



# City of Racine

## Meeting Agenda - Final

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

### Public Safety and Licensing Committee

*Chairman David L. Maack, Vice Chair Q.A. Shakoor, II,  
Alderman Gregory Holding, Alderman Tim Hermes,  
Alderman Jim Kaplan*

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Monday, November 13, 2006

5:00 PM

City Hall, Room 205

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#### Call To Order

#### Approval of Minutes for the October 23, 2006 Meeting.

1. [06-2747](#) **Subject:** Communication from the Chief of Police requesting to amend the 2006 Asset Forfeiture Spending Plan, as adopted by Council, to include \$20,000 for the purchase of 20 tasers.

**Staff recommendation to the Finance & Personnel Committee:**

Permission granted to the Chief of Police to amend the 2006 Asset Forfeiture Spending Plan to increase capital outlay by \$20,000 to be utilized for the purchase of 20 tasers.

**Staff recommendation to the Public Safety & Licensing Committee:**

That permission be granted to amend the 2006 Asset Forfeiture Spending Plan to increase capital outlay by \$20,000 for the purchase of 20 tasers.

**Fiscal Note:** \$20,000 appropriated in account 241.000.5770 Machinery & Equipment.

2. [06-2748](#) **Subject:** Communication from the Chief of Police requesting permission to accept the in-kind donation of decal application services, offered by the Sign Shop, Inc., for the Racine Police Department's marked canine squad car. No matching funds from the City are required.

**Staff recommendation to the Finance & Personnel Committee:**

Permission granted to the Chief of Police to accept the in-kind donation for the decal application services for Racine Police Department's marked canine squad car from Sign Shop, Inc. and an appropriate letter of thanks be sent.

**Staff recommendation to the Public Safety & Licensing Committee:**

That permission granted to the Chief of Police to accept the in-kind

donation for the decal application services for Racine Police Department's marked canine squad car from Sign Shop, Inc. and an appropriate letter of thanks be sent.

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

3. [06-2767](#) **Subject: Direct Referral**, Change Order #1 and Final Payment on Contract 20-06 (K6-021), Electrical Improvements at Lockwood Park by Great Lakes Electric, Inc., of Kenosha.

**Staff Recommendation:** That Change Order #1 and Final Payment on Contract 20-06 (K6-021), be approved.

4. [06-2768](#) **Subject: Direct Referral**, Change Order #1 and Final Payment on Contract 59-05 (K5-068), New Football Lighting at Horlick Athletic Field by Delta Electric, Inc., of Racine.

**Staff Recommendation:** That Change Order #1 and Final Payment on Contract 59-05 (K5-068), be approved.

5. [06-2797](#) **Subject: Direct Referral**, Contract 41-04 (K4-054), HVAC Upgrades at Dr. Bryant Community Center by Action Plus LLC, South Milwaukee, WI

**Staff Recommendation:** That the settlement amount be approved and final payment be made.

6. [06-2712](#) **Subject:** Application of Super Taqueria, Jose Roman, Agent, for a "Class C" Wine and Class "B" Retail Fermented Malt Beverage License for 1824 Douglas Avenue. (5th District)

**Staff Recommendation:** To be determined by committee.

7. [06-2625](#) **Subject: (Direct Referral)** Incident relating to City Haul Lounge on 10-4-06.

**Recommendation of the Public Safety & Licensing Committee of**

**10/09/06:** That the owner of the City Haul Lounge, 835 Washington Avenue, be requested to appear at the October 23, 2006.

**Recommendation of the Public Safety & Licensing Committee of**

**10/23/06:** That the item be deferred until the November 13, 2006 meeting and City Attorney Weber along with Mr. Hand and his counsel, meet to come up with an agreed upon agreement.

