



City of Racine Meeting Minutes Common Council

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

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

Tuesday, January 16, 2007

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

B. Pledge of Allegiance To The Flag

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

C. Approval of Journal of Council Proceedings (Minutes)

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

D. Public Comments

Mercedes Dzindzeleta

E. Communications

[06-3028](#)

Subject: Building Report for the month of December, 2006

Received and Filed

[06-3029](#)

Subject: Building Report for the year 2006.

Received and Filed

Refer to Finance and Personnel Committee, by Ald. Spangenberg

06-3052

Subject: communication from the City Attorney submitting the claim of Marvin Brown for consideration.

Staff Recommendation: the claim be denied.

Referred to the Finance and Personnel Committee

06-3042

Subject: Communication from the City Attorney's office submitting the

claim of Mark Altergott for consideration:

Staff recommendation: the claim of Mark Altergott be paid in the amount of \$8,277.00.

Referred to the Finance and Personnel Committee

07-0006

Subject: Communication from the Alderman of the 9th District requesting to rephrase the Hold Harmless, Indemnification and insurance clauses that are utilized in contracts with the City of Racine.

Referred to the Finance and Personnel Committee

07-0008

Subject: Communication from Police Chief Wahlen, requesting to enter into an agreement with Racine County Sheriff's Department for ongoing conditional use of the Racine County Robert L. Rohner Training Facility.

(Also referred to Public Safety and Licensing Committee.)

Referred to the Finance and Personnel Committee

Referred to the Public Safety and Licensing Committee

07-0018

Subject: Communication from the Human Resources Director requesting to present in closed session a summary of the collective bargaining agreement between the City of Racine and Racine Dispatchers Association Local 356 Wisconsin Professional Association Law Enforcement Employee Relations Division for 2006 - 2008.

Recommendation of the Finance & Personnel Committee on

1-16-07: The contract with Racine Dispatchers Association Local 356 Wisconsin Professional Association Law Enforcement Employee Relations Division for 2006 - 2008 be approved.

Referred to the Finance and Personnel Committee

07-0027

Subject: Request of the Director of City Development for approval to apply for and accept a U.S. Environmental Protection Agency environmental remediation grant for the Pointe Blue development.

Referred to the Finance and Personnel Committee

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

07-0013

Subject: Communication from Neighborhood Housing Services of Southeast Wisconsin requesting permission to place a banner on street light poles in the 1100 block of Villa Street.

Referred to the Public Works and Services Committee

[07-0017](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting to enter into a funding agreement with the Village of Caledonia for the paving of Erie Street.

Referred to the Public Works and Services Committee

[07-0021](#) **Subject:** Communication from Dig-It All Sign Company, LLC submitting a request to install two (2) signs over public right-of-way at Wilbur's BBQ & Catering, 515 Sixth Street.

Referred to the Public Works and Services Committee

[07-0025](#) **Subject:** Communication from Kevin and Meghan Mielcarek, 1348 Deane Boulevard, requesting that the alley lights be replaced with higher wattage bulbs.

Referred to the Public Works and Services Committee

[07-0029](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer recommending that the City adopt Chapter 11 of the State of Wisconsin Department of Transportation Facility Design Manual.

Referred to the Public Works and Services Committee

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

[07-0007](#) **Subject:** Request of the Director of Parks, Recreation & Cultural Services to enter into an agreement with Southport Consulting to prepare plans and specifications for HVAC Upgrades at Dr. Bryant Community Center.

Staff recommendation: Approve request.

Referred to the Public Safety and Licensing Committee

[07-0034](#) **Subject: (New)** Application of Sticky Rice, LLC, Pytaphone Khampane, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 522 Sixth Street. (1st District)

Referred to the Public Safety and Licensing Committee

Refer to Transit and Parking Commission, by Ald. Sollman

[06-3054](#) **Subject:** Communication from the Transit Planner submitting the contract between the City of Racine and the Village of Mt. Pleasant for transit service in the Village in 2007.

Referred to the Transit and Parking Commission

[06-3055](#) **Subject:** Communication from the Transit Planner submitting the contract between the City of Racine and the Village of Sturtevant for transit service

in the Village in 2007.

