



City of Racine

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

Meeting Agenda - Final Common Council

Mayor Cory Mason
Alderman Jeff Coe
Alderman Mollie Jones
Alderman John Tate II
Alderman Tracey Larrin
Alderman Steve Smetana
Alderman Sandy Weidner
Alderman Raymond DeHahn
Alderman Q.A. Shakoor II
Alderman Terry McCarthy
Alderman Dennis Wisner
Alderman Mary Land
Alderman Henry Perez
Alderman James Morgenroth
Alderman Jason Meekma
Alderman Melissa Lemke

Monday, April 16, 2018

7:00 PM

City Hall, Room 205

Old Council

- A. Call To Order
- B. Pledge of Allegiance To The Flag
- C. Approval of Journal of Council Proceedings (Minutes)
April 4, 2018
- D. Proclamations
- E. Public Comments
- F. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor II

[0345-18](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to accept a \$1,000.00 Gus Macker sponsorship donation from Racine Dental Group.

[0346-18](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to accept a \$2,500.00 Gus Macker sponsorship donation from Anthem, Inc./Blue Cross Blue Shield.

- [0384-18](#) **Subject:** Communication from the Mayor proposing an ordinance change effecting the consolidation of the Traffic Commission and the Transit and Parking Commission.
- [0385-18](#) **Subject:** Communication from the Mayor proposing an ordinance effecting the consolidation of the Board of Cemetery Commissioners and the Golf Course Liaison Committee with the Board of Parks, Recreation and Cultural Services Commissioners.
- [0386-18](#) **Subject:** Communication from the Mayor proposing an amendment to City of Racine Ordinance 62.29(a) adding two members to Affirmative Action and Human Rights Commission.
- [0387-18](#) **Subject:** Communication from the Mayor proposing the Ad Hoc Cannon Committee be dissolved.
- [0390-18](#) **Subject:** Communication from the Mayor proposing an amendment to City of Racine Ordinance 98.33(a) eliminating the requirement that one of the aldermanic members of the Waterworks Commission "shall be a member of the common council finance committee".

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

- [0338-18](#) **Subject:** Communication from Real Racine, on behalf of HFP Racing, requesting permission to use City right-of-way for the Real Racine International Triathlon on Sunday, July 15, 2018.
- [0349-18](#) **Subject:** Communication from Randy Treu, on behalf of Indian Motorcycle of Racine and The NASH, requesting to use City right-of-way on May 26, 2018 and September 1, 2018 for fundraisers to benefit the Veterans Tiny Village.
- [0365-18](#) **Subject:** Communication from the Alderman of the 3rd District, on behalf of the Uptown BID, requesting to discuss the resurfacing project and striping options - State Project ID: 2440-12-30/60, Washington Avenue (STH 20) - West Boulevard to Marquette St.
- [0378-18](#) **Subject:** Communication from the Eagle's Club requesting permission to close the 300 block of Hamilton Street and the 1100 block of Chatham Street from 11:00 A.M. to 6:00 P.M. on Sunday, June 24, 2018, for the annual Eagle's Club Car and Motorcycle Show fundraiser.

Refer to Public Safety and Licensing Committee, by Ald. Coe

- [0374-18](#) **Subject:** Application of The Corner House, Inc. dba Corner House, Benjamin J. Nelson, Agent, for a **Change of Agent** for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1521 Washington Avenue. (3rd District)

Refer to Traffic Commission, by Ald. Jones[0373-18](#)

Subject: Communication from the Alderman of the 7th District, on behalf of Mark Matsen - 2127 Shoop St., regarding parking restrictions on Shoop Street.

G. Committee Reports**Finance and Personnel Committee Report, by Ald. Shakoor II**[0263-18](#)

Subject: Communication from the Director of Parks, Recreation, and Cultural Services requesting permission to appear before the Finance and Personnel Committee to discuss the sole source procurement of a Barber beach cleaner surf rake. (Res. 0112-18)

Recommendation of the Finance & Personnel Committee on

4/9/2018: That the Purchasing Agent be authorized to negotiate and contract with Barber for the purchase of a Barber Surf Rake.

Fiscal Note: N/A

[0285-18](#)

Subject: Financial Assistance Agreement Resolution for Safe Drinking Water Loan 4887-09 for Lead Service. (Res. 0113-18)

Recommendation of the Waterworks Commission on 3/27/18: To approve and authorize the Mayor and City Clerk to enter into the Financial Assistance Agreement (FAA).

Recommendation of the Finance & Personnel Committee on

4/9/2018: To approve and authorize the Mayor and City Clerk to enter into the Financial Assistance Agreement (FAA) for the Safe Drinking Water Loan 4887-09 for Lead Service Replacements.

Fiscal Note: The FAA will make available up to \$1,400,000 in a principal forgiveness loan for lead service lateral replacements.

[0308-18](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer requesting permission to apply for the WisDNR Urban Nonpoint Source & Storm Water Construction Grant for Lakeview Park (Grant Control No. 00173). (Res. 0114-18)

Recommendation of the Public Works and Services Committee on

03-27-18: Permission be granted for the Assistant Commissioner of Public Works/City Engineer to apply for the WisDNR Urban Nonpoint Source & Storm Water Construction Grant for Lakeview Park (Grant

Control No. 00173).

Recommendation of the Finance & Personnel Committee on

4/9/2018: Permission be granted for the Assistant Commissioner of Public Works/City Engineer to apply for the WisDNR Urban Nonpoint Source & Storm Water Construction Grant for Lakeview Park (Grant Control No. 00173).

Fiscal Note: Local match funded 50% by Storm Water Utility and 50% by the Parks Department CIP.

[0311-18](#)

Subject: Communication from the Finance Director requesting permission to appear before the Finance and Personnel Committee at their meeting scheduled on Monday, April 9, 2018 to discuss transferring budgeted amounts for Fire Department Clothing Allowance from the Salaries and Fringe Benefit appropriation unit to the Operating Expenditures appropriation unit in conformity with the negotiated Collective Bargaining Agreement for Fire Fighters Local 321. (Res. 0118-18)

Recommendation of the Finance & Personnel Committee on

4/9/2018: To approve the transfer of budgeted amounts for Fire Department Clothing Allowance from the Salaries and Fringe Benefit appropriation unit to the Operating Expenditures appropriation unit in conformity with the negotiated Collective Bargaining Agreement for Fire Fighters Local 321.

Fiscal Note: \$110,000 will be transferred from the Salaries and Fringe Benefit appropriation unit to the Operating Expenditures appropriation unit.

[0323-18](#)

Subject: Communication from the City Administrator presenting a new contractual agreement, extending through December 31, 2021, between Real Racine and the City of Racine for the collection and disbursement of room tax revenues. (Res. 0116-18)

Recommendation of the Finance & Personnel Committee on

4/9/2018: To Adopt the Agreement By and Between the City of Racine and Real Racine for the Collection and Disbursement of Room Tax Revenues, and to Designate the Mayor and City Clerk as Signatories to the Execution thereof.

Fiscal Note: N/A

[0326-18](#)

Subject: Purchasing Agent wishing to discuss bid results for Official Notice #4-2018 - Request for Bid for Ash Tree Removal. (Res. 0110-18)

Recommendation of the Finance & Personnel Committee on

4/9/2018: To award Official Notice #4-2018 - Request for Bid for Ash Tree Removal to Droprite Tree & Landscape LLC, they being the lowest responsive, responsible bidder.

Fiscal Note: Sufficient funds are available in account 45150-57110. The total amount of the work is \$83,902.00.

[0327-18](#)

Subject: Purchasing Agent wishing to discuss bid results for Official Notice #5-2018 - Request for Bid for Lake Michigan Slope - Tree & Brush removal. (Res. 0111-18)

Recommendation of the Finance & Personnel Committee on

4/9/2018: To award Official Notice #5-2018 - Request for Bid for Lake Michigan Slope - Tree & Brush removal to Davey Tree Expert Company, they being the lowest responsive, responsible bidder.

Fiscal Note: Sufficient funds are available in account 45050-57110, Land Improvements. The total amount of the work is \$34,463.00.

[0339-18](#)

Subject: (Direct Referral) Communication from the Human Resources Manager and the City Attorney submitting the Staff Officers Association of the Racine Police Department 2018-2020 collective bargaining agreement for consideration. (Res. 0117-18)

Recommendation of the Finance & Personnel Committee on

4/9/2018: The Staff Officers Association of the Racine Police Department 2018-2020 collective bargaining agreement be approved as submitted.

