drive, requesting permission to fill a ditch to develop a vacant lot on Spring Street between the Root River and 1723 Spring Place.

Referred to Public Works and Services Committee

[06-2212](#)

**Subject:** Communication from the Commissioner of Public Works/City Engineer requesting permission to enter into a CMAQ Program Agreement for the Walker Site Bike Pedestrian Path.

Referred to Public Works and Services Committee

[06-2228](#)

**Subject:** Communication from S.C. Johnson & Sons, Inc. requesting permission to install two duct packages crossing Racine Street between 14th and 16th Streets prior to paving.

Referred to Public Works and Services Committee

#### **Refer to License and Welfare Committee**

[06-2236](#)

**Subject:** The following application for a Class "C" Wine License for Skipper Marine Development, Inc., (**Deli**), 2 Christopher Columbus

Causeway.

**Received and Filed**

[06-2241](#)      **Subject:** Application for a "Class C" and Class "B" Retail Fermented Malt Beverage License for Nuevo Vallarta, Mario Espinoza, Agent, located at 3700 Durand Avenue.

**Referred to License and Welfare Committee**

**Refer to Committee of the Whole**

[06-2211](#)      **Subject:** City Clerk submitting a petition received from Racine Coalition for Peace and Justice, "To Bring The Troops Home!"

**Referred to Committee of the Whole**

[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.

**Referred to Committee of the Whole**

**Refer to Board of Health**

[06-2229](#)      **Subject:** Communication from the Public Health Administrator requesting permission to apply for funding from Cities and Villages Mutual Insurance Company (CVMIC).

**Referred to Board of Health**

**J. Committee Reports**

**Finance and Personnel Committee Report**

[06-1653](#)      **Subject:** Communication submitted by Human Resources Director requesting to reclassify three (3) non-represented positions on the salary

classification scale as GR-17. These positions would be Deputy Chief, Deputy City Attorney, and Assistant Commissioner of Public Works - Engineering.

**Recommendation of the Finance & Personnel Committee of**

**03-27-06:** The item be deferred.

**Recommendation of the Finance & Personnel Committee of**

**04-24-06:** The item be deferred.

**Recommendation of the Finance & Personnel Committee of**

**07-10-06:** The non-represented positions of Deputy Police Chief, Deputy City Attorney and Assistant Commissioner of Public Works - Engineering be reclassified from salary classification GR-18 to GR-17 with the stipulation that the Deputy Police Chief positions be held in abeyance until there is a vacancy.

**Fiscal Note:** The changes will not currently affect the City budget.

**Referred to Finance and Personnel Committee**

**06-2030**

**Subject:** Communication from the City Attorney submitting the claim of Dorothy Miller for consideration.

**Recommendation of the Finance & Personnel Committee of**

**06-26-06:** The item be deferred.

**Recommendation of the Finance & Personnel Committee of**

**07-10-06:** The item be received and filed.

**Fiscal Note:** The claim of \$350 will be settled.

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

**06-2154**

**Subject:** Communication from the Fire Chief requesting permission to accept a \$1,000 donation from the Racine Municipal Employees Credit Union to be utilized for the Racine Fire Department Public Education Fund.

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

That the Fire Chief be granted permission to accept \$1,000 donation from the Racine Municipal Employees Credit Union to be utilized for the Racine Fire Department Public Education Fund.

**Recommendation of the Finance & Personnel Committee of**

**07-10-06:** The Fire Chief be granted permission to accept \$1,000 donation from the Racine Municipal Employees Credit Union to be utilized

for the Racine Fire Department Public Education Fund and that 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.**

06-2168

**Subject:** The Public Health Administrator requesting permission to accept funding with the Wisconsin Coastal Management Program in the amount of \$21,940 to be utilized for testing technology.

Please refer to the Board of Health.

**Recommendation of the Finance & Personnel Committee of**

**07-10-06:** The Mayor and City Clerk be authorized and directed to enter into a \$21,940 agreement with the Wisconsin Coastal Management Program (Grant Control No. 2005-042) to be utilized for testing technology.

**Fiscal Note:** 50% in-kind soft match required on the part of the city.

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

06-2179

**Subject:** Communication from the Fire Chief Hansen requesting permission to accept a \$1,000 donation from the Racine Community Foundation to be utilized for the Racine Fire Department Public Education Fund. (Grant Control #2006-013)

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

That the Fire Chief be granted permission to accept \$1,000 donation from the Racine Community Foundation to be utilized for the Racine Fire Department Public Education Fund.

**Recommendation of the Finance & Personnel Committee of**

**07-10-06:** The Fire Chief be granted permission to accept \$1,000 donation from the Racine Community Foundation to be utilized for the Racine Fire Department Public Education Fund and that 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.**

06-2184

**Subject:** Communication from the Mayor requesting to apply for and accept a \$96,900.00 grant from the Wisconsin Office of Justice

Assistance.

**Recommendation of the Finance & Personnel Committee of**

**07-10-06:** Permission be granted to apply for and accept a \$96,900 grant with the Wisconsin Office of Justice Assistance (Grant Control No. 2006-022) to be utilized for the Youth Gang Diversion Program.

**Fiscal Note:** No match required on the part of the City.

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

**06-2189**

**Subject:** Communication from the Director of City Development requesting permission to apply for a Historic Preservation Subgrant from the Wisconsin Historical Society to help fund the north side historical reconnaissance survey.

**Recommendation of the Finance & Personnel Committee of**

**07-10-06:** The Director of City Development be granted permission to apply for the Historic Preservation Subgrant through the Wisconsin Historical Society (Grant Control No. 2006-023) to be utilized for the north side historical reconnaissance survey.

**Fiscal Note:** No match required on the part of the city.

**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:** 13 - Fair, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Sollman, Spangenberg and Wisneski

**EXCUSED:** 2 - Anderson and Hart

**Public Works and Services Committee Report**

**06-2163**

**Subject:** A request from the Director of Information Systems to enter into a hold harmless agreement to grant AT&T permission to mount wireless equipment on City resources as a pilot/test for the Racine County RFBP for wireless services.

**Recommendation:** The Mayor and City Clerk be authorized and directed to enter into a hold harmless agreement granting AT&T permission to mount wireless equipment on City buildings and street light poles, in a manner as approved by the Commissioner of Public Works/City Engineer,

as a demonstration for the Racine County RFBP for wireless services.

**Fiscal Note:** AT&T will pay all costs associated with installing these transmitters.

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

06-2180

**Subject:** Request for temporary waiver from the site drainage, storm water requirements of the City of Racine until 2007 for the permanent Household Hazardous Waste facility project until the Utility has procured sufficient interest in adjoining properties to address the entire project as a whole.

**Recommendation:** The request of the Racine Water and Wastewater Utility to waive site drainage requirements for the Household Hazardous Waste Facility until November 1, 2007, be approved.