Referred to the Transit and Parking Commission

06-3056

Subject: Communication from the Transit Planner submitting the contract between the City of Racine and the Village of Caledonia for transit service in the Village in 2007.

Referred to the Transit and Parking Commission

06-3057

Subject: Communication from the Transit Planner submitting the agreement which would allow the pass-through of State mass transit operation funds in 2007 to Wisconsin Coach Lines for the Kenosha-Racine-Milwaukee intercity bus service.

Referred to the Transit and Parking Commission

06-3058

Subject: Communication from the Transit Planner submitting the December 2006 financial and operating report for the Wisconsin Coach Lines Racine-Kenosha-Milwaukee intercity bus service.

Referred to the Transit and Parking Commission

07-0001

Subject: Communication from the Transit Planner submitting the December 2006 WIDOT Management Performance Audit on the Belle Urban System.

Referred to the Transit and Parking Commission

07-0020

Subject: Communication from the Transit Planner submitting the November 2006 operating and financial report for the Belle Urban System.

Referred to the Transit and Parking Commission

Referred to the Finance and Personnel Committee

Refer to City Plan Commission, by Ald. Holding

07-0028

Subject: Request that the City of Racine amend the zoning code to better define and regulate drive-in establishments, fast food establishments and mixed use retail developments.

Referred to the City Plan Commission

Refer to Community Development Committee, by Ald. Weidner

06-3051

Subject: Allocation of 2007 HOME Grant Funds

Referred to the Community Development Committee

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

07-0022 **Subject:** Communication from the Historic Sixth Street Association requesting to present findings of a report that identifies enhancements to the 6th Street highway reconstruction project.

A motion was made by Alderman Sandy Weidner that this be Referred the Public Works and Services Committee. The motion PASSED by a Voice Vote.

Refer to Board of Parks, Recreation, and Cultural Services, by Ald. Wisneski

07-0024 **Subject:** Request of the Alderman of the Seventh District to meet with the Board of Parks, Recreation & Cultural Services to request to change the name of Cheska Park to Vidian/Cheska Park.

Staff recommendation: No recommendation at this time.

Referred to the Board of Park, Recreation and Cultural Services

07-0026 **Subject:** Request of Applied Ecological Services for an extension of their request for a research project to monitor water quality in a pond at Johnson Park.

Staff recommendation: Approve request for an extension.

Referred to the Board of Park, Recreation and Cultural Services

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Spangenberg

06-2894 **Subject:** Communications from the Fire Chief requesting to transfer funds to cover the replacement of a kitchen appliance at Fire Station 1.

Recommendation of the Finance & Personnel Committee on

01-08-07: Funding be authorized for the purchase of a replacement cooking stove at Fire Station 1 and that \$7,000 be transferred from account 986.300.5040, Fire Station #1 Female Locker Room, to account 986.300.5050, Fire Station #1 Cooking Stove, and carried forward to calendar year 2007.

Fiscal Note: There are sufficient funds available for the transfer.

A motion was made by Alderman James T. Spangenberg that this be Received and Filed as Reported. The motion PASSED on the Consent Vote.

06-2904 **Subject:** (Direct Referral) Request that the City of Racine and the Redevelopment Authority enter into a memorandum of agreement regarding general cooperation and coordination.

Recommendation of Redevelopment Authority on 12-06-2006: That the Authority and the City of Racine enter into the proposed agreement. To adopt Resolution 06-23.

Further recommends that this matter be referred to the Finance and Personnel Committee.

Fiscal Note: NA. The proposed agreement only formalizes existing relationships.

Recommendation of the Finance and Personnel Committee on 1-8-07: The City of Racine and the Redevelopment Authority enter into a memorandum of agreement regarding general cooperation and coordination.

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

Council Action

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

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Public Works and Services Committee Report, by Ald. Hart

06-2693

Subject: Communication from Robert Phillips, 408 Luedtke Avenue, and the Alderman of the 6th District requesting that a light be attached to an existing WE Energies pole in the alley of the 400 block of Luedtke Avenue.

Recommendation: The communication be received and filed.