Fiscal Note: The 2018 increases of 1% on January 1, 2018, and 1% plus \$0.14 per hour on July 1, 2018 amount to approximately \$64,500 in wages plus \$12,900 in benefits (FICA, Medicare and WRS) for a total of \$77,400 over 2017. The 2019 increases of 1% on January 1, 2019, and 1% plus \$0.08 per hour on July 1, 2019 amount to approximately \$55,900 in wages plus \$11,200 in benefits for a total of \$67,100 over 2018. The 2020 increases of 1.25% on January 1, 2020 and 1.25% on July 1, 2020 amount to approximately \$54,700 in wages plus \$10,900 in benefits for a total of \$65,600 over 2019. The cumulative costs of the contractual increases over the three year period amount to approximately \$462,600 in wages and \$92,300 in benefits for a total cost of \$554,900. Base wages will increase by 7.38% and \$0.22 per hour over the term of the contract.

[0344-18](#)

Subject: Communication from the Mayor requesting to allocate \$48,000.00 from hotel tax revenue to establish a Racine Underground Railroad Trail. (Res. 0109-18)

Recommendation of the Finance & Personnel Committee on

4/9/2018: To allocate \$48,000.00 from hotel tax revenue to establish a Racine Underground Railroad Trail.

Recommendation of the Public Works and Services Committee on 04-10-18: Authorize City staff to work with relative entities to proceed with the installation of the Racine Underground Railroad Trail signs as outlined.

Fiscal Note: Cost not to exceed \$48,000.00, approximately \$80,000 is available in the Room Tax Fund as of January 2018.

Public Works and Services Committee Report, by Ald. McCarthy

[0153-18](#)

Subject: Communication from the Founders Rotary Club, in partnership with the Racine Rotary West Club Foundation and the Downtown Rotary Foundation, requesting the name of Festival Park Drive be renamed Rotary Park Drive. (Res. 0119-18)

Recommendation of the Public Works and Services Committee on 02-27-18: That this item be deferred for a Public Hearing to be held before the April 4, 2018 Common Council meeting regarding the renaming of Festival Park Drive to Rotary Park Drive.

Further recommends this item be referred back to the Public Works and Services Committee after the Public Hearing on April 4, 2018.

Recommendation of the Public Works and Services Committee on 04-10-18: That the request to change the name of Festival Park Drive to Rotary Park Drive be approved.

Further recommends the City cover the costs for the fabrication and installation of three street name signs, recording an amendment to the appropriate subdivision plat with the County, updating of various City databases, and informing outside entities of the street name change in the not-to-exceed amount of \$500.00.

Fiscal Note: The maximum cost to the City is \$500.00 with any additional cost being billed to the requester.

[0314-18](#)

Subject: Final Payment on Contract 20170035, CHP - Replace Boiler Feedwater Tank, Just Service, Inc., contractor. (Res. 0126-18)

Recommendation of the Public Works and Services Committee on 04-10-18: That the work done by Just Service, Inc., under contract 20170035, CHP - Replace Boiler Feedwater Tank, be accepted and final payment authorized for a total contract amount of \$40,379.00. Final Payment to include retainage.

Fiscal Note: Contract was authorized under Resolution 0261-17 of August 2, 2017.

[0315-18](#)

Subject: Change Order No. 1 on Contract 20170012, 2017 Assessable Street & Alley (R1), Cornerstone Pavers, LLC., contractor. (Res. 0128-18)

Recommendation of the Public Works and Services Committee on 04-10-18: That Change Order No. 1 on Contract 20170012, 2017 Assessable Street & Alley (R1), Cornerstone Pavers, LLC., contractor, be approved in the amount of \$34,807.21.

Further recommends that funding to defray the cost of the change order be appropriated from Org-Object 40104-57500, Concrete Street Paving.

Fiscal Note: Funds are available as herein delineated.

[0316-18](#)

Subject: Final Payment on Contract 20170012, 2017 Assessable Street & Alley (R1), Cornerstone Pavers, LLC., contractor. (Res. 0129-18)

Recommendation of the Public Works and Services Committee on 04-10-18: That the work done by Cornerstone Pavers, LLC., under contract 20170012, 2017 Assessable Street & Alley (R1), be accepted and final payment authorized for a total contract amount of \$512,202.43 Final Payment to include retainage.

Fiscal Note: Contract was authorized under Resolution 0398-17 of May 22, 2017.

[0318-18](#)

Subject: Bid results on Contract 20180034, 2018 Street Lighting Circuit Replacement - Wisconsin Avenue II. (Res. 0123-18)

Recommendation of the Public Works and Services Committee on 04-10-18: That bids for Contract 20180034, 2018 Street Lighting Circuit Replacement - Wisconsin Avenue II, be awarded to Wil-Surge Electric, Inc., at their bid price of \$71,291.00, it being the lowest responsible bidder.

Further recommends that funds to defray the cost of this Public Works Department project be appropriated from the below Org-Objects:

\$64,978.00 - Org-Object 45040-57520, Replace City Circuits
\$ 6,313.00 - Org-Object 45040-57515, DPW-Sidewalks.
\$71,291.00 - Total

Fiscal Note: Funds are available as herein delineated.

[0319-18](#)

Subject: Bid results on Contract 20180036, Parking Ramp Improvements

(R1). (Res. 0124-18)

Recommendation of the Public Works and Services Committee on

04-10-18: That bids for Contract 20180036, Parking Ramp Improvements, be awarded to Ram Construction, at their bid price of \$373,972.80, it being the lowest responsible bidder.

Further recommends that funds to defray the cost of this Public Works Department project be appropriated from Org-Objects 60383-57200, Parking Building Improvements.

Fiscal Note: Funds are available as herein delineated.

[0328-18](#)

Subject: Communication from the Mayor wishing to have the Public Works Commission issue a Resolution regarding Paris Climate Accord. (Res. 0122-18)

Recommendation of the Public Works and Services Committee on

04-10-18: That the Mayor and Common Council approve the resolution, as amended, stating the City of Racine's commitment to the Paris Climate Accord.

Fiscal Note: N/A

[0341-18](#)

Subject: (Direct Referral) Communication from Racine Area Veteran's, Inc., requesting to use City right-of-way for the Memorial Day Parade on Monday, May 28, 2018. (Res. 0120-18)

Recommendation of the Public Works and Services Committee on

04-10-18: That permission be granted to the Racine Area Veteran's, Inc. to use certain City streets for the Memorial Day Parade, to start at the intersection of Washington Avenue and West Boulevard, then proceed North on West Boulevard to Osborne Boulevard, and Osborne Boulevard to Graceland Cemetery, on Monday, May 28, 2018, between 9:00 A.M. and 12:00 P.M., in conjunction with this City-sponsored event. The detour for STH 20 is Lathrop Avenue, 16th Street and Taylor Avenue.

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

Fiscal Note: Since the City is a co-sponsor of this event, there are no stipulations.

[0342-18](#)

Subject: (Direct Referral) Communication from Racine Neighborhood Watch requesting to use the City Hall Annex parking lot for its plant sale fundraiser pickup on Saturday, May 12, 2018. (Res. 0121-18)

Recommendation of the Public Works and Services Committee on

04-10-18: The Mayor and City Clerk be authorized and directed to enter into a Hold Harmless Agreement with Racine Neighborhood Watch to use the City Hall Annex parking lot and lawn area abutting Grand Avenue on Saturday, May 12, 2018, from 5:00 A.M. to 3:00 P.M. in conjunction with a fundraiser.

Fiscal Note: N/A

[0347-18](#)

Subject: (Direct Referral) Change Order No. 1 on Contract 20170007, 2017 Traffic Signal Replacement, MP Systems, Inc., contractor. (Res. 0130-18)

Recommendation of the Public Works and Services Committee on

04-10-18: That Change Order No. 1 on Contract 20170007, 2017 Traffic Signal Replacement, MP Systems, Inc., contractor, be approved in the amount of \$41,336.87.

Further recommends that funding to defray the cost of the change order be appropriated from Org-Object 45040-57530, Traffic Signal & LED Replacements.

Fiscal Note: Funds are available as herein delineated.

[0348-18](#)

Subject: Final Payment on Contract 20170007, 2017 Traffic Signal Replacement, MP Systems, Inc., contractor. (Res. 0131-18)

Recommendation of the Public Works and Services Committee on

04-10-18: That the work done by MP Systems, Inc., under contract 20170007, 2017 Traffic Signal Replacement, be accepted and final payment authorized for a total contract amount of \$199,979.05. Final Payment to include retainage.