**Fiscal Note:** This extension will allow the Racine Water and Wastewater Utility time to acquire the necessary adjoining property before making the required improvements.

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

06-2181

**Subject:** Communication from a representative of Salmon-A-Rama requesting to close the turn-arounds at Festival Park on Festival Park Drive and Christopher Columbus Causeway.

**Recommendation:** Salmon-A-Rama be granted permission to close 5th Street from the Civic Center Parking Ramp to Festival Park Drive, Festival Park Drive from Fifth Street to Sam Johnson Parkway, and the turnaround adjacent to Christopher Columbus Causeway, on July 20-23, 2006, in accordance with their request.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$300.00 special event fee.

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

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

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

06-2194

**Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 to Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving, Milwaukee General Construction Company, contractor.

**Recommendation:** Change Order No. 1 on Contract 24-06 (K5-025), Concrete Street Reconstruction and Paving, Milwaukee General Construction Company, contractor, as submitted, be approved in the amount of \$194,597.33.

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

\$100,000.00 - Account 896.030.5510, Curb & Gutter Replacement, CDBG  
\$ 40,000.00 - Account 896.030.5690, Crosswalk Ramps CDBG  
\$ 4,563.00 - Account 104.985.5420, Storm Sewers, Misc. Locations  
\$ 13,461.93 - Concrete Pavement Repl., Misc. Locations  
\$ 36,572.40 - Water Department  
\$194,597.33 - Total

**Fiscal Note:** Funds are available as herein delineated.

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

06-2195

**Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 to Contract 10-06 (K6-011), Chicory Road Reconstruction, Milwaukee General Construction Company, contractor.

**Recommendation:** Change Order No. 1 on Contract 10-06 (K6-011), Chicory Road Reconstruction, Milwaukee General Construction Company, contractor, as submitted, be approved in the amount of \$165,279.51.

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



\$ 51,751.11 - Account 919.986.5010, Chicory Rod  
\$ 47,402.99 - Account 104.985.5420, Storm Sewers, Various Locations  
\$ 65,285.41 - Mount Pleasant  
\$ 840.00 - Water Department  
\$165,279.51 - Total

**Fiscal Note:** Funds are available as herein delineated.

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

**06-2196**

**Subject:** Direct Referral. Communication from Pete Ciaramita, 516 Monument Square, requesting a variance for facade and storefront renovations.

**Recommendation:** The property owner of 516 Main Street be granted permission to install decorative light fixtures above the public right-of-way of Wisconsin Avenue, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

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

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

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

**06-2208**

**Subject:** Direct Referral. Communication from the Director of City Development submitting Change Order No. 1 on Contract 44-05 (K5-051), Laurel Clark Memorial Fountain, Bane-Nelson, Inc., contractor.

**Recommendation:** Change Order No. 1 on Contract 44-05 (K5-051), Laurel Clark Memorial Fountain, Bane-Nelson, Inc., contractor, as submitted, be approved in the credit amount of \$4,500.00.

**Fiscal Note:** Change Order No. 1 will result in a decrease in the contract price.

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

**06-2209**

**Subject:** Direct Referral. Communication from the Commissioner of Public Works submitting a request for final payment on Contract 32-05 (K5-039), 2005 LRIP Concrete Paving, LaLonde Contractors, Inc., contractor.

**Recommendation:** The work of LaLonde Contractors, Inc., under Contract 32-05 (K5-039), 2005 LRIP Concrete Paving, be accepted and final payment authorized for a total contract amount of \$557,825.77.

**Fiscal Note:** Contract was authorized under Resolution No. 6538 of June 21, 2005.

**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:** 13 - Fair, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Sollman, Spangenbergand Wisneski

**EXCUSED:** 2 - Andersonand Hart

#### License and Welfare Committee Report

##### 06-2123

**Subject:** The following (**Renewal**) Application for a 2006-2007 "Class C" and Class "B" Retail Fermented Malt Beverage and Wine license for:

Asiana, LLC      423 Sixth Street  
HaeYoung Choi, Agent

##### **Recommendation of the License & Welfare Committee of 7/10/06:**

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.**

##### 06-2154

**Subject:** Communication from the Fire Chief requesting permission to accept a \$1,000 donation from the Racine Municipal Employees Credit Union to be utilized for the Racine Fire Department Public Education Fund.

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

That the Fire Chief be granted permission to accept \$1,000 donation from the Racine Municipal Employees Credit Union to be utilized for the Racine Fire Department Public Education Fund.

##### **Recommendation of the Finance & Personnel Committee of**

**07-10-06:** The Fire Chief be granted permission to accept \$1,000 donation from the Racine Municipal Employees Credit Union to be utilized for the Racine Fire Department Public Education Fund and that 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.

06-2179

**Subject:** Communication from the Fire Chief Hansen requesting permission to accept a \$1,000 donation from the Racine Community Foundation to be utilized for the Racine Fire Department Public Education Fund. (Grant Control #2006-013)

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

That the Fire Chief be granted permission to accept \$1,000 donation from the Racine Community Foundation to be utilized for the Racine Fire Department Public Education Fund.

**Recommendation of the Finance & Personnel Committee of**

**07-10-06:** The Fire Chief be granted permission to accept \$1,000 donation from the Racine Community Foundation to be utilized for the Racine Fire Department Public Education Fund and that 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 David L. Maack to Adopt the Report. Adopted by the following vote:**

**AYES:** 13 - Fair, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Sollman, Spangenbergand Wisneski

**EXCUSED:** 2 - Andersonand Hart

06-2185

**Subject:** The following (**New**) Application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License, to include Sidewalk Cafe Permit for Tango Bar, Gloria Horbatenko, Agent, at 509 Sixth Street.

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

That the license be granted with an amendment to the premises description.

**Fiscal Note:** N/A

*Alderman Shakoor requested that item 06-2185 be considered separately.*

**Referred to License and Welfare Committee**

**06-2186**

**Subject:** The following **(Renewal)** application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2006-2007:

Rosie H. Carothers            1333 Douglas Avenue

**Recommendation of the License & Welfare Committee:** That the license be granted.

**Fiscal Note:** N/A

*Alderman Shakoor requested that item 06-2186 be considered separately.*

*Alderman Shakoor requested to suspend the rules of the council to consider item # 06-2186 (Rosie H. Carothers - 1333 Douglas Avenue) and the license be granted.*

**Granted**

**AYES:** 13 - Fair, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Sollman, Spangenbergand Wisneski

**EXCUSED:** 2 - Andersonand Hart

**City Plan Commission Report**

**Res.06-7051** ACQUISITION OF EASEMENT FOR HOUSEHOLD HAZARDOUS WASTE PROJECT

RESOLVED, that the project to acquire easement rights across Sam's Club parking lot to serve the Household Hazardous Waste Facility project be approved.