Fiscal Note: Not applicable.

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

06-2907

Subject: Communication from the Alderman of the 6th District, on behalf of Merlyn and Joanne Tamblingson, 2207 Rupert Boulevard, and Sue Griego, 2208 Rupert Boulevard, to install traffic signal controls at the intersection of Chicago and Spring Streets.

Recommendation: The communication be received and filed.

Fiscal Note: Not applicable.

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

06-2956

Subject: Communication from Mr. Frederick Cape requesting permission to install an awning/banner over City right-of-way 302-304 Sixth Street.

Recommendation: The property owner of 302-304 Sixth Street be granted permission to install a stationary, projecting awning and vertical banner, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

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

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

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

06-2975

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a proposal for 2007 Pavement Inspections and Planning.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into an agreement with Earth Tech, Inc. for 2007 Pavement Inspections and Planning at a price not-to-exceed \$74,700.00.

Further recommends that funds to defray the cost of these professional services are available in Account 101.130.5610, 2007 Professional Services.

Fiscal Note: Funds are available as herein delineated.

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

06-3001

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 15-05 (K5-022), 2005 NR216 Stormwater Permit Compliance Services, Earth Tech, Inc., consultant.

Recommendation: The professional services provided by Earth Tech, Inc. under Contract 15-05 (K5-022), 2005 NR216 Stormwater Permit Compliance Services, be accepted and final payment authorized for a total contract amount of \$116,145.53, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 6425, dated March 15, 2005.

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

06-3011

Subject: Communication from the owner of Copacetic, 409 Main Street, and representative of the merchant committee, requesting to use city sidewalks for an ice sculpting festival on February 24, 2007 and to allow the sculptures to remain until they melt.

Recommendation: The communication be received and filed.

Fiscal Note: Not applicable.

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

06-3013

Subject: Communication from Mark Nielsen, Municipal Judge, proposing to designate the courtroom the Michelson Municipal Courtroom.

Recommendation: The Racine Municipal Court be designated the Michelson Municipal Courtroom in honor of Judge Robert Michelson.

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

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

06-3016

Subject: Communication from the owner of Henry & Wanda's, 501 Sixth Street, requesting to install two (2) vent hoods over public right-of-way on Park Avenue and Seventh Street.

Recommendation: The property owner of 501 Sixth Street be granted permission to install two (2) vent hoods over public right-of-way on Park Avenue and Seventh Street, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

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

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

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

06-3025

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 16-06 (K6-017), City Resurfacing, Payne & Dolan, Inc., contractor.

Recommendation: The work done by Payne & Dolan, Inc., under Contract 16-06 (K6-017), City Resurfacing, be accepted and final payment authorized for a total contract amount of \$464,416.16, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 06-7024, dated May 16, 2006.

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

06-3027

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering on behalf of David Decker of Decker Properties wishing to enter into an agreement to pay for additional paving on Biscayne Avenue.

Recommendation: That the Mayor and City Clerk be authorized and directed to enter into an agreement with the property owner of 5143 Biscayne Avenue for the City to pave the shoulder fronting his property with the cost of this additional work being paid for 100% by the property owner.

Fiscal Note: There will be no cost to the City of Racine for performing this additional work.

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

07-0011

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a professional services agreement from HNTB for Ground Penetrating Radar for locating the underground vaults along 6th Street.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into an agreement with HNTB Corporation for professional engineering services for Ground Penetrating Radar at a price not-to-exceed \$9,870.00.

Further recommends that funds to defray the cost of these professional services are available in Account 101.130.5610, Professional Services.

Fiscal Note: Funds are available as herein delineated.

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

07-0012

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting an amendment to the Recycling Services Agreement with Green Valley Disposal.

Recommendation: That Amendment No. 2, as submitted by Green Valley Disposal with the following changes, be approved.

- A. The contract period be extended to December 31, 2009, and
- B. The payment received from Green Valley Disposal for recyclables be increased to \$5.00 per ton.

Fiscal Note: This amendment will result in an increase of approximately \$18,000.00 in revenue to the City.