**Staff Recommendation:** To be determined by committee.

**Fiscal Note:** N/A

8. [06-2782](#) **Subject:** The application of Lush Life, Inc., Jeannie Dillon, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 550 State Street. (4th District)

**Staff Recommendation:** To be determined by committee.

9. [06-2783](#) **Subject:** The application of Mike Isaacson & Jason Collum, Jason Collum, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 501 Sixth Street. (1st District)

**Staff Recommendation:** To be determined by committee.

10. [06-2805](#) **Subject: (Direct Referral)** The application of Debbie Radtke & Sandy Rudstrum for a (Temporary)Public Passenger Vehicle License (Horse and Surrey). (New)

**Staff Recommendation:** To be determined by committee.

11. [Ord.39-06](#) Ordinance No. 39-06

To create Secs. 50-65 and 50-66 of the Municipal Code of the City of Racine, Wisconsin relating to Annual fire prevention inspection fees.

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

Part 1:

Secs. 50-65 and 50-66 of the Municipal Code of the City of Racine are hereby created to read as follows:

“Sec. 50-65. Annual fire prevention inspection.

The officers of the bureau of fire prevention shall conduct annual fire prevention inspections for each building, structure, and premises in the City of Racine and charge the property owner a fee based on occupancy classification. This fee shall apply to taxable and tax exempt property alike.

Sec. 50-66. Fire prevention inspection fee schedule and provisions.

(a) Fees, based on occupancy classification:

|                              |       |
|------------------------------|-------|
| (1) Public Assembly          | \$125 |
| (2) Educational Institutions | \$125 |
| (3) Institutional            | \$250 |

- (4) Residential Multi-Family (3 units up) \$125
- (5) Stores, Office \$100
- (6) Basic Industry, Utility, Defense \$125
- (7) Manufacturing \$225
- (8) Storage, Warehouse \$100
- (9) Special, not classified \$75
- (10) Compliance Inspections for Wisconsin Health and Social Services  
Community Based Residential Facilities (CBRF)  
Single Family Home \$50  
Multi-Family Homes \$100

(b) The annual fire prevention inspection fee shall constitute a special charge against the property under Wis. Stat. § 66.601(16), and shall be placed on the annual tax roll for collection as a special charge. All proceedings related to the collection of real estate taxes shall apply.

(c) Five percent of the total annual fire prevention inspection fees collected shall be used exclusively for the Fire Safety and Education programs.

(d) All buildings, structures, and premises owned by the State of Wisconsin, and the United States Government shall be exempt from the annual fire prevention inspection fee.”

Part 2:

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: David L. Maack

12. [Ord.40-06](#) Ordinance No. 40-06

To amend Sec. 6-137 of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic Beverages - Nonrenewal, suspension and revocation.

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

Part 1:

Section 6-137(b) of the Municipal Code of the City of Racine is hereby amended by deleting in the second sentence, "and no other license issued under this article may be granted within 12 months of the date of revocation to the person whose license was revoked."; and by adding a period after the word "clerk" in the second sentence; by adding the following third sentence: "No license shall be issued for any premises if a license has been revoked (or voluntarily surrendered after the common council has voted to pursue a due process hearing) within 6 months prior to application."; and by adding a fourth sentence: "No license shall be issued to any person who has had a license issued pursuant to this article revoked within 12 months prior to application."

Part 2:

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: David L. Maack and Gregory Holding

13. [Ord.41-06](#) Ordinance No. 41-06

To create Section 6-19 of the Municipal Code of the City of Racine, Wisconsin relating to Alcohol beverages - licensee responsibility for the control of patrons on the licensee's building lot and parking lot.

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

Part 1:

Section 6-19 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Sec. 6-19. Off-licensed premises conduct of patrons and persons as a basis for disciplinary actions.

A. Purpose.

The purpose of this ordinance is to protect the peace, tranquility and property values of the neighborhood in which a Class "A", "Class A", Class "B", "Class B", or "Class C" (if available) premise licensed under this ordinance is located.

B. Responsibility of licensee.

Over and above the other provisions of this chapter and chapter 125, Wis. Stat., every Class "A", "Class A", Class "B", "Class B", or "Class C" (if available) licensee licensed under this chapter shall, during hours of operation of the licensed premises, be responsible for the conduct of patrons and persons who are not on the licensed premises, but are present on the following described off-licensed premises' property:

1. Parking lot owned or operated by licensee which serves the licensed premises;
2. The lot upon which the building being the subject of the license or parking lot serving the licensed premises is situated;

Examples of conduct which could form the basis for an order hereunder include, but are not limited to:

3. Loitering where accompanied by loud noise, threats, fighting, open intoxicants, consumption of intoxicants, weapons use or display, illegal drug use or sale, urination, or otherwise disturbing, disorderly, or illegal conduct;
4. Loitering of persons under the influence of alcohol beverage or drugs.