FURTHER RESOLVED, that the City Attorney be authorized and directed to take all necessary steps to acquire this property interest, and that the Mayor and City Clerk be authorized and directed to execute all documents associated with this project.

**FISCAL NOTE:** Unknown at this time. Funding is available through the Wastewater Utility HHW project.

**CPC 06-14-06**

**Recommendation:** Acquisition of easement rights across Sam's Club parking lot is not in conflict with City plans and programs.

Further, that the resolution be adopted.

**Sponsors:** Ronald D. Hart

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

**06-2122**

**Subject:** Compliance review of the conditional use permit for the Journal Times to expand operations at 212 & 300 Fourth Street.

**Recommendation:** That photographic documentation of the building and selected artifacts for preservation be accomplished to Wisconsin Historical Society standards and that a set of those photos be provided to the Landmarks Preservation Commission, the Racine Heritage Museum, the Racine Fire Bells and the Racine Fire Department.

Further, that the communication be received and filed.

**Fiscal Note:** N/A

*Alderman Hermes requested that item 06-2122 be considered separately.*

*Alderman Hermes made a motion that Item # 06-2122 be deferred for six months.*

*Motion failed by the following vote:*

*Ayes: Hermes, Dehahn, Fair*

*Noes: Kaplan, Karas, Maack, Shakoor, Sollman, Spangenberg, Weidner, Wisneski, Friedel and Holding*

*Alderman Fair requested that Item # 06-2122 be referred back to the City Plan Commission.*

**Referred to City Plan Commission**

**06-2151**

**Subject:** Ord.25-06 to amend Sec. 114-1(b)(2) and Sec. 114-468 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Conditional Uses.

**Recommendation:** That the ordinance be amended to include a statement of legislative intent.

Further that the ordinance be adopted as amended.

**Fiscal Note:** N/A

*Alderman Maack requested that item # 06-2151 be considered separately.*

*Alderman Fair requested that the Item # 06-2151 be referred to Committee of the Whole.*

*Alderman Fair withdrew the above motion.*

**A motion was made by Alderman Holding that this Zoning Item be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 12 - Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Sollman, Spangenbergand Wisneski

**NOES:** 1 - Fair

**EXCUSED:** 2 - Andersonand Hart

**06-2199**

**Subject:** Request by Milovan Milicevic seeking to rezone the property at 2711 Lathrop Avenue from I-2 General Industrial District to B-2 Community Shopping District, and to apply a Flex Development Overlay to the property.

**Recommendation:** That an ordinance be created.

That the property be rezoned to I-1 Limited Industrial District with a Flex Development Overlay District.

Further that staff work with Mr. Milicevic to develop a list of Commercial uses to be allowed on the property either by right or by conditional use permit, and to develop a conditional use permit to allow automobile sales, service, repair, body work, and painting along with general storage and distribution operations.

**Fiscal Note:** N/A

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

**06-2200**

**Subject:** Direct Referral. Request by Mitan Pandya for amendment to Conditional Use Permit for expanded convenience store at 2500 Lathrop Avenue.

**Recommendation:** That the request by Mitan Pandya of Balark, LLC seeking an amendment to a conditional use permit to construct a 1,629 square foot addition to the convenience store at 2500 Lathrop Avenue be approved subject to the following conditions:

- a. That the plans stamped "Received June 28, 2006" and presented to the Plan Commission of July 12, 2006 be approved subject to the conditions contained herein.

- b. That all building and occupancy permits be requested from the Building Inspection Department.
- c. That the maximum hours of operation be from 5:30 a.m. to 12:00 p.m. Monday through Saturday, and 5:30 a.m. to 10:00 p.m. on Sunday.
- d. That the maximum hours of operation for the vacuums be limited to 7:00 a.m. to 10 p.m. daily.
- e. That all aspects of the operation of this business be conducted indoors including vending machines, product displays or sales.
- f. That the sale of vehicles is prohibited at this location.
- g. Decorative brick/block shall be used on the west and east elevations of the building addition.
- h. That by October 31, 2006, the northern most drive onto Lathrop Avenue shall be closed, curbing installed, and a grass parkway restored to City standards. All driveway closures are subject to the review and approval of the Commissioner of Public works.
- i. That prior to the issuance of a building permit the following shall be accomplished:
  - 1. Examples of the decorative brick/block selection be presented to the Director of City Development for review and approval.
  - 2. A landscape plan be submitted for the review and approval of the Director of City Development that, at a minimum, illustrates the provision of a landscaping bed and plantings along the south lot line, along the sidewalk at appropriate areas along Lathrop Avenue, and in the southeast planter area.
- j. That if an occupancy permit for the building expansion is requested prior to the implementation of the approved landscape plan, then a letter of credit shall be submitted equal to the value of the landscaping to be installed.
- k. That all trash and recyclables be stored in closed containers and

screened from view. No garbage pick-up shall be conducted between the hours of 6:00 p.m. and 7:00 a.m. The rear of the dumpster enclosure shall be located no closer than 10 feet to the west lot line. Final design of the dumpster enclosure shall be presented to the Director of City Development prior to construction.

- l. That all roof-top mechanical equipment be screened from view.
- m. That all parking areas be paved and striped.
- n. That the existing storage shed found at the southwest corner of the property be removed from the property.
- o. That all yard areas, landscaping buildings, and grounds be maintained on a daily basis.
- p. That the existing rear yard offset be maintained with both the building addition and the dumpster enclosure and that the southern side yard offset comply with ordinance requirements.
- q. That all codes and ordinances be complied with and required permits acquired.
- r. 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.
- s. That this permit is subject to Plan Commission review for compliance with the listed conditions.

**Fiscal Note:** N/A

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

[06-2201](#)

**Subject:** Direct Referral. Request by Mitan Pandya for amendment to conditional use permit for expanded convenience store at 600 Three Mile Road.

**Recommendation:** That the request by Mitan Pandya of Balark, LLC seeking an amendment to a conditional use permit to construct a 1,840 square foot addition to the convenience store at 600 Three Mile be approved subject to the following conditions:



- a. That the plans stamped "Received June 28, 2006" and presented to the Plan Commission of July 12, 2006 be approved subject to the conditions contained herein.
- b. That all building and occupancy permits be requested from the Building Inspection Department.
- c. That the maximum hours of operation be from 5:30 a.m. to 12:00 p.m. daily.
- d. That the maximum hours of operation for the vacuums be limited to 7:00 a.m. to 10 p.m. daily.
- e. That all aspects of the operation of this business be conducted indoors including vending machines, product displays, or sales.
- f. That the sale of vehicles is prohibited at this location.
- g. That decorative brick/block shall be used on all elevations of the building addition.
- h. That by October 31, 2006, the eastern most drive onto Three Mile Road, and the Southern most driveway onto Erie Street shall be closed, curbing installed, and a grass parkway restored to City standards. All driveway closures are subject to the review and approval of the Commissioner of Public works.
- i. That prior to the issuance of a building permit the following shall be accomplished:
  1. Examples of the decorative brick/block selection be presented to the Director of City Development for review and approval.
  2. A landscape plan be submitted for the review and approval of the Director of City Development that, at a minimum, illustrates the provision of a landscaping bed and plantings along the south and east lot lines, and along the sidewalk at appropriate areas along Three Mile Road and Erie Street.
- j. That if an occupancy permit for the building expansion is requested prior to the implementation of the approved landscape plan, then a letter of credit shall be submitted equal to the value of the landscaping to be installed.