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

07-0015

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 on Contract 46-06 (K6-049), City Hall Data Center Improvements, Ricchio, Inc., contractor.

Recommendation: Change Order No. 1 on Contract 46-06 (K6-049), City Hall Data Center Improvements, Ricchio, Inc., contractor, as submitted, be approved in the amount of \$30,600.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 987.100.5030, City Hall - IS Computer Room HVAC.

Fiscal Note: Funds are available as herein delineated.

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

Council Action

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

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Public Safety and Licensing Committee Report, by Ald. Maack

06-2901

Subject: (New) Application of Grid Iron, LLC, Deborah DeLao, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1632 Douglas Avenue. (4th District)

Recommendation of the Public Safety & Licensing Committee of

12-11-06: That the license be granted, contingent upon the outcome of the Special Public Safety & Licensing Committee meeting on December 14,

2006 and current license holder surrendering their license. Also, pending city department approvals, and Common Council final approval.

Recommendation of the Public Safety & Licensing Committee of 01-08-07: That the item be granted.

Fiscal Note: N/A

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

06-2935

Subject: Request to rescind Resolution #6748 regarding Change Order #2 to Contract 27-05 (K5-034) of October 11, 2005 Monument Square Landscape.

Staff recommendation: Approve request to rescind Resolution #6748

Recommendation of the Public Safety & Licensing Committee of 01-08-07: That the request to rescind Resolution #6748 regarding Change Order #2 to Contract 27-05 (K5-034) of October 11, 2005 Monument Square Landscape, be approved.

Fiscal Note: N/A

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

06-2937

Subject: (Direct Referral) Request from the City Attorney to go into closed session after roll call pursuant to sec. 19.85 (1)(g), Wis. Stats., for the purpose of conferring with legal counsel concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. It is also the intent that open session will follow closed session.

Recommendation of the Public Safety & Licensing Committee of 12-11-06: That the Request from the City Attorney to go into closed session after roll call pursuant to sec. 19.85 (1)(g), Wis. Stats., for the purpose of conferring with legal counsel concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. It is also the intent that open session will follow closed session, be approved.

Fiscal Note: N/A

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

06-2942

Subject: (Change of Agent) Application of The Warning Track, LLC,

Kelly G. Hansen, Agent for a Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1301 Washington Avenue.

Recommendation of the Public Safety & Licensing Committee of 01-08-07: That the Change of Agent be approved.

Fiscal Note: N/A

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

[06-2976](#)

Subject: (Direct Referral) Recommendation from the Special Public Safety & Licensing Committee Meeting, to discuss the settlement proposal regarding Shocker's due process proceedings.

Recommendation of the Special Public Safety & Licensing Committee of 12-14-06: To approve the settlement agreement regarding Shocker's due process proceedings.

Recommendation of the Public Safety & Licensing Committee of 01-08-07: That the item be approved.

Fiscal note: N/A

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

[06-2996](#)

Subject: Direct Referral: Final payment for engineering services for preparing plans and specifications for boiler replacement at Lakeview Center and Festival Hall by Southport Consulting.

Staff recommendation: Accept work and authorize final payment for a total contract of \$4,500.00.

Recommendation of the Public Safety & Licensing Committee of 01-08-07: That the item be approved.

Fiscal Note: N/A

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

[Res.06-7388](#)

Accept Proposed Settlement Agreement for Shocker's

Resolved, that the proposed settlement agreement arising from the due process proceeding held on December 14, 2006 for Shocker's be approved and

that the City Attorney be authorized and directed to execute all necessary documents.

Recommendation of the Public Safety & Licensing Committee of 01-08-07:

That the item be approved.

Fiscal Note: N/A

A motion was made by Alderman David L. Maack that this be Adopted. The motion PASSED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

06-3009

Subject: (Direct Referral) Communicaton from the Purchasing Agent submitting the monthly report for the sale of Abandoned Vehicles, December 19, 2006.

Recommendation of the Public Safety & Licensing Committee of 01-08-07: That the item be received and filed.

Fiscal Note: This will generate \$4,207.01 in revenues.