Fiscal Note: Contract was authorized under Resolution 0120-17 of April 6, 2017.

[0356-18](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer regarding the submission of a revised WisDOT 2017 - 2022 Local Bridge Program Application for the West 6th Street Bridge. (Res. 0127-18)

Recommendation of the Public Works and Services Committee on

04-10-18: Permission be granted for the Assistant Commissioner of Public Works/City Engineer to apply for the WisDOT 2017 - 2022 Local Bridge Program Grant.

Fiscal Note: Funding for this project will be appropriated in the 2019 - 2027 CIP.

[0368-18](#)

Subject: Bid results on Contract 20180037, CDBG Resurfacing. (Res. 0125-18)

Recommendation of the Public Works and Services Committee on

04-10-18: That bids for Contract 20180037, CDBG Resurfacing, be awarded to Payne & Dolan, Inc., at their bid price of \$441,117.41, it being the lowest responsible bidder.

Further recommends that funds to defray the cost of this Public Works Department project be appropriated from the below Org-Objects:

\$333,915.71 - Org-Object 20047-57500, CDBG Paving
\$ 23,341.00 - Org-Object 60484-57570, Storm Sewers
\$ 46,510.29 - Org-Object 20047-57500, CDBG Sanitary Sewers
\$ 3,242.41 - Org-Object 22640-57560, Sanitary Sewers
\$ 16,473.00 - Org-Object 45040-57515, Sidewalk Repl
\$ 4,595.00 - Org-Object 45040-57515, Crosswalk Ramps
\$ 13,040.00 - Org-Object 45040-57510, C & G Repl
\$441,117.41 - Total

Fiscal Note: Funds are available as herein delineated.

Public Safety and Licensing Report, by Ald. Coe

[0305-18](#)

Subject: (Direct Referral) (New) Application of Crystal Acosta dba Starship Records and Collectibles for a Secondhand Article/Jewelry Dealer License located at 614 Sixth Street. **(1st District)**

Recommendation of the Public Safety and Licensing Committee on

04-10-2018: That the (New) application of Crystal Acosta dba Starship Records and Collectibles for a Secondhand Article/Jewelry Dealer License located at 614 Sixth Street be approved.

Fiscal Note: N/A

[0320-18](#)

Subject: (Direct Referral) Request of the Committee for the appearance of Alyssa Morales, applicant for an Operator's License.

Recommendation of the Public Safety and Licensing Committee on

04-10-2018: That the operator license application for Alyssa Morales be denied based on the arrest and conviction records of Ms. Morales, which the committee found to be substantially related to the scope of employment

in this case, making her an unfit applicant, as well Ms. Morales's failure to appear before the committee.

Fiscal Note: N/A

[0324-18](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the report on the bids received for the sale of Abandoned Vehicles, April 10, 2018.

Recommendation of the Public Safety and Licensing Committee on 04-10-2018: That the item be Received and Filed as the highest responsible bidder from the forty-four bids was Sturtevant Auto Salvage.

Fiscal Note: This will generate \$20,155.00 in revenue for account 13101 48301.

City Plan Commission Report, by Ald. Wisner

[0312-18](#)

Subject: (Direct Referral) A request from Bill Pfister of Michael's Signs, representing North Pointe (Trinity) United Methodist Church, Inc., seeking a conditional use permit to install an electronic message center at 3825 Erie Street. (PC-18) (Res. 0132-18)

Recommendation of the City Plan Commission on 4-11-18: That the request be approved subject to conditions.

Fiscal Note: N/A

[0370-18](#)

Subject: (Direct Referral) Proposed amendments to the Municipal Code, Chapter 114 - Zoning, related to the allowance of short term rentals (tourist rooming houses). (ZOrd. 0001-18)

Recommendation of the City Plan Commission on 4-11-18: That an ordinance be created and a public hearing before the Common Council be scheduled.

Fiscal Note: N/A

Office of the Mayor Report, by Ald. Wisner

[0391-18](#)

Subject: Communication from Mayor Mason nominating appointments to the following commission/board/committee:

Appoint Dr. John Brennan, 3824 Lighthouse Dr., Racine, 53402 to a 2 year term on the Board of Health expiring on April 30, 2020.

Reappoint John Berge, 1529 Crabapple Dr, Racine, 53403 to a 2 year term on the Board of Health expiring on April 30, 2020.

Reappoint Laura Martinez, 800 Wisconsin Ave, Racine, 53403 to a 2 year term on the Board of Health expiring on April 30, 2020.

Reappoint Sarah Fouse, 1900 21st St, Racine, 53403 to a 2 year term on the Board of Health expiring on April 30, 2020.

Appoint Trevor Jung, 2827 Wright Ave, Racine, 53405 to a 3 year term on the City Plan Commission expiring on April 30, 2021.

Appoint Sam Peete, 2501 Kearney Ave, Racine, 53403 to a 3 year term on the City Plan Commission expiring on April 30, 2021.

Board of Parks, Recreation, and Cultural Services Report, by Ald. Meekma

[0264-18](#)

Subject: Communication from the President of 4th Fest of Greater Racine requesting permission to use North Beach along North Pier for the shooting of fireworks on July 4, 2018. (Res. 0133-18)

Recommendation of the Board of Parks, Recreation and Cultural Services on April 11, 2018: To approve the communication from the President of 4th Fest of Greater Racine requesting permission to use North Beach along North Pier for the shooting of fireworks on July 4, 2018.

Fiscal Note: NA

[0302-18](#)

Subject: Communication from the Permit Coordinator for Ragnar Relay Series, requesting use of Pershing Park as an exchange point for the Ragnar Relay Chicago during closed park hours on May 18 and 19, 2018. (Res. 0134-18)

Recommendation of the Board of Parks, Recreation and Cultural Services on April 11, 2018: That the communication from the Permit Coordinator for Ragnar Relay Series, requesting use of Pershing Park as an exchange point for the Ragnar Relay Chicago during closed park hours on May 18 and 19, 2018 be approved.

Fiscal Note: NA

[0351-18](#)

Subject: Communication from the Racine Yacht Club requesting to temporarily utilize the area between the dinghy racks and the canoe launch area. (Res. 0135-18)

Recommendation of the Board of Parks, Recreation and Cultural Services on April 11, 2018: To approve the communication from the Racine Yacht Club requesting to temporarily utilize the area between the dinghy racks and the canoe launch area.

Fiscal Note: NA

H. Consent Resolutions

[Res.0109-18](#) Racine Underground Railroad Trail

Resolved, that City staff is authorized to work with relative entities to proceed with the installation of the Racine Underground Railroad Trail signs as outlined.

Fiscal Note: Cost not to exceed \$48,000.00.

Sponsors: Q.A. Shakoor II

[Res.0110-18](#) Official Notice #4-2018 - Ash Tree Removal

Resolved, that Official Notice #4-2018 - Request for Bid for Ash Tree Removal is awarded to Droprite Tree & Landscape LLC, they being the lowest responsive, responsible bidder.

Fiscal Note: Sufficient funds are available in account 45150-57110. The total amount of the work is \$83,902.00.

Sponsors: Q.A. Shakoor II

[Res.0111-18](#) Official Notice #5-2018 - Lake Michigan Slope Tree & Brush Removal

Resolved, that Official Notice #5-2018 - Request for Bid for Lake Michigan Slope - Tree & Brush removal is awarded to Davey Tree Expert Company, they being the lowest responsive, responsible bidder.

Fiscal Note: Sufficient funds are available in account 45050-57110, Land Improvements. The total amount of the work is \$34,463.00.

Sponsors: Q.A. Shakoor II

[Res.0112-18](#) Barber Beach Cleaner Surf Rake

Resolved, that the Purchasing Agent is authorized to negotiate and contract with Barber for the purchase of a Barber Surf Rake.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor II

[Res.0113-18](#) Safe Drinking Water Loan 4887-09 for Lead Service

Resolved, that the Mayor and City Clerk are authorized and approved to enter into the Financial Assistance Agreement (FAA) for the Safe Drinking Water Loan 4887-09 for Lead Service Replacements.

Fiscal Note: The FAA will make available up to \$1,400,000.00 in a principal forgiveness loan for lead service lateral replacements.

Sponsors: Q.A. Shakoor II

Res.0114-18 WisDNR Urban Nonpoint Source & Storm Water Construction Grant for Lakeview Park (Grant Control No. 00173)

Resolved, that permission is granted for the Assistant Commissioner of Public Works/City Engineer to apply for the WisDNR Urban Nonpoint Source & Storm Water Construction Grant for Lakeview Park (Grant Control No. 00173).