- k. That all trash and recyclables be stored in closed containers and screened from view. No garbage pick-up shall be conducted between the hours of 6:00 p.m. and 7:00 a.m. Final design of the dumpster enclosure shall be presented to the Director of City Development prior to construction.
- l. That all roof-top mechanical equipment be screened from view.
- m. That all parking areas be paved and striped.
- n. That the existing storage shed found at the northwestern portion of the property, and the fenced concrete pad found in the northwest corner of the property be removed.
- o. That all yard areas, landscaping, buildings and grounds be maintained on a daily basis.
- p. That all codes and ordinances be complied with and required permits acquired.
- q. 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.
- r. That this permit is subject to Plan Commission review for compliance with the listed conditions.

**Fiscal Note:** N/A

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

[06-2202](#)

**Subject:** Direct Referral. Request by Frank L. James III and the Department of City Development to rezone the properties at 1028 & 1038 South Memorial Drive from B-2 Community Shopping District to R-3 Limited General Residence District.

**Recommendation:** That an ordinance be created.

**Fiscal Note:** N/A

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

06-2205

**Subject:** Direct Referral. Request by Peter Mohrhauser of Maintenance Services, Inc. seeking a conditional use permit for a mixed use development at 2200 South Street.

**Recommendation:** That a request by Peter Mohrhauser of Retail Maintenance Services, Inc. seeking a conditional use permit for a mixed use development at 2200 South Street be approved, subject to the following conditions:

- a. That the plans stamped "Received June 29, 2006" and presented to the Plan Commission on July 12, 2006 be approved, subject to the conditions contained herein.
- b. That all building and occupancy permits be requested from the Building Inspection Department.
- c. That the total square feet devoted to the operation of Retail Maintenance Services, Inc. not exceed 60% of the total floor area of the building.
- d. That all parking areas be paved and striped.
- e. That all aspect of the operation Retail Maintenance Services, Inc. be contained indoors.
- f. That all signs be professionally made and comply with zoning ordinance requirements.
- g. That all other uses on this property may be permitted by right or by conditional use in accordance with those permitted in the I-2 General Industrial District.
- h. That all yard areas, landscaping, buildings and grounds be maintained on a daily basis.
- i. That all trash and recyclables be stored in closed containers and screened from view.
- j. That all codes and ordinances be complied with and required permits acquired.
- k. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.

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

**Fiscal Note:** N/A

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

06-2206

**Subject:** Direct Referral. Request by David Stamm of New England Builders, Inc. seeking a conditional use permit to construct a 40 unit residential condominium building at Four Gaslight Drive, in the Gaslight Pointe Planned Development.

**Recommendation:** That the plans submitted by New England builders for Gaslight Pointe Associates, LLC. seeking a conditional use permit in the planned development of Gaslight Pointe to construct a four-story residential condominium at Four Gaslight Drive be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on July 12, 2006 be approved subject to the conditions contained herein:
- b. That the following be accomplished prior to the issuance of a building permit;
  1. Submit site, lighting, and landscaping plans to the Downtown Area Design Review Commission for review and consultation.
  2. Submit site, lighting and landscaping plans to the Director of City Development for review, an approval following Downtown Area Design Review Commission's review and consultation.
  3. Submit for approval drainage plans to the City Engineer, and utility plans to the Racine Water and Waste Water Utilities.
- c. That the following be accomplished prior to the issuance of occupancy permits;
  1. Install all landscaping as illustrated in the approved plans or submit a letter of credit equal to the value of the approved plan. In such a case, landscaping shall be completed within six months of the date an occupancy permit was obtained.
  2. All drive and walk areas shall be have final pavement or a

letter of credit shall be provided equal to the value of the paving. In such a case, final paving shall be completed within six months of the date an occupancy permit was obtained.

3. All appropriate documents as outlined by Section 114-181 of the City of Racine Municipal Code shall be filed by the applicant, or their agent, with the Racine County Register of Deeds. Prior to recording, all documents shall be submitted to the Director of City Development for review and approval.
- d. That the project density, floor area ratio, units count, yard areas and building height be complied with as presented in the approved plans.
- e. That any driveway openings and closures are subject to the review and approval of the Commissioner of Public Works.
- f. That all codes and ordinances be complied with and all permits acquired.
- k. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- l. That this permit is subject to Plan Commission review for compliance with the listed conditions.

**Fiscal Note:** N/A

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

[06-2207](#)

**Subject:** Direct Referral. Request by James R. Walters and the Redevelopment Authority seeking to rezone the property at 720 South Marquette Street from I-2 General Industrial District to R-5 General Residence District, and to apply a Flex Development Overlay to the property to accommodate a mixed residential and commercial condo development.

**Recommendation:** That an ordinance be created.

Further, that staff work with Mr. Walters to develop a use supplement that lists the commercial uses to be allowed on the property either by right or by conditional use permit.

**Fiscal Note:** N/A

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

06-2217

**Subject: (Direct Referral)** Request by Doug Nicholson of The Ivanhoe Pub and Eatery for a sidewalk cafe at 231 Main Street.

**Recommendation:** That the request by Doug NicholSEN representing the Ivanhoe Pub & Eatery to operate a Sidewalk Café at 231 Main Street be approved subject to the following conditions:

- a. That the design of the tables, chairs and barrier as presented to the Plan Commission on July 12, 2006 are found to not detract from the aesthetics of the surrounding area and that the locations of the sidewalk café are found to be suitable for a sidewalk café as described herein.
- b. That the 36 inch diameter tables be utilized, and that the number of chairs at each table be three. Additional tables and chair may be utilized if waivers are obtained from adjacent property owners and placed on file with the application in the City Clerk's Office.
- c. That all applicable ordinances be complied with and all applicable permits acquired.