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

06-3014

Subject: (Renewal) Application of Racine Antique Mall for a Secondhand Article Dealer License for 310 Main Street. (1st District)

Recommendation of the Public Safety & Licensing Committee of 01-08-07: That the license be granted.

Fiscal Note: N/A

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

06-3024

Subject: Communication from the Chief of Police asking that the police department be allowed to carry over \$35,000 from account 101.311.5770 (Machinery & Equipment) from the 2006 budget to the 2007 budget and that the money be allocated to buy transcribing equipment and that formal bidding be waived.

Recommendation of the Finance and Personnel Committee on 01-08-07: Permission granted to carry forward \$35,000 from the 2006 account 101.311.5770 (Machinery & Equipment) to the 2007 budget for the same account. Money will be allocated to purchase transcribing equipment. Further recommend that, in the best interest of the City, formal bidding be waived.

Recommendation of the Public Safety & Licensing Committee of

01-08-07: That permission be granted to carry forward \$35,000 from the 2006 account 101.311.5770 (Machinery & Equipment) to the 2007 budget for the same account. Money will be allocated to purchase transcribing equipment. Further recommend that, in the best interest of the City, formal bidding be waived.

Fiscal Note: There are sufficient funds available for the transfer.

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

Council Action

A motion was made by Alderman David L. Maack to Adopt the Report. Adopted by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

City Plan Commission Report, by Ald. Holding**06-2601**

Subject: Communication from the Commissioner of Public Works/City Engineer wishing to discuss an oversight that occurred when a portion of Mead Street was renamed South Marquette Street.

Recommendation: The street currently referred to as Mead Street, which extends from the south line of 9th Street to the west line of Washington Avenue, be renamed South Marquette Street.

Fiscal Note: Not applicable.

Recommendation of City Plan Commission on 01-10-07: That the street currently referred to as Mead Street, which extends from the south line of 9th Street to the west line of Washington Avenue be renamed South Marquette Street.

Further, that the renaming is not in conflict with existing city plans and programs.

Fiscal Note: N/A

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

06-3043

Subject: (Direct Referral) Request by Kevin Kadlec of KAB Properties L.P., representing Hometown Harbor, seeking an amendment to

conditional use permit to add 24 housing units to an existing 86 unit residential care facility at 1600 Ohio Street.

Recommendation of city Plan Commission on 01-10-07: That a request from Kevin Kadlec of KAB Properties L.P., representing Home Harbor, seeking an amendment to a conditional use permit to add 24 housing units to an existing 86 unit residential care facility at 1600 Ohio Street, subject to the following conditions:

- a. That the plans stamped "Received December 21, 2006" and presented to the Plan Commission on January 10, 2007 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be applied for.
- c. That sufficient parking be provided to adequately accommodate residents, employees, and visitors, but in no case shall there be less than 94 total parking spaces provided for the entire development. Further, all parking areas be appropriately screened from neighboring residential properties.
- d. That final plans be submitted to the Director of City Development for review and approval illustrating the design of the garage, trash, and storage structures.
- e. That all signs be professionally made, comply with the zoning ordinance, and be submitted to the Director of City Development for review and approval prior to installation.
- f. That the roof color be either tan, brown, or gray.
- g. That all site lighting consist of box type cut-off fixtures, and be so positioned so as not to cause glare on neighboring street or property.
- h. That vehicle access to underground parking be from the west side of the building addition, resulting in one driveway onto Ohio Street.
- i. That all curb cuts be approved by the Commissioner of Public Works.
- j. That prior to the issuance of a building permit, a detailed landscaping plan be submitted for the review and approval of the Director of City Development illustrating the treatment of the patio areas and retaining walls. Landscaping shall be installed prior to the issuance of an occupancy permit unless a letter of credit, equal to the value of the landscaping, is submitted to the Director of City Development for review and approval.

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

l. That no minor changes be made from the conditions of this permit without approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.

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

n. That all signs be professionally made, comply with zoning ordinance requirements and be approved by the Director of City Development.