Fiscal Note: Local match funded 50% by Storm Water Utility and 50% by the Parks Department CIP.

Sponsors: Q.A. Shakoor II

Res.0116-18 Collection and Disbursement of Room Tax Revenues

Resolved, that the adoption of the agreement by and between the City of Racine and Real Racine for the collection and disbursement of room tax revenues, and to designate the Mayor and City Clerk as signatories to the execution thereof is approved.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor II

Res.0117-18 Staff Officers Association of the Racine Police Department 2018-2020 Collective Bargaining Agreement

Resolved, that the Staff Officers Association of the Racine Police Department 2018-2020 collective bargaining agreement is approved as submitted.

Fiscal Note: The 2018 increases of 1% on January 1, 2018, and 1% plus \$0.14 per hour on July 1, 2018 amount to approximately \$64,500.00 in wages plus \$12,900.00 in benefits (FICA, Medicare and WRS) for a total of \$77,400.00 over 2017. The 2019 increases of 1% on January 1, 2019, and 1% plus \$0.08 per hour on July 1, 2019 amount to approximately \$55,900.00 in wages plus \$11,200.00 in benefits for a total of \$67,100.00 over 2018. The 2020 increases of 1.25% on January 1, 2020 and 1.25% on July 1, 2020 amount to approximately \$54,700.00 in wages plus \$10,900.00 in benefits for a total of \$65,600.00 over 2019. The cumulative costs of the contractual increases over the three year period amount to approximately \$462,600.00 in wages and \$92,300.00 in benefits for a total cost of \$554,900.00. Base wages will increase by 7.38% and \$0.22 per hour over the term of the contract.

Sponsors: Q.A. Shakoor II

Res.0118-18 Fire Department Clothing Allowance

Resolved, that the transfer of budgeted amounts for Fire Department Clothing Allowance from the Salaries and Fringe Benefit appropriation unit to the Operating Expenditures appropriation unit in conformity with the negotiated Collective Bargaining Agreement for Fire Fighters Local 321 is approved.

Fiscal Note: \$110,000.00 will be transferred from the Salaries and Fringe Benefit appropriation unit to the Operating Expenditures appropriation unit.

Sponsors:

Q.A. Shakoor II

Res.0119-18

Festival Park Drive Renamed Rotary Park Drive

Resolved, that the request to change the name of Festival Park Drive to Rotary Park Drive is approved. Further recommends the City cover the costs for the fabrication and installation of three street name signs, recording an amendment to the appropriate subdivision plat with the County, updating of various City databases, and informing outside entities of the street name change in the not-to-exceed amount of \$500.00.

Fiscal Note: The maximum cost to the City is \$500.00 with any additional cost being billed to the requester.

Sponsors:

Terry McCarthy

Res.0120-18

Memorial Day Parade on Monday, May 28, 2018

Resolved, that permission is granted to the Racine Area Veteran's, Inc. to use certain City streets for the Memorial Day Parade, to start at the intersection of Washington Avenue and West Boulevard, then proceed North on West Boulevard to Osborne Boulevard, and Osborne Boulevard to Graceland Cemetery, on Monday, May 28, 2018, between 9:00 a.m. and 12:00 p.m., in conjunction with this City-sponsored event. The detour for STH 20 is Lathrop Avenue, 16th Street and Taylor Avenue.

Further resolved, that the Commissioner of Public Works, City Engineer and Chief of Police are authorized and directed to provide assistance, in the interest of public safety, to implement this event.

Fiscal Note: Since the City is a co-sponsor of this event, there are no stipulations.

Sponsors:

Terry McCarthy

Res.0121-18

Racine Neighborhood Watch Plant Sale at the City Hall Annex Parking Lot

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a Hold Harmless Agreement with Racine Neighborhood Watch to use the City Hall Annex parking lot and lawn area abutting Grand Avenue on Saturday, May 12, 2018, from 5:00 a.m. to 3:00 p.m. in conjunction with

a fundraiser.

Fiscal Note: N/A

Sponsors:

Terry McCarthy

[Res.0122-18](#)

Paris Climate Accord - Climate Change

CITY OF RACINE

RESOLUTION: CLIMATE CHANGE

WHEREAS, Racine, Wisconsin has an opportunity to lead the state and the nation with investments in green infrastructure and technology that will facilitate the City's transition off of fossil fuels, while building a twenty-first century economy and a more resilient community; and

WHEREAS, consensus exists among the world's leading climate scientists that climate change caused by emissions of greenhouse gases from human activities is among the most significant problems facing the world today; and

WHEREAS, documented impacts of climate change include but are not limited to increased occurrences of extreme weather events, adverse impacts on ecosystems, rapid shifts in demographic patterns, and impacts on public health and vulnerable populations; and

WHEREAS, climate change has been widely recognized by government, business, and academic leaders as a worldwide threat with the potential to harm public safety, public health, local and global economies, and quality of life; and

WHEREAS, climate change poses specific risks to the Racine Community, including more frequent and severe extreme weather events, including flooding, heat waves, and droughts, which threaten community health and safety and create economic burdens for residents; and

WHEREAS, 195 countries vowed to address climate change in the Paris Climate Accord adopted on December 12, 2015; and

WHEREAS, more than 400 cities have committed to achieving the goals set forth in the Paris Climate Accord; and

WHEREAS, the Paris Climate Accord resulted in a commitment from almost every nation to take action and enact programs to limit global temperature increase to less than two degrees Celsius, with an expectation that this goal would be reduced to 1.5 degrees in the future; and

WHEREAS, climate change has been identified as a priority for the United States Military, as outlined in DoD Directive 4715.21, "Climate Change Adaptation and Resilience," effective January 14, 2016, that identifies the national security risks associated with climate change; and

WHEREAS, urban municipal governments can have an impact on greenhouse gas emissions through responsible land use planning, transportation systems, construction practices, and building energy and water use, and through the many daily operations they carry out to provide vital services to residents and visitors; and

WHEREAS, improving energy efficiency and resilience in the face of potential disruptions in energy production can attract jobs and economic development opportunities to the City of Racine, and enhance the City's long-term economic competitiveness and wealth;

WHEREAS, actions that reduce the combustion of fossil fuels and the release of greenhouse gases in the City of Racine, including prioritizing efficiency and transitioning to low-carbon energy sources, have the potential to improve air quality, public health, energy security, social equity, local natural environments, and quality of life for all residents; and

WHEREAS; the City of Racine is joined in taking action on climate change by a coalition of cities, counties, states, and national governments and community and private sector leaders who recognize the importance and potential of these actions to protect and enhance the well-being of current and future generations; and

NOW THEREFORE, THE CITY OF RACINE COMMON COUNCIL

RESOLVED, it is incumbent upon the City of Racine to take significant steps to reduce greenhouse gas emissions and enhance the quality of life in the community, including the development of the environmentally-responsible planning, a commitment to renewable energy and energy-efficiency, enhanced deployment of bicycle and pedestrian infrastructure to build community sustainability and resilience; and

FURTHER RESOLVE, that the City of Racine declares its commitment to reducing its carbon footprint and joins other U.S. cities in the Mayors' National Climate Action Agenda network in adopting and supporting the goals of the Paris Climate Accord adopted on December 12, 2015;

FURTHER RESOLVE, the City of Racine commits to exploring the potential benefits of reducing greenhouse gas emissions to create jobs, reduce energy costs, and secure the well-being of the planet for the

posterity of future generations;

FURTHER RESOLVE, the City of Racine through its Mayor, Common Council, and staff develop an action plan to a) determine current energy consumption by the City of Racine; and b) make use of its annual budget, capital budget, ordinances and other means to achieve carbon consumption reductions to 1990 levels;

FURTHER RESOLVE, the City of Racine supports setting a similar goal community-wide, recognizing that achieving a community-wide goal cannot be done by City government alone and will require leadership and commitment from businesses, community institutions, utilities, and neighboring municipalities and the County of Racine;

FURTHER RESOLVE, that the City of Racine urges other municipalities in Wisconsin and the United States to join with it in its commitment to address climate change and support the principles of the Paris Climate Accord.

Fiscal Note: N/A

Sponsors:

Terry McCarthy

Res.0123-18

Contract 20180034 - 2018 Street Lighting Circuit Replacement - Wisconsin Avenue II

Resolved, that bids for Contract 20180034 - 2018 Street Lighting Circuit Replacement - Wisconsin Avenue II, is awarded to Wil-Surge Electric, Inc., at their bid price of \$71,291.00, it being the lowest responsible bidder.