**Fiscal Note:** N/A

**A motion was made that this Application 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:** 13 - Fair, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Sollman, Spangenbergand Wisneski

**EXCUSED:** 2 - Andersonand Hart

**Executive Committee Report**

06-2152

**Subject:** Sturtevant Water Utility acquisition

**Recommendation:** To approve the acquisition of the Sturtevant Water Utility by the Racine Water Utility. Further recommends that this item be referred to the Executive Committee of the Racine Common Council

**Fiscal Note:** Funds are available in the 2006 Water Utility budget.

**Recommendation by Executive Committee:** Recommends that the City, in conjunction with the Racine Water Utility, acquire the Village of Sturtevant water system under the terms and conditions as negotiated, and that the City, through the Racine Water Utility, provide water to the Village of Sturtevant on a retail basis.

Further recommends that the Mayor and City Clerk be authorized and directed to enter into a three party Water Utility Purchase Agreement between the Village of Sturtevant, City of Racine and the Racine Water Utility, and an Intergovernmental Retail Water Service Agreement between the same parties.

**Fiscal Note:** The purchase price to be paid by the Utility is approximately \$1,400,000 to be adjusted by transition costs and capital project costs, and the Utility will receive revenues from Village customers on the same retail basis as paid under the Village of Mt. Pleasant retail agreement.

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

**AYES:** 13 - Fair, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Sollman, Spangenbergand Wisneski

**EXCUSED:** 2 - Andersonand Hart

### Board of Health

06-2103

**Subject:** Communication from the Public Health Administrator requesting permission to accept funding with the Cities United for Science Progress and the U.S. Conference of Mayors and DuPont in the amount of \$175,000, to be utilized for the elimination of childhood lead poisoning.

Refer to the Board of Health.

**Recommendation of the Finance & Personnel Committee 06-26-06:**

That the Mayor and City Clerk be authorized and directed to enter into an agreement in the amount of \$175,000, with the Cities United for Science

Progress and the U.S. Conference of Mayors and DuPont (Grant Control No. 2006-019) funds to be utilized for the elimination of childhood lead poisoning.

**Fiscal Note:** No match required on the part of the City.

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

06-2107

**Subject:** Communication from the Public Health Administrator requesting permission to accept additional funding in the amount of \$14,521 with the Wisconsin Department of Health and Family Services to be utilized for the Women, Infants and Children Program.

Refer to the Board of Health.

**Recommendation of the Finance & Personnel Committee 06-26-06:**

That the Mayor and City Clerk be authorized and directed to enter into an amended contract with the Wisconsin Department of Health and Family Services for the Women, Infants and Children Program (Grant Control No. 2005-048).

**Fiscal Note:** Contract will be increased to \$14,521 with no match required on the part of the City.

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

06-2124

**Subject:** Communication from the Public Health Administrator requesting permission to accept funding from the Centers for Disease Control in the amount up to \$106,692 to be utilized for the Lead Poisoning Prevention Program.

Refer to the Board of Health.

**Recommendation of the Finance & Personnel Committee 06-26-06:**

That the Mayor and City Clerk be authorized and directed to enter into an agreement in the amount up to \$106,692 with the Centers for Disease Control funds to be utilized for the Lead Poisoning Prevention Program (Grant Control No. 2006-010).

**Fiscal Note:** 50% in-kind soft match required on the part of the City.



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

Council Action

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

**AYES:** 13 - Fair, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas,  
Friedel, Holding, Sollman, Spangenbergand Wisneski

**EXCUSED:** 2 - Andersonand Hart

## **K. Resolutions**

### **Res.06-7129 STURTEVANT WATER UTILITY ACQUISITION**

RESOLVED, that the City of Racine, in conjunction with the Racine Water Utility, acquire the Village of Sturtevant water system under the terms and conditions as negotiated, and that the City, through the Racine Water Utility, provide water to the Village of Sturtevant on a retail basis.

FURTHER RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a three-party Water Utility Purchase Agreement, among the Village of Sturtevant, the City of Racine, and the Racine Water Utility, and an Intergovernmental Retail Water Service Agreement among the same parties.

**FISCAL NOTE:** The purchase price to be paid by the Utility is approximately \$1,400,000 to be adjusted by transition costs and capital project costs, and the Utility will receive revenues from Village customers on the same retail basis as paid under the Village of Mt. Pleasant retail agreement.

**Sponsors:** Ronald D. Hart

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

**AYES:** 13 - Fair, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas,  
Friedel, Holding, Sollman, Spangenbergand Wisneski

**EXCUSED:** 2 - Andersonand Hart

### **Res.06-7130 HOLD HARMLESS AGREEMENT 516 MAIN STREET FACADE**

RESOLVED, that the property owner of 516 Main Street be granted permission to install decorative light fixtures about the public right-of-way of Wisconsin Avenue, as requested, with the stipulation that a hold harmless agreement be executed in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.

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

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

Sponsors: Ronald D. Hart

**Adopted**

**Res.06-7131** STIPULATIONS FOR SALMON-A-RAMA EVENT

RESOLVED, that Salmon-A-Rama be granted permission to close 5th Street from the Civic Centre Parking Ramp to Festival Park Drive, Festival Park Drive from 5th Street to Sam Johnson Parkway, and the turnaround adjacent to Christopher Columbus Causeway, on July 20-23, 2006, in accordance with their request.

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

- A. A hold harmless agreement be executed.
- B. Proof of liability insurance be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$300.00 special event fee.

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

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

Sponsors: Ronald D. Hart

**Adopted**

**Res.06-7132** HOLD HARMLESS AGREEMENT AT&T WIRELESS EQUIPMENT ON CITY PROPERTY

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

into a hold harmless agreement granting AT&T permission to mount wireless equipment on City buildings and street light poles, in a manner as approved by the Commissioner of Public Works/City Engineer, as a demonstration for the Racine County RFBP for wireless services.

FISCAL NOTE: AT&T will pay all costs associated with installing these transmitters.

Sponsors: Ronald D. Hart

**Adopted**

**Res.06-7133** CHANGE ORDER FOR LAUREL CLARK MEMORIAL FOUNTAIN

RESOLVED, that Change Order No. 1 on Contract 44-05 (K5-051), Laurel Clark Memorial Fountain, Bane-Nelson, Inc., contractor, as submitted, be approved in the credit amount of \$4,500.00.

FISCAL NOTE: Change Order No. 1 will result in a decrease in the contract price.

Sponsors: Ronald D. Hart

**Adopted**

**Res.06-7134** FINAL PAYMENT 2005 LRIP CONCRETE PAVING

RESOLVED, that the work of LaLonde Contractors, Inc., under Contract 32-05 (K5-039), 2005 LRIP Concrete Paving, be accepted and final payment authorized for a total contract amount of \$557,825.77.

FISCAL NOTE: Contract was authorized under Resolution No. 6538 of June 21, 2005.

Sponsors: Ronald D. Hart

**Adopted**

**Res.06-7135** CHANGE ORDER CONCRETE STREET RECONSTRUCTION AND PAVING

RESOLVED, that Change Order No. 1 on Contract 24-06 (K5-025), Concrete Street Reconstruction and Paving, Milwaukee General Construction Company, contractor, as submitted, be approved in the amount of \$194,597.33.