Fiscal Note: N/A

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

Council Action

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

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Executive Committee Report, by Ald Weidner

06-3002

Subject: Request from the City Attorney to go into closed session after roll call pursuant to sec. 19.85 (1)(g), Wis. Stats., for the purpose of conferring with the City Attorney who is rendering oral advice concerning strategy to be adopted by the council with respect to litigation with AT&T in which the City is likely to become involved. It is also the intent that open session will follow closed session.

Executive Committee Recommendation: To approve intervention in the Milwaukee declaratory judgment litigation.

Fiscal Note: NA

A motion was made by Alderman Sandy Weidner that this be Received and Filed as Reported. The motion PASSED on the Consent Vote.

Office of the Mayor Report, by Ald. Weidner

07-0023

Subject: Communication from Mayor Becker nominating the following appointments.

Finance Director for the City of Racine:

Appoint David Brown (current Interim Finance Director) effective 1-1-2007.

Library Board:

Appoint Karen Dagg as Racine Unified's School District representative (replacing Cheryl Esch) to fill an unexpired term ending in June 2009.

A motion was made by Alderman Sandy Weidner that this be Received and Filed as Reported. The motion PASSED on the Consent Vote.

Board of Health Report, by Ald. DeHahn**06-3005**

Subject: Communication from the Public Health Administrator requesting permission to accept and for the Mayor and City Clerk to sign a contract with the Racine County Human Services Department for the Brighter Futures program in the amount of \$70,000.

The City will serve as the fiscal agent and the monies will be divided between the City of Racine, Caledonia/Mt. Pleasant and Western Racine County Health Departments.

Recommendation of the Finance and Personnel Committee on

01-08-07: The Mayor and City Clerk be authorized and directed to sign a contract with the Racine County Human Services Department (Grant Control No. 2006-043) for the Brighter Futures Program in the amount of \$70,000.

Recommendation of the Board of Health on 01/09/07: The Mayor and City Clerk be authorized and directed to sign a contract with the Racine County Human Services Department (Grant Control No. 2006-043) for the Brighter Futures Program in the amount of \$70,000.

Fiscal Note: There is no match required on the part of the City.

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

06-3006

Subject: Communication from the Public Health Administrator requesting permission for the Mayor and City Clerk to sign a contract with Children's Community Health Plan. CCHP is an HMO provider to Medicaid recipients which is subcontracting to other HMOs. This contract allows the City of Racine Health Department to be reimbursed for services provided to clients with said HMOs.

Recommendation of the Finance and Personnel Committee on

01-08-07: The Mayor and City Clerk be authorized and directed to sign a contract with Children's Community Health Plan (CCHP) allowing the City of Racine Health Department to be reimbursed for services provided to

clients with said HMOs.

Recommendation of the Board of Health on 01/09/07: The Mayor and City Clerk be authorized and directed to sign a contract with Children's Community Health Plan allowing the City of Racine Health Department to be reimbursed for services provided to clients with said HMOs.

Fiscal Note: N/A

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

06-3022

Subject: Communication from the Public Health Administrator requesting permission to accept and for the Mayor and City Clerk to sign a contract with the Children's Hospital of Wisconsin for the Children and Youth with Special Healthcare Needs program. The grant amount is \$3,640 and the contract period is 01/01/07-12/31/07.

The contract has been reviewed and approved by Terry Maier in the Finance Department. The grant control number is 2006-046.

Recommendation of the Finance and Personnel Committee on 01-08-07: The Mayor and City Clerk be authorized and directed to sign a contract with the Children's Hospital of Wisconsin for the Children and Youth with Special Healthcare Needs program. (Grant Control No. 2006-046) in the amount of \$3,640 for calendar year 2007.

Recommendation of the Board of Health on 01/09/07: The Mayor and City Clerk be authorized and directed to sign a contract with the Children's Hospital of Wisconsin for the Children and Youth with Special Healthcare Needs program in the amount of \$3,640 for calendar year 2007.

Fiscal Note: There is no match required on the part of the City.

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

Council Action

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

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

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

06-2779

Subject: Request of the Director of Parks, Recreation & Cultural Services

to meet with the Public Safety and Licensing Committee to discuss the request of Paul and Shannon Curtin to exercise their option for a five year extension to their contract for concession operation at the North Beach Oasis.

Recommendation of the Board of