Fiscal Note: Funds to defray the cost of this Public Works Department project be appropriated from the below Org-Objects:

\$64,978.00 - Org-Object 45040-57520, Replace City Circuits

\$ 6,313.00 - Org-Object 45040-57515, DPW-Sidewalks.

\$71,291.00 - Total

Sponsors:

Terry McCarthy

Res.0124-18

Contract 20180036, Parking Ramp Improvements (R1)

Resolved, that bids for Contract 20180036, Parking Ramp Improvements, is awarded to Ram Construction, at their bid price of \$373,972.80, it being the lowest responsible bidder.

Fiscal Note: Funds to defray the cost of this Public Works Department project be appropriated from Org-Objects 60383-57200, Parking Building Improvements.

Sponsors:

Terry McCarthy

[Res.0125-18](#) Contract 20180037 - CDBG Resurfacing

Resolved, that bids for Contract 20180037, CDBG Resurfacing, is awarded to Payne & Dolan, Inc., at their bid price of \$441,117.41, it being the lowest responsible bidder.

Fiscal Note: Funds to defray the cost of this Public Works Department project be appropriated from the below Org-Objects:

\$333,915.71 - Org-Object 20047-57500, CDBG Paving
\$ 23,341.00 - Org-Object 60484-57570, Storm Sewers
\$ 46,510.29 - Org-Object 20047-57500, CDBG Sanitary Sewers
\$ 3,242.41 - Org-Object 22640-57560, Sanitary Sewers
\$ 16,473.00 - Org-Object 45040-57515, Sidewalk Repl
\$ 4,595.00 - Org-Object 45040-57515, Crosswalk Ramps
\$ 13,040.00 - Org-Object 45040-57510, C & G Repl
\$441,117.41 - Total

Sponsors: Terry McCarthy

[Res.0126-18](#) Contract 20170035 - CHP - Replace Boiler Feedwater Tank

Resolved, that the work done by Just Service, Inc., under contract 20170035, CHP - Replace Boiler Feedwater Tank, is accepted and final payment authorized for a total contract amount of \$40,379.00. Final payment to include retainage.

Fiscal Note: Contract was authorized under Resolution 0261-17 of August 2, 2017.

Sponsors: Terry McCarthy

[Res.0127-18](#) WisDOT 2017 - 2022 Local Bridge Program Grant - West 6th Street Bridge

Resolved, that permission is granted for the Assistant Commissioner of Public Works/City Engineer to apply for the WisDOT 2017 - 2022 Local Bridge Program Grant.

Fiscal Note: Funding for this project will be appropriated in the 2019 - 2027 CIP.

Sponsors: Terry McCarthy

[Res.0128-18](#) Change Order No. 1 on Contract 20170012 - 2017 Assessable Street & Alley (R1)

Resolved, that Change Order No. 1 on Contract 20170012 - 2017 Assessable Street & Alley (R1), Cornerstone Pavers, LLC., contractor, is approved in the amount of \$34,807.21.

Fiscal Note: Funds to defray the cost of the change order be appropriated from Org-Object 40104-57500, Concrete Street Paving.

Sponsors: Terry McCarthy

Res.0129-18 Final Payment on Contract 20170012 - 2017 Assessable Street & Alley (R1)

Resolved, that the work done by Cornerstone Pavers, LLC., under Contract 20170012 - 2017 Assessable Street & Alley (R1), is accepted and final payment authorized for a total contract amount of \$512,202.43. Final Payment to include retainage.

Fiscal Note: Contract was authorized under Resolution 0398-17 of May 22, 2017.

Sponsors: Terry McCarthy

Res.0130-18 Change Order No. 1 on Contract 20170007 - 2017 Traffic Signal Replacement

Resolved, that Change Order No. 1 on Contract 20170007, 2017 Traffic Signal Replacement, MP Systems, Inc., contractor, is approved in the amount of \$41,336.87.

Fiscal Note: Funds to defray the cost of the change order be appropriated from Org-Object 45040-57530, Traffic Signal & LED Replacements.

Sponsors: Terry McCarthy

Res.0131-18 Contract 20170007 - 2017 Traffic Signal Replacement

Resolved, that the work done by MP Systems, Inc., under contract 20170007 - 2017 Traffic Signal Replacement, is accepted and final payment authorized for a total contract amount of \$199,979.05. Final Payment to include retainage.

Fiscal Note: Contract was authorized under Resolution 0120-17 of April 6, 2017.

Sponsors: Terry McCarthy

Res.0132-18 Electronic Message Center at 3825 Erie Street

Resolved, that the request from North Pointe United Methodist Church, Inc. Seeking a conditional use permit to allow an electronic message center at 3825 Erie Street is approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on April 11, 2018 be approved subject to the conditions contained herein.

b. That the following exceptions are granted to Section 114-1033 Signs, Electronic Message Signs (Racine Municipal Code):

1. Allowing an electronic message center within a residential district [Sec. 114-1033(a)(1)c.2].

2. Allowing the electronic message center to directly face residential uses to the north and south [Sec. 114-1033(a)(1)c.2].

3. Allowing the face of an electronic message center within 200 feet of residential uses [Sec. 114-1033(a)(1)c.2].

c. That the landscaping plan and decorative base plan as illustrated on the plans dated 2-20-18 be followed.

d. That this replacement sign be placed in the same location as the existing sign with the exception that the replacement sign may be placed within 15 feet of the west property line.

e. That all other aspects of Section 114-1033 (a) be complied with, and that a revised site and landscaping plan be submitted that reflects the replacement sign in the approved location, with the conditions that the background display remain black during the sign operations between dusk and dawn as determined by the National Weather Service. During the permitted daylight hours of operation between 7:00 a.m. and 10:00 p.m., the background may be any single color. During all hours of operation the text and graphics may be any single color during any one display.

f. That the sign shall comply with Section 114-1062 in that the total sign area may not exceed 60 sq. ft. and the electronic message sign shall not exceed 50% of the 60 sq. ft.

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

h. That no minor changes be made from the conditions of this permit without 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 conditional use permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors:

Dennis Wiser

[Res.0133-18](#) Fireworks on July 4, 2018

Resolved, that the President of 4th Fest of Greater Racine is approved to use North Beach along North Pier for the fireworks display on July 4, 2018.

Fiscal Note: N/A

Sponsors: Jason Meekma

[Res.0134-18](#) Ragnar Relay Chicago

Resolved, that the Permit Coordinator for Ragnar Relay Series is approved to use Pershing Park as an exchange point for the Ragnar Relay Chicago during closed park hours on May 18 and 19, 2018.

Fiscal Note: N/A

Sponsors: Jason Meekma

[Res.0135-18](#) Racine Yacht Club - Use the Area Between the Dinghy Racks and the Canoe Launch Area

Resolved, that the Racine Yacht Club is approved to temporarily use the area between the dinghy racks and the canoe launch area.

Fiscal Note: N/A

Sponsors: Jason Meekma

I. Consent Agenda

J. Ordinances

Refer to City Plan Commission

[ZOrd.0001-18](#) ZOrd. 0001-18 - Short Term Rental

An ordinance to amend Sec. 114-1,114-273, 114-327, 114-407, 114-427 and 114-447 to allow short term rentals in residential, office and business zoning districts, all contained in Chapter 114 - Zoning, of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follow:

Part 1: Amend 114-1(b) - Rules of construction and definitions, to add the following:

Short Term Rental, or tourist rooming house, as defined by Chapter

66.0615(1)(dk) and 97.01(15k) and of the Wisconsin State Statutes, means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days, and any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourist or transients. This definition does not include private boarding or rooming houses, ordinarily conducted as such, not accommodating tourists or transients, hotels, or bed and breakfast establishments.

Part 2: Amend 114-273 - R-1 Single Family Residence, Accessory Uses, to create the following:

(17) Short Term Rental establishments that comply with the following conditions:

- a. All short term rental units shall be primary residence of the proprietor(s).
- b. All proprietors of a short term rental establishment shall have all required licenses and inspections, keeping them current at all times.
- c. Short term rental provisions for sleeping quarters shall occur inside a principal structure and provide proper exiting
- d. All litter, debris, and refuse shall be stored in closed containers.
- e. Vehicles of guest(s) and resident(s) shall be parked on a hard surface of concrete, asphalt or paver stones in accordance with Sec. 114-1167 of this Chapter.