FURTHER RESOLVED, that funding to defray the cost of this change order be

appropriated from the following accounts:

\$100,000.00 - Account 896.030.5510, Curb & Gutter Replacement, CDBG  
\$ 40,000.00 - Account 896.030.5690, Crosswalk Ramps CDBG  
\$ 4,563.00 - Account 104.985.5420, Storm Sewers, Misc. Locations  
\$ 13,461.93 - Concrete Pavement Repl., Misc. Locations  
\$ 36,572.40 - Water Department  
\$194,597.33 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

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

**AYES:** 13 - Fair, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Sollman, Spangenbergand Wisneski

**EXCUSED:** 2 - Andersonand Hart

**Res.06-7136 CHANGE ORDER FOR CHICORY ROAD RECONSTRUCTION**

RESOLVED, that Change Order No. 1 on Contract 10-06 (K6-011), Chicory Road Reconstruction, Milwaukee General Construction Company, contractor, as submitted, be approved in the amount of \$165,279.51.

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

\$ 51,751.11 - Account 919.986.5010, Chicory Rod  
\$ 47,402.99 - Account 104.985.5420, Storm Sewers, Various Locations  
\$ 65,285.41 - Mount Pleasant  
\$ 840.00 - Water Department  
\$165,279.51 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

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

**AYES:** 13 - Fair, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Sollman, Spangenbergand Wisneski

**EXCUSED:** 2 - Andersonand Hart

**Res.06-7137 APPLY FOR AND ACCEPT GRANT FOR YOUTH GANG DIVERSION PROGRAM**

RESOLVED, that permission be granted to the Mayor to apply for and accept a \$96,900 grant with the Wisconsin Office of Justice Assistance (Grant Control No. 2006-022) to be utilized for the Youth Gang Diversion Program.

FURTHER RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a grant agreement with the Wisconsin Office of Justice Assistance (Grant Control No. 2006-022) for the Youth Gang Diversion Program.

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

Sponsors: James T. Spangenberg

**Adopted**

**Res.06-7138** GRANT AGREEMENT WITH WISCONSIN COASTAL MANAGEMENT

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a \$21,940 agreement with the Wisconsin Coastal Management Program (Grant Control No. 2005-042) to be utilized for testing technology.

FISCAL NOTE: 50% in-kind soft match required on the part of the city.

Sponsors: James T. Spangenberg

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

**AYES:** 13 - Fair, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Sollman, Spangenberg and Wisneski

**EXCUSED:** 2 - Anderson and Hart

**Res.06-7139** GRANT FOR ELIMINATION OF CHILDHOOD LEAD POISONING

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an agreement in the amount of \$175,000, with the Cities United for Science Progress and the U.S. Conference of Mayors and DuPont (Grant Control No. 2006-019) for funds to be utilized for the elimination of childhood lead poisoning.

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

Sponsors: Raymond DeHahn And James T. Spangenberg

**Adopted**

**Res.06-7140** GRANT AGREEMENT FOR LEAD POISONING PREVENTION

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

into an agreement in the amount up to \$106,692 with the Centers for Disease Control with funds to be utilized for the Lead Poisoning Prevention Program (Grant Control No. 2006-010).

FISCAL NOTE: 50% in-kind soft match required on the part of the City.

Sponsors: Raymond DeHahn And James T. Spangenberg

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

**AYES:** 13 - Fair, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Sollman, Spangenberg and Wisneski

**EXCUSED:** 2 - Anderson and Hart

**Res.06-7141** AMENDED GRANT CONTRACT FOR WIC

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an amended contract with the Wisconsin Department of Health and Family Services for the Women, Infants, and Children Program (Grant Control No. 2005-048).

FISCAL NOTE: Contract will be increased to \$14,521 with no match required on the part of the City.

Sponsors: Raymond DeHahn And James T. Spangenberg

**Adopted**

**Res.06-7142** CONDITIONAL USE PERMIT FOR 2500 LATHROP AVENUE

RESOLVED, that the request of Mitan Pandya of Balark, LLC seeking an amendment to a conditional use permit to construct a 1,629 square foot addition to the convenience store at 2500 Lathrop Avenue be approved subject to the following conditions:

- a. That the plans stamped "Received June 28, 2006" and presented to the Plan Commission of July 12, 2006 be approved subject to the conditions contained herein.
- b. That all building and occupancy permits be requested from the Building Inspection Department.
- c. That the maximum hours of operation be from 5:30 a.m. to 12:00 a.m. Monday through Saturday, and 5:30 a.m. to 10:00 p.m. on Sunday.
- d. That the maximum hours of operation for the vacuums be limited to 7:00 a.m. to 10 p.m. daily.

- e. That all aspects of the operation of this business be conducted indoors including vending machines, product displays or sales.
- f. That the sale of vehicles is prohibited at this location.
- g. That decorative brick/block shall be used on the west and east elevations of the building addition.
- h. That by October 31, 2006, the northern most drive onto Lathrop Avenue shall be closed, curbing installed, and a grass parkway restored to City standards. All driveway closures are subject to the review and approval of the Commissioner of Public works.
- i. That prior to the issuance of a building permit the following shall be accomplished:
  - 1. Examples of the decorative brick/block selection be presented to the Director of City Development for review and approval.
  - 2. A landscape plan be submitted for the review and approval of the Director of City Development that, at a minimum, illustrates the provision of a landscaping bed and plantings along the south lot line, along the sidewalk at appropriate areas along Lathrop Avenue, and in the southeast planter area.
- j. That if an occupancy permit for the building expansion is requested prior to the implementation of the approved landscape plan, then a letter of credit shall be submitted equal to the value of the landscaping to be installed.
- k. That all trash and recyclables be stored in closed containers and screened from view. No garbage pick-up shall be conducted between the hours of 6:00 p.m. and 7:00 a.m. The rear of the dumpster enclosure shall be located no closer than 10 feet to the west lot line. Final design of the dumpster enclosure shall be presented to the Director of City Development prior to construction.
- l. That all roof-top mechanical equipment be screened from view.
- m. That all parking areas be paved and striped.
- n. That the existing storage shed found at the southwest corner of the property be removed from the property.
- o. That all yard areas, landscaping buildings, and grounds be maintained on a daily basis.
- p. That the existing rear yard offset be maintained with both the building addition and the dumpster enclosure and that the southern side yard offset comply with ordinance requirements.
- q. That all codes and ordinances be complied with and required permits acquired.

r. 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.