The licensee shall be responsible to monitor off-licensed premises property for compliance with this ordinance. The licensee shall have a duty to direct patrons or persons engaged in loitering to immediately leave property. The licensee is not to use physical force to remove any such person or patron. Should notified persons and patrons fail to comply, licensee shall have an obligation to call the city police department for assistance. The licensee may elect to first call the police department if the licensee has concern for their safety.

"*Licensee*" shall mean and include any person having control of the operation of the licensed premises.

C. Complaints.

Complaints may be made by the mayor, common council, committee, State of Wisconsin, an alderperson, police chief, city attorney, and any resident of the City of Racine.

Complaints shall be made in writing and filed with the city clerk. The city clerk shall direct the complaint to the chair of the Public Safety and Licensing Committee. With respect to complaints of illegal drug use or sale, the city clerk shall not direct the complaint to the committee until first consulting with the

police department and receiving a determination that the review of the complaint by the committee will not interfere with a law enforcement investigation. The chair shall review the complaint and any other documentation available to the chair, including, but not limited to, police reports and statements of the complainant, licensee, or others, to determine whether the complaint has sufficient merit to be placed on the committee agenda.

D. Committee action on complaint.

The committee shall order the licensee to appear before it to discuss the complaint and potential remedies. After hearing from the complainant, licensee and all interested parties, and reviewing all applicable reports, statements and documentation, the committee shall have four (4) options:

1. No action taken. No action shall be taken on the complaint if it is unfounded, without merit, or if the alleged conduct is outside of the effective control of the licensee.
2. Oral recommendations. Oral recommendations may be given from the committee to the licensee on how the licensee could address the issues raised in the complaint.
3. Written recommendations. If the committee finds that the complaint has merit and that a reasonable remedy exists, the committee may cause a written recommendation be sent to licensee through the U.S. mail, first class, postage prepaid. The written recommendation shall include the committee's finding on the complaint, the remedies, the timetable and/or deadlines for compliance, and an order to appear back before the committee on a specific date or dates to determine compliance with directives. The only portion of the written recommendation which would subject the licensee to discipline for noncompliance is that portion ordering the licensee to appear before the committee.
4. Orders. If the committee finds the complaint has merit, and that a reasonable remedy exists, and that written recommendations are inappropriate or ineffective, the committee may recommend to the common council that formal orders be issued by the common council. Unless otherwise stated, orders are permanent, unless rescinded, as long as the licensee maintains the same type of license at the location being the subject of the complaint. Orders may include, but are not limited to, the following remedial actions.
  1. Reduction in hours of operation of licensed premises;
  2. Prohibition of the sale of carryout alcohol beverages;
  3. Establishment of specified security measures;
  4. Prohibition of loitering.

E. Common Council action on complaint. Upon recommendation by the committee for written orders as provided herein, the common council shall order the licensee to appear before the common council. After meaningful opportunity for the licensee to be heard, the common council shall issue the

order that it deems appropriate. Orders from the common council will be sent to the licensee at the address of the licensed premises by first class mail, postage prepaid.

F. Committee review. After orders issued by the common council, the committee shall conduct such reviews as it deems necessary and sufficient in order to monitor compliance by licensee with the orders. If at any review it appears to the committee that the licensee is materially noncompliant, it may require the city attorney to commence formal disciplinary proceedings for violation of the orders.

G. Violations. Violations of a final order of the common council, regardless of subsequent remedial measures, shall constitute grounds for disciplinary action, including a ten (10) day suspension per violation of noncompliance.”

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: David L. Maack

14. [Ord.42-06](#)

Ordinance No. 42-06

To create Sec. 6-59 of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic beverages - Grant of conditional license.

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

Part 1:

Section 6-59 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Sec. 6-59. Grant of conditional license.