Part 3: Amend 114-327 - R-4 General Residence, Permitted uses, to create the following:

(14) Short Term Rental establishments, as an accessory use, as permitted in the R-1 district.

Part 4: Amend 114-407 - O-Office, Permitted uses, to create the following:

(a)(4) Short Term Rental establishments, as an accessory use, as permitted in the R-1 district.

Part 5: Amend 114-427 - O/I Office- Institutional, Permitted uses, to create the following:

(8) Short Term Rental establishments, as an accessory use, as permitted in the R-1 district.

Part 6: Amend 114-447 - B-1 Neighborhood Convenience, Permitted uses, to create the following:

(b)(46) Short Term Rental establishments, as an accessory use, as permitted in the R-1 district.

Part 7: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Fiscal Note: N/A

Sponsors:

Dennis Wiser

Refer to Public Safety and Licensing

[Ord.0002-18](#) Ordinance 0002-18

An Ordinance to recreate Chapter 2, Article III, Division 8. - Reserved of the City of Racine Code of Ordinances.

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

Part 1: To recreate Section 2-263. - Functions, to read:

“Sec. 2-263. - Functions. The due process board shall have the following powers and duties:

a) Conduct hearings on an appeal filed by a person adversely affected as a result of the chief of police’s determination of a chronic nuisance premise under Article XXIX of Chapter 66. After such hearing, the board shall either affirm or reverse the determination of the chief, depending on its findings as to whether the criteria for declaring a chronic nuisance premise and assessing costs and forfeitures have been met under the ordinance.

b) Conduct due process hearings regarding the nonrenewal, suspension and/or revocation of any licenses related to the sale of alcohol beverages pursuant to chapter 6 of the code and Wis. Stat. § 125.12. After such hearing and within five business days after it reaches a decision, the board shall file a report containing the findings of fact, conclusions of law and recommendation as to the license, with the city clerk. Upon majority vote, the common council shall either affirm or reverse the findings of the board.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting

as required by law.

Fiscal Note: N/A

Sponsors:

Jeff Coe

Refer to Public Safety and Licensing

[Ord.0003-18](#) Ordinance 0003-18

An Ordinance to recreate Chapter 6. - Alcoholic Beverages of the City of Racine Code of Ordinances.

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

Part 1: To recreate Chapter 6. - Alcoholic Beverages, to read:

“ARTICLE I. - IN GENERAL

Sec. 6-1. - Definitions.

Alcohol beverage license means a retail license authorizing the sale of fermented malt beverages or intoxicating liquors.

Board means the City of Racine due process board as defined in section 2-261 through 2-265 of the code.

Chief of police means the City of Racine chief of police or his or her designee.

City Attorney means the City of Racine city attorney or his or her designee.
Committee means the City of Racine public safety and licensing committee as defined in section 2-77 of this code.

Convenience store means an establishment offering for retail sale items such as, but not limited to, prepackaged food products, household items, newspapers, magazines, sandwiches and other freshly prepared food for off-site consumption and having a gross floor area of not more than 3,500 square feet excluding any basement area used primarily for storage, and which may also sell motor vehicle fuel.

Intoxication means a person whose blood contains 0.08 percent or more by weight of alcohol is under the influence of an intoxicant for purposes of this chapter. A chemical analysis of a person's blood, breath or urine which has been admitted into evidence and which shows that there was 0.08 percent or more by weight of alcohol in the person's blood is sufficient

evidence, without corroborating physical evidence, on which to base a finding that the person's blood contained 0.08 percent or more by weight of alcohol.

Loiter means to remain idly in the vicinity around an establishment under circumstances that create loud noise, crowding, littering or vehicle congestion.

Public nuisance means a thing, act, occupation, condition, or use of property that continues in for such time as to: 1) Substantially annoy, injure, or endanger the comfort, health, repose, peace, order, or safety of the public; or 2) In any way render the public insecure in life or in the use of property; or 3) Greatly offend the public morals or decency; or 4) Unlawfully and substantially interfere with, obstruct, or attempt to obstruct or render dangerous for passage any street, alley, highway, navigable body of water, or other public way, or the use of public property.

Public street means any street, highway, sidewalk, alley, or any other public right of way.

Sec. 6-2. - Acts constituting offenses under chapter; penalties.

(a) A person is concerned in the commission of the offense under this chapter if he:

(1) Directly commits the offense;

(2) Intentionally aids and abets the commission of the offense;

(3) Is the holder of a license as defined in section 6-97, 6-98 or 6-99, or other applicable sections in this chapter, if the offense concerns the sale of alcohol to a person under the age of 21, whether or not the person was on the premises at the time of the offense.

(b) Party to offense. Whoever is concerned in the commission of any offense under this chapter is a principal and may be charged with and convicted of the commission of the offense although he did not directly commit such offense and although the person who directly committed such offense has not been convicted or has been convicted of some other degree of the offense or of some other offense based on the same act.

(c) Penalties. Upon conviction in court, any person found to be in violation, either directly or as a party to an offense under this chapter shall forfeit the same amount under the penalties section of this chapter as if he directly committed the offense. In lieu of a court appearance, any person who is party to an offense under this chapter shall pay the forfeiture as

enumerated for the applicable offense under section 6-3.

Sec. 6-3. - Forfeitures paid in lieu of court appearance.

(a) Any person charged with violation of an offense listed under subsection (b) of this section may pay the amount enumerated in subsection (b) of this section at the police department in lieu of a court appearance. Persons wishing to contest the charge contained in subsection (b) of this section may contact the police department to arrange a court appearance date.

(b) The following forfeitures for the offenses specified may be paid at the police department:

Section number	Violation	Forfeiture
6-5(a)	Sale to underage person	\$300.00
6-5(b)	Sale to underage person by licensee	300.00
6-5(d)	Contributing to possession/consumption	300.00
6-5(e)	Underage person on premises	200.00
6-5(g)	Underage person on premises by operator	200.00
6-5(h)	Possession/consumption by underage	200.00
6-5(i)	False representation of age for alcohol	200.00
6-8	Drinking intoxicants on street	75.00
6-9	Sale of intoxicating beverage and liquor	200.00
6-10	Soft drink as a mix	75.00
6-11	Slot machines	200.00
6-12	Posting alcohol warning	75.00
6-13	Posting licenses	75.00
6-31(a)	License required	200.00
6-38(a)	Closing hours-Beer	125.00
6-38(b)	Closing hours-Liquor	200.00
6-83	Exterior door open	30.00
6-84	Advertisements	200.00
6-85	Posting of signs in taverns	75.00
6-107	Liquor taxes	300.00
6-108	Clubs	200.00
6-109	Credit	50.00
6-131(a)	Licensed person on premises	200.00
6-132	Operator's license	200.00
6-167	Posting license	75.00
6-194	Regulation of entertainment	200.00

Sec. 6-4. - Statutory provisions adopted.

The provisions of Wis. Stats. § 66.0433 and ch. 125, relating to licenses

for nonintoxicating beverages, fermented malt beverages, and intoxicating liquors are adopted as a portion of this chapter so far as applicable to the city, unless otherwise provided by ordinance. A violation of any provision of such sections of the statutes shall constitute a violation of this chapter.

Sec. 6-5. - Underage persons.

(a) No person may procure for, sell, dispense or give away any alcohol beverage to any underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age.

(b) No licensee or permittee may sell, vend, deal or traffic in alcohol beverage to or with any underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age.

(c) Reserved.

(d) No adult may intentionally encourage or contribute to a violation of subsection (h) of this section.

(e) Except as otherwise provided, no underage person, not accompanied by his parent, guardian or spouse who has attained the legal drinking age, may enter, knowingly attempt to enter, or be on any premises for which a license or permit for the sale of intoxicating liquor or fermented malt beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his employee. The business may not be amusement or the purchase, receipt or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This subsection does not apply to those activities specified in Wis. Stats. § 125.07(3)(a)1-16.

(f) Underage persons may enter and remain on Class "B" fermented malt beverages, "Class C" wine licensed premises, or "Class B" intoxicating liquor licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where underage persons are present and on the condition that the chief of police or his designee issues a written authorization to the licensee permitting underage persons to be present on the licensed premises on the date specified. Before issuing such an authorization, the chief of police or his designee shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. A separate authorization is required for each date on which underage persons will be present on the premises, and any such authorization shall be posted in a conspicuous place at all times that underage persons are present on the licensed premises pursuant to this

section.

(g) No person, while a licensee or operator, shall allow an underage person to enter and remain on any premises for which a license or permit for sale of intoxicating liquor or fermented malt beverages has been issued except as permitted by this chapter.