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

FISCAL NOTE: N/A

Sponsors: Gregory Holding

**Adopted**

**Res.06-7143    CONDITIONAL USE PERMIT FOR 600 THREE MILE ROAD**

RESOLVED, that the request of Mitan Pandya of Balark, LLC seeking an amendment to a conditional use permit to construct a 1,840 square foot addition to the convenience store at 600 Three Mile be approved subject to the following conditions:

a. That the plans stamped "Received June 28, 2006" and presented to the Plan Commission of July 12, 2006 be approved subject to the conditions contained herein.

b. That all building and occupancy permits be requested from the Building Inspection Department.

c. That the maximum hours of operation be from 5:30 a.m. to 12:00 a.m. daily.

d. That the maximum hours of operation for the vacuums be limited to 7:00 a.m. to 10 p.m. daily.

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

f. That the sale of vehicles is prohibited at this location.

g. That decorative brick/block shall be used on all elevations of the building addition.

h. That by October 31, 2006, the eastern most drive onto Three Mile Road, and the Southern most driveway onto Erie Street shall be closed, curbing installed, and a grass parkway restored to City standards. All driveway closures are subject to the review and approval of the Commissioner of Public works.

i. That prior to the issuance of a building permit the following shall be accomplished:

1. Examples of the decorative brick/block selection be presented to the Director



of City Development for review and approval.

2. A landscape plan be submitted for the review and approval of the Director of City Development that, at a minimum, illustrates the provision of a landscaping bed and plantings along the south and east lot lines, and along the sidewalk at appropriate areas along Three Mile Road and Erie Street.

j. That if an occupancy permit for the building expansion is requested prior to the implementation of the approved landscape plan, then a letter of credit shall be submitted equal to the value of the landscaping to be installed.

k. That all trash and recyclables be stored in closed containers and screened from view. No garbage pick-up shall be conducted between the hours of 6:00 p.m. and 7:00 a.m. Final design of the dumpster enclosure shall be presented to the Director of City Development prior to construction.

l. That all roof-top mechanical equipment be screened from view.

m. That all parking areas be paved and striped.

n. That the existing storage shed found at the northwestern portion of the property, and the fenced concrete pad found in the northwest corner of the property be removed.

o. That all yard areas, landscaping, buildings and grounds be maintained on a daily basis.

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

q. 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.

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

FISCAL NOTE: N/A

Sponsors: Gregory Holding

**Adopted**

**Res.06-7144** **CONDITIONAL USE PERMIT FOR 2200 SOUTH STREET**

RESOLVED, that the request of Peter Mohrhauser of Retail Maintenance Services, Inc. seeking a conditional use permit for a mixed use development at 2200 South Street be approved, subject to the following conditions:

a. That the plans stamped "Received June 29, 2006" and presented to the Plan Commission on July 12, 2006 be approved, subject to the conditions contained herein.

- b. That all building and occupancy permits be requested from the Building Inspection Department.
- c. That the total square feet devoted to the operation of Retail Maintenance Services, Inc. not exceed 60% of the total floor area of the building.
- d. That all parking areas be paved and striped.
- e. That all aspect of the operation Retail Maintenance Services, Inc. be contained indoors.
- f. That all signs be professionally made and comply with zoning ordinance requirements.
- g. That all other uses on this property may be permitted by right or by conditional use in accordance with those permitted in the I-2 General Industrial District.
- h. That all yard areas, landscaping, buildings and grounds be maintained on a daily basis.
- i. That all trash and recyclables be stored in closed containers and screened from view.
- j. That all codes and ordinances be complied with and required permits acquired.
- k. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- l. That this permit is subject to Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

Sponsors: Gregory Holding

**Adopted**

[Res.06-7145](#) **CONDITIONAL USE PERMIT FOUR GASLIGHT DRIVE, GASLIGHT POINTE DEVELOPMENT**

RESOLVED, that the the plans submitted by New England Builders for Gaslight Pointe Associates, LLC., seeking a conditional use permit in the planned development of Gaslight Pointe to construct a four-story residential condominium at Four Gaslight Drive be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on July 12, 2006 be approved subject to the conditions contained herein:
- b. That the following be accomplished prior to the issuance of a building permit;
1. Submit site, lighting, and landscaping plans to the Downtown Area Design Review Commission for review and consultation.
  2. Submit site, lighting and landscaping plans to the Director of City Development for review, an approval following Downtown Area Design Review Commission's review and consultation.
  3. Submit for approval drainage plans to the City Engineer, and utility plans to the Racine Water and Waste Water Utilities.
- c. That the following be accomplished prior to the issuance of occupancy permits;
1. Install all landscaping as illustrated in the approved plans or submit a letter of credit equal to the value of the approved plan. In such latter case, landscaping shall be completed within six months of the date an occupancy permit was obtained.
  2. All drive and walk areas shall be have final pavement or a letter of credit shall be provided equal to the value of the paving. In such latter case, final paving shall be completed within six months of the date an occupancy permit was obtained.
  3. All appropriate documents as outlined by Section 114-181 of the City of Racine Municipal Code shall be filed by the applicant, or its agent, with the Racine County Register of Deeds. Prior to recording, all documents shall be submitted to the Director of City Development for review and approval.
- d. That the project density, floor area ratio, units count, yard areas and building height be complied with as presented in the approved plans.
- e. That any driveway openings and closures are subject to the review and approval of the Commissioner of Public Works.
- f. That all codes and ordinances be complied with and all permits acquired.
- k. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- l. That this permit is subject to Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

Sponsors: Gregory Holding

**Adopted****Res.06-7146** SPIRIT OF RACINE TRIATHLON

RESOLVED, pursuant to the terms of Racine Municipal Code sec. 70-101(b), permission be granted to the Racine County Convention and Visitors Bureau and HFP Racing, event promoter of the Spirit of Racine Triathlon, to permit race promoters and participants to stay overnight in North Beach Park, July 19-24, 2006 in relation to the 2006 triathlon.

FISCAL NOTE: N/A

Sponsors: Jim Kaplan

*Alderman Kaplan requested that the Council suspend the rules on Res. # 06-7146 and the Resolution be adopted.*

**Adopted**

**L. Ordinances****ZOrd.0004-06** AN ORDINANCE REZONING 2711 LATHROP 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 2711 Lathrop Avenue, and more particularly described as follows:

"Begin at a point which is 500 feet south of the southeast corner of the intersection of Blue River and Lathrop, from that point travel easterly 481.03 feet, thence travel southerly 212.70 feet, thence travel easterly 60 feet, thence travel northerly 106.35 feet, thence travel westerly 421.03 feet to the east line of Lathrop Avenue, thence travel northerly along said line to the point of beginning of this description. Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "I-1" Restricted Industrial District, to "I-1" with a Flex Development Overlay District, and designated as Supplement No. \_\_\_\_\_, which Supplement is hereby made a part of this ordinance.