(a) Notwithstanding the time limits set forth herein, whenever the proposed licensed premises is a building to be newly constructed or an existing building upon which major alteration, addition, renovation or other similar work is



required in order to bring the premises in conformity with the representations made to the common council as part of the application and consideration of the application, the common council, upon recommendation of the Public Safety and Licensing Committee, may grant a license conditional upon the satisfactory completion of such construction, alteration, addition, renovation or other work, or such annexation.

(b) The Common Council, in making such a conditional grant of a license, may direct the city clerk to withhold the issuance of the license for such time, not to exceed nine (9) months, as the common council deems a reasonable period for completion of such work in conformity with all such representations made to the common council, and/or completion of the annexation. Upon request of the applicant, this period may be extended for an additional period not to exceed six (6) months, and the license may be renewed one time with issuance withheld, but no such extension shall be granted unless the applicant has already completed a substantial portion of the construction or renovation of the premises with the original time set by the common council for withholding of the issuance of the license pending completion of the work. The common council may further require the applicant to notify the city clerk upon completion of the work, after which the common council shall cause such inspection of the premises as it deems appropriate to ascertain that the premises is in conformity with all material representations made to the common council at the time of the granting of the license. Upon satisfactory completion of the work, the common council may direct the city clerk to issue the license.

(c) Any material failure to conform with all such representations made to the Common Council as to the proposed licensed premises within the time set for completion of such work and any extensions of such time shall render the decision to grant the license void, and shall be deemed a denial of the application by the common council as of the expiration of the time or extended time for completion of construction.

(d) In any case where there is a conditional grant of license, and the license is ordered withheld for a time period or periods to allow for construction, and the applicant subsequently fails to satisfy the conditions of the grant of the license by satisfactory completion of such construction within the allotted time, the entirety of the license fee shall be non-refundable.”

Part 2:

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: David L. Maack

15. [Ord.43-06](#)

Ordinance No. 43-06

To amend Sec. 6-54 of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic beverages - Licensing.

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

Part 1:

Sec. 6-54 of the Municipal Code of the City of Racine is hereby amended by deleting the period at the end of the first sentence and adding the words "at least two weeks prior to the city clerk's submission of the application to the common council."; and by deleting the second sentence; by adding the words, "and contact phone numbers" after the word "address" in the fourth sentence; by adding "(s)" to the word "person" in the fourth sentence; by adding the following sixth sentence to the section: "At the time the application for a new or changed license is submitted, the applicant shall also submit the answers to a written questionnaire and provide a written business plan which conforms to an outline available in the city clerk's office."

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: David L. Maack

16. [Ord.44-06](#)

Ordinance No. 44-06

To amend Secs. 6-51 and 22-477 of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic Beverages - Limitations on issuance of licenses.

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

Part 1:

Sections 6-51 and 22-477 of the Municipal Code of the City of Racine are hereby amended by adding the following sentence at the end of each referenced section: "The city will not renew an existing "Class A" liquor license or Class "A" beer license for a gasoline service station, a boat and marine retail store or a convenience store whose premises are less than 3,000 square feet if application is not made within 30 days of the expiration of said license."

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: David L. Maack

17. [06-2806](#) **Subject:** (Direct Referral) Applications for Operator's (Bartender's) Licenses.

**Staff Recommendation:** That the Operator's License Applications be approved, pending records checks.

18. [06-2808](#) **Subject:** (Direct Referral) License Premise Report

Cackle Jack's - 3620 Northwestern Avenue  
"Class B" License

**Staff Recommendation:** To be determined by committee.

19. [06-2807](#) **Subject:** October, 2006 License Premise Report.

**Staff Recommendation:** To be determined by committee.

20. [06-2741](#) **Subject: (Direct Referral)** Communication from the Purchasing Agent submitting the monthly report for the sale of Abandoned Vehicles, October 19, 2006.

**Staff Recommendation:** That the report be accepted as presented.

21. [06-2800](#) **Subject: (Direct Referral)** Communication from the Purchasing Agent submitting the monthly report for the sale of Abandoned Vehicles, November 7, 2006.

**Staff Recommendation:** That the report be accepted as presented.

#### Miscellaneous Business

**If you are disabled and have accessibility needs or need information interpreted for you, please contact City Clerk's Office at (262) 636-9171 at least 48 hours prior to this meeting.**