(h) No underage person, not accompanied by his parent, guardian or spouse who has attained the legal drinking age, shall knowingly possess or consume any alcohol beverage. This subsection does not prevent an underage person in the employ of a licensee or permittee from possessing alcohol beverages for sale or delivery to customers.

(i) No person shall falsely represent that he has attained the legal drinking age for the purpose of receiving intoxicating liquor or fermented malt beverages from a licensee or permittee.

(j) Proof of the following facts by a seller of intoxicating liquor or fermented malt beverages to an underage person is a defense to any prosecution for such offense:

(1) That the purchaser falsely represented in writing and supported with other documentary proof that he had attained the legal drinking age.

(2) That the appearance of the purchaser was such that an ordinary and prudent person would believe the purchaser had attained the legal drinking age.

(3) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

Sec. 6-6. - Penalties for violation of section 6-5.

(a) Upon conviction, any person 18 years of age or over found to be in violation of section 6-5 shall forfeit the amount as provided in section 1-15, except that any adult who is convicted of an offense under section 6-5 shall be subject to the following:

(1) A forfeiture of:

a. Not more than \$500.00 if the person has not committed a previous violation within 12 months of the violation;

b. Not less than \$200.00 nor more than \$500.00 if the person has committed a previous violation within 12 months of the violation;

c. Not less than \$500.00 nor more than \$1,000.00 if the person has committed two previous violations within 12 months of the violation;

d. Not less than \$1,000.00 nor more than \$5,000.00 if the person has committed three previous violations within 12 months of the violation.

(2) A court shall suspend any license or permit issued under chapter 6 of this code to a person for:

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

b. Not less than three days nor more than ten days, if the court finds that the person committed a violation within 12 months after committing two other violations;

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

(3) The court shall promptly mail notice of a suspension under this paragraph to the city clerk and to the Wisconsin Department of Revenue.

(b) Upon conviction of an offense under section 6-5, an offender under the age of 21 shall be subject to the following penalties:

(1) For a first violation, a forfeiture of not less than \$250.00 nor more than \$500.00 and suspension of the person's operating privilege, as provided under Wis. Stat. § 343.30(6)(b)1;

(2) For a violation committed within 12 months of a previous violation, a forfeiture of not less than \$300.00 nor more than \$500.00 and suspension of the person's operating privilege, as provided under Wis. Stat. § 343.30(6)(b)2;

(3) For a violation committed within 12 months of two previous violations, a forfeiture of not less than \$500.00 nor more than \$750.00 and revocation of the person's operating privilege, as provided under Wis. Stat. § 343.30(6)(b)3;

(4) For a violation committed within 12 months of three previous violations, a forfeiture of not less than \$750.00 nor more than \$1,000.00 and revocation of the person's operating privilege, as provided under Wis. Stat. § 343.30(6)(b)3.

(c) Upon conviction, any person found to be in violation of any applicable provision of this chapter shall forfeit an amount as provided in section 1-15.

Sec. 6-7. -Sale to intoxicated persons.

No person may procure for, sell, dispense, or give away alcohol beverages to an intoxicated person.

No licensee or permittee may sell, vend, deal or traffic alcohol beverages to or with an intoxicated person.

Sec. 6-8. - Prohibited sale, possession or consumption of alcohol beverages in certain public places.

(a) It shall be unlawful for any person to sell or serve or give to another person, or to offer to sell or serve or give to another person, any fermented malt beverage or intoxicating liquor while upon any public street or sidewalk, or within a parked motor vehicle located on any street within the city except as authorized under a sidewalk cafe permit issued pursuant to chapter 82 and as authorized in subsection (e).

(b) It shall be unlawful for any person to consume, or to possess an open container containing, any fermented malt beverage or intoxicating liquor while upon any public street or sidewalk, or within a parked vehicle located on any street within the city except as authorized under a sidewalk cafe permit issued pursuant to chapter 82 and as authorized in subsection (e).

(c) It shall be unlawful for any person to consume, or to possess an open container containing, any fermented malt beverage or intoxicating liquor while upon the premises of any municipal parking lot or municipal parking facility, except where an appropriate license has been issued authorizing the sale and consumption of such beverages in a specified area and under conditions prescribed by the common council.

(d) No person shall bring into Festival Park or possess or consume at Festival Park any alcohol beverage except as authorized by and under a duly issued license or permit.

(e) Public events for which a permit has been issued under section 82-49 to barricade and occupy the public right-of-way are exempt from this section.

Sec. 6-9. - Sale or consumption of intoxicating beverages and liquor in amusement centers and places of entertainment.

It shall be unlawful for the owner, operator or any person employed in any place where food or soft drinks or other nonintoxicating drinks are sold, or

any place of entertainment or amusement centers, to permit any person to drink intoxicating liquor and/or fermented malt beverages therein. It shall be unlawful for any person to consume while in such premises any intoxicating liquor and/or fermented malt beverages unless such place is licensed to sell intoxicating liquor and/or fermented malt beverages.

Sec. 6-10. - Use of fermented malt beverage or soft drink as a mix with intoxicating beverage prohibited in unlicensed establishments.

Unless such place is licensed to sell intoxicating liquor, it shall be unlawful for the licensee, owner, operator or any person employed in any place where food or soft drinks are sold or licensed to be sold in the city to sell, vend, serve, give away, or in any way deal or traffic in any soft drink or other beverage or liquid to any person which is with his knowledge being used or to be used on such premises as a mix with any alcohol beverage or intoxicating liquor. It shall be unlawful for the licensee, owner, operator or any person employed in any such place of business to permit any person to add any alcohol or liquor containing alcohol or intoxicating liquor to any fermented malt beverage, soft drink or other similar beverage.

Sec. 6-11. - Slot machines prohibited.

No slot machine or any device of chance shall be kept upon any premises licensed under this chapter.

Sec. 6-12. - Warning sign required at licensed establishments.

There shall be displayed in a prominent place at each premises licensed under this chapter for sale of fermented malt beverages or intoxicating liquors a sign stating: "Warning: Drinking alcoholic beverages during pregnancy can cause birth defects." The sign shall be at least 8½ inches wide and 11 inches high, with each letter at least three-fourths-inch high and three-eighths-inch wide. The signs shall have dark color characters on a light color background. Signs may include, in any size lettering, the words "City of Racine Ordinance." The city clerk shall make such warning signs available to licensees at the time of issuance and renewal.

Sec. 6-13. - Posting licenses.

Every license and permit issued pursuant to this chapter excepting operator's licenses or provisional operator's licenses shall be posted while in force in a conspicuous place in the room or place where such beverages are kept for sale or sold. It shall be unlawful for any person to post such license or permit, or to be permitted to post it, upon premises other than those premises mentioned in the application for such license or permit, or knowingly to deface or destroy such license or permit, or to remove such

license or permit without the consent of the licensee or permit holder. Whenever a license or permit shall be lost or destroyed without fault on the part of the holder or his agent or employee, a duplicate in lieu thereof under the original application shall be issued by the city clerk upon presentation of evidence of such destruction or loss.

Sec. 6-14. - Conditions of license.

All retail Class "A", "Class A", Class "B" and "Class B" and "Class C" licenses granted under this article shall be granted subject to the conditions set out in this article, and all other applicable conditions of this chapter and Wis. Stats. ch. 125, and subject to all other ordinances and regulations of the city applicable thereto.

In addition to the provisions of this chapter, a licensee shall comply with all conditions placed upon its license by action of the common council and which has been agreed to by the licensee. Failure to comply with such license shall constitute grounds for suspension or revocation of the license.

Sec. 6-15. - Restaurant sanitation requirements.

No applicant may obtain a "Class B" license or permit or a "Class C" license unless the premises complies with the rules promulgated by the department of agriculture, trade and consumer protection governing sanitation in restaurants.

Failure to maintain or comply with any such regulations shall constitute grounds for suspension, revocation or nonrenewal of the license.

State law reference- Restaurant sanitation rules, Wis. Stat. § 125.68(5).

Sec. 6-16. - Restrictions on future applications upon denial, nonrenewal or revocation of license.

Whenever an application for an operator's license is denied, denied renewal, or revoked, no other license issued under article IV of this chapter shall be granted to such person within 12 months of the date of such denial.