Part 2:

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

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

Approved:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

FISCAL NOTE: N/A

Sponsors: Gregory Holding

**Referred to City Plan Commission**

**ZOrd.0005-06 AN ORDINANCE REZONING 1028 AND 1038 SOUTH MEMORIAL DRIVE**

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 parcels located at 1028 and 1038 South Memorial Drive, and more particularly described as follows:

"Begin at a point which is 80 feet north of the northwest corner of Eleventh Street and S. Memorial Drive, from that point travel westerly 108.7 feet, travel thence northerly 34 feet, travel thence westerly 20.1 feet, travel thence northerly 137.6 feet, thence travel easterly 120.5 feet to the west line of S. Memorial Drive, thence travel southerly along said line to the point of beginning of this description. Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "B-2" Community Shopping District, to "R-3" General Residence 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

**Sponsors:** Gregory Holding

**Referred to City Plan Commission**

**ZOrd.0006-06** AN ORDINANCE REZONING 720 SOUTH MARQUETTE STREET

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 parcel located at 720 South Marquette Street, and more particularly described as follows:

"The West ½ of Bush's Subdivision of Block 50 School Section Lots 1 thru 12 except part dedicated for street purposes as described in Volume 1617 page 440 as recorded in the office of the Register of Deeds of Racine County. Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "I-2" General Industrial District, to "R-5" General Residence District with a Flex Development Overlay, 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

Sponsors: Gregory Holding

**Referred to City Plan Commission**

Ord.30-06

ORDINANCE NO. 30-06

To amend Sec. 18-42 of the Municipal Code of the City of Racine, Wisconsin relating to Buildings and building regulations - Substitute for buildings; use and placement restricted.

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

Part 1:

Sec. 18-42 of the Municipal Code of the City of Racine is hereby amended by inserting "(a)" at the beginning of the first paragraph and by inserting the following new paragraph at the end of the section:

"(b) Temporary Permit. The use of any substitute for a building shall be temporary in nature. Upon compliance with all other conditions for a permit under this section, the chief building inspector may grant a permit only in the form of a temporary and revocable permit for a period not to exceed twelve months, and further subject to such conditions as will safeguard the public health, safety, convenience and general welfare. Requests for renewal for like terms shall be made to the chief building inspector. Denial of a permit under this section may be appealed to the building board of appeals."

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

Approved:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

FISCAL NOTE: N/A

Sponsors: Ronald D. Hart

**Referred to Public Works and Services Committee**

Ord.31-06

ORDINANCE NO. 31-06

To amend Secs. 78-1, 78-7(b) and create Sec. 78-36 of the Municipal Code of the City of Racine, Wisconsin relating to Solid Waste - Definitions; Forfeitures and Setting out of medical waste and hazardous or toxic waste.

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

Part 1:

Sec. 78-1 of the Municipal Code of the City of Racine is hereby amended by adding the following definition after the definition of "*Institutional premises*":

"*Medical waste* means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes."

Part 2:

Sec. 78-7(b) of the Municipal Code of the City of Racine is hereby amended by adding the following after "78-31";

<i>Section Number</i>	<i>Violation</i>	<i>Forfeiture</i>
78-36	Medical waste and hazardous or toxic waste	
	First offense	\$100.00
	Second offense (within 6 months)	\$300.00
	Third/subsequent offense (within 2 years)"	\$500.00

Part 3:

Sec. 78-36 of the Municipal Code of the City of Racine is hereby created to read as follows:

**"Sec. 78-36. Medical waste and hazardous or toxic waste.**

(a) No person shall place medical waste or hazardous or toxic waste out for collection by the city.

(b) If medical waste or hazardous or toxic waste is discovered to be placed out for collection, the commissioner of public works, in accordance with procedures approved by the health officer, and to protect the safety health, safety and



welfare, shall, attempt immediate contact with the occupant of the premises, who shall be requested to take custody of his/her medical waste or hazardous or toxic waste for proper disposal, and if such attempt fails, then, without prior notice to the owner or tenant, the commissioner shall take immediate action to barricade such waste and arrange for its prompt collection or disposal by an authorized entity. If the medical waste or hazardous or toxic waste is discovered after being placed in a garbage truck, the truck shall immediately be taken off its route and proper disposal of the medical waste or hazardous or toxic waste shall be made by an authorized agency. The costs of such actions and services resulting from the presence of medical waste and hazardous or toxic waste shall be billed to the owner of the property at which the waste was placed for collection, and if not paid, shall be assessed against the real estate as a special charge."

Part 4:

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

Passed by the Common Council:

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Approved:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

FISCAL NOTE: N/A

Sponsors: Ronald D. Hart

**Referred to Public Works and Services Committee**

Sponsors: Ronald D. Hart

**Referred to Board of Health**

Ord.32-06

ORDINANCE NO. 32-06

To amend Sec. 82-153(c) and (d) and Sec. 82-155 of the Municipal Code of the City of Racine, Wisconsin relating to Streets, sidewalks and certain other public places - Sidewalk café; application; Renewal permit.

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

Part 1:

Sec. 82-153(c) of the Municipal Code of the City of Racine is hereby amended

by deleting the phrase "city plan commission" and inserting "chief building inspector and director of city development" in its place.

Part 2:

Sec. 82-153(d) of the Municipal Code of the City of Racine is hereby amended by deleting the phrase "city plan commission" in two places in the paragraph, and by inserting "director of city development" in its place in the first sentence; by inserting the following at the end of the first sentence: ", and shall provide the chief building inspector his recommendation. The chief building inspector shall review the application for compliance with zoning and shall consider the recommendation of the director of city development, and" ....

Part 3:

Sec. 82-155 of the Municipal Code of the City of Racine is hereby amended by deleting "plan commission" in the first sentence and inserting "director of city development, the chief building inspector" in its place; by deleting in the first sentence "approved by" and inserting "has received" in its place and by adding "approval" at the end of the sentence. In the second sentence, delete the word "and" after the word "division," and after the word "used", add the following phrase: "and the permittee has not been cited for or convicted of a permit violation or an alcohol license violation relating to the sidewalk café, then ...." and by deleting at the end of the paragraph the phrase, "after common council approval."

Part 4:

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

Passed by the Common Council:

\_\_\_\_\_

Approved:

\_\_\_\_\_

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

FISCAL NOTE: N/A

Sponsors: Gregory Holding

**Referred to City Plan Commission**

Sponsors: Gregory Holding

**Referred to License and Welfare Committee**

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:

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Approved:

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\_\_\_\_\_  
Mayor

Attest:

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

FISCAL NOTE: N/A

Sponsors: Gregory Holding, Q.A. Shakoor And II

**Referred to Committee of the Whole**

**O. Adjourn**

*The meeting was adjourned at 9:15 PM by Alderman Shakoor. The next scheduled meeting of the Council is August 2, 2006.*

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