Whenever an application for an alcohol beverage license is denied, denied renewal, or revoked, no other license issued under article II of this chapter shall be granted to the applicant within 12 months of the date of such denial, except as otherwise provided in section 6-41. Additionally, if the denial relates to the fitness of the location, the applicant may reapply and may be granted such a license if the applicant can demonstrate a change in the character and nature of the location to the extent that the reasons for denial, or denial of renewal, of the license no longer exist. Application for

such exception specifying the reasons supporting the change shall be filed with the city clerk, who shall refer the request to the public safety and licensing committee. In considering whether the character and nature of the location have substantially changed, the following factors, among others, shall be considered:

- (1) A change in the type of license applied for;
- (2) A change in the number of licensed premises in the vicinity of the proposed licensed premises;
- (3) A change in zoning of the premises applied for;
- (4) A change in land uses in the vicinity.

The committee shall hold a hearing on the issue whether changed circumstances exist. If the committee finds that the applicant has not demonstrated changed circumstances, it shall recommend denial of the application. If the committee finds that a change of circumstances exists, the license application shall be considered on its merits at a subsequent meeting.

When a person surrenders an alcohol beverage or operator's license issued under this chapter in lieu of pending non-renewal, suspension or revocation proceedings, no other license issued under this chapter shall be granted to such person within 12 months of the date of such surrender and no refund of the fee paid therefor shall be made.

When any alcohol beverage or operator's license issued under this chapter is revoked, no other license issued under this chapter shall be granted to such person within 12 months of the date of the revocation and no refund of the fee paid therefor shall be made.

Sec. 6-17. - Reserved.

Sec. 6-18. - Social host ordinance.

(a) This section may be referred to as the social host ordinance.

(b) The purpose of this section is to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and to hold any person who hosts an event or gathering where persons under 21 years of age possess or consume alcohol responsible regardless of whether the person hosting the event or gathering supplied the alcohol.

Definitions. For purposes of this section, the following terms have the

following meanings:

Allow or host means to aid, conduct, entertain, organize, supervise, control, or permit an event or gathering.

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

Alcoholic beverage means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

Control means having the authority or power, or both, to direct, manage, oversee, or restrict the affairs, assets, or business of a person or entity.

Event or gathering means any group of two or more persons who have assembled or gathered together for a social occasion or other activity.

Parent means a person having legal custody of a juvenile as a natural, adoptive, or step parent; a legal guardian; or a person to whom legal custody has been given by court order.

Present means at hand or in attendance.

Public or private property includes, but is not limited to, any apartment, condominium, dwelling unit, farm, field, hall, hotel room, home, land, meeting room, motel room, park, place of assembly, or yard, whether occupied on a temporary or permanent basis and whether leased, owned, rented, or used with or without permission or compensation.

Underage person means any individual under 21 years of age.

Prohibited acts.

(1) It is unlawful for any person to allow or host an event or gathering at or on any private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will possess or consume any alcohol or alcoholic beverage if the person fails to take reasonable steps to prevent possession or consumption by any underage person, even if the person who allows or hosts the event or gathering is not present at the event or gathering.

(2) It is unlawful for any person to intentionally advise, aid, conspire with,

counsel, hire, or otherwise procure another person to commit a prohibited act.

Exceptions.

(1) This section does not apply to a person who procures for or dispenses, gives, or sells alcohol or any alcoholic beverage to an underage person if the underage person is in the direct company of the underage person's parent, guardian, or spouse and the parent, guardian, or spouse has attained the legal drinking age, has consented to the underage person possessing or consuming the alcohol or alcoholic beverage, and is in a position to observe and control the underage person.

(2) This section does not apply to legally protected religious observances.

(3) This section does not apply to an underage person who is lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

Penalties.

(1) A person will, upon conviction for a violation of any provision of this section, forfeit not less than \$1,000.00 nor more than \$5,000.00 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution.

(2) A person who has the ability to pay a forfeiture entered pursuant to this section, but who fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days for each offense. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.

Sec. 6-19. - Reserved.

ARTICLE II. - LICENSING.

Sec. 6-20. - Classification of alcohol beverage licenses.

Licenses to sell or offer for sale fermented malt beverages or intoxicating liquors shall be divided into the following classes of retail licenses:

Fermented malt beverages.

A Class "A" fermented malt beverage license shall authorize the retail sale of fermented malt beverages for consumption away from or off the premises where sold and in the original packages, containers and bottles.

The fee for a retail Class "A" license is \$100.00 per year or fraction thereof.

A Class "B" fermented malt beverage license shall authorize the retail sale of fermented malt beverages to be consumed only by the glass on the premises where sold, and in the original unopened package and container to be consumed off the licensed premises. The fee for a retail Class "B" license is \$100.00 per year or fraction thereof.

Intoxicating liquor licenses.

A "Class A" intoxicating liquor license shall authorize the retail sale of intoxicating liquors for consumption off the premises where sold and in original packages and containers. The fee for a retail "Class A" liquor license is \$500.00 per year or fraction thereof.

A "Class B" intoxicating liquor license shall authorize the retail sale of intoxicating liquors to be consumed only by the glass on the premises where sold, and in the original unopened package or container in quantities not to exceed one gallon, at any one time, to be consumed off the licensed premises, and except that wine may be sold in the original package or otherwise in any quantity to be consumed off the premises. The fee for a retail "Class B" liquor license is \$500.00 per year or fraction thereof.

A "Class C" wine license shall authorize the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold. A "Class C" license may be issued to a person qualified under Wis. Stat. § 125.04(5) for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold. The fee for a retail "Class C" wine license is \$100.00 per year or fraction thereof.

A "Class B" club intoxicating liquor license may be granted only to bona fide clubs and lodges situated and incorporated or chartered in the state for at least six months and situated in the city for at least six months immediately preceding the date of filing of the application for such license. Such license comes with all the privileges and restrictions of a retail "Class B" intoxicating liquor license, except that sales of intoxicating liquor shall be made to bona fide members or guests of members of the club holding the license only. The holder of such permit may sell intoxicating liquor for consumption by the glass and not in the original package or container on the premises covered by the permit. The fee for a "Class B" club intoxicating liquor license shall be \$100.00 per year or fraction thereof.

Temporary Class "B" and "Class B" licenses.

A temporary Class "B" license may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months prior to the date of application, and to posts of veterans organizations authorizing the retail sale of fermented malt beverages at a particular picnic or similar gathering, or at a meeting of any such post, or during a fair conducted by such fair association or agricultural society. The license shall designate the specific premises and the date or dates for which granted, not to exceed 4 continuous days for any one event. The fee for a temporary Class "B" license is \$10.00.

A temporary "Class B" license may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months prior to the date of application, and to posts of veterans organizations authorizing the retail sale of wine in an original package, container, or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The license shall designate the specific premises and the date or dates for which granted, not to exceed 2 for any one entity in any 12-month period except as otherwise permitted under Wis. Stat. § 125.51(10)(b). The fee for a temporary "Class B" license is \$10.00.

If the applicant meets all requirements for holding such license, a temporary license shall be issued by the city clerk upon application at least 2 business days prior to the event. Any person denied a license by the city clerk for failing to meet the requirements of ch. 125 or other provisions of the ordinance may appeal to the common council using the procedures under section 6-21(g) of this code.

Provisional retail licenses. A provisional retail license may be issued by the city clerk to a person who has applied for a Class "A," Class "B," "Class A," "Class B," or "Class C" license authorizing only the activities that the type of retail license applied for authorizes, provided that the applicant meets all the requirements for receiving such license and whose retail license application has been approved by the common council, and upon proof that the applicant has enrolled in responsible beverage server training course. The fee for a provisional retail license shall be \$15.00 and the license shall expire 60 days after its issuance or when the Class "A" or Class "B" license is issued to the holder, whichever is sooner. A provisional license may be revoked by the city clerk if he or she discovers

that the holder of the license made a false statement on the application.

Sec. 6-21. - Application referral process; issuance or denial.

Referral process.

Upon receipt of a completed application for a new alcohol beverage license, the city clerk shall forward the names of all applicants to the chief of police to conduct a background check and send a copy of the application to the public safety and licensing committee to be reviewed.

The committee shall provide the person with an opportunity to be heard on the matter prior to making its recommendation to the common council. The common council, by a majority vote of the members present, may grant or deny the license.

No such license may be issued by the city clerk until favorable action on the application therefor is had by the common council, except that an application for an operator's license and temporary licenses may be issued by the city clerk without action by the common council

Sponsors:

Jeff Coe

K. Common Council Announcements

Announcements are limited to recognition of City residents and employees, memorials, and non-political community events. Discussion of matters related to governmental business is prohibited.

L. Adjourn

Office of The City Clerk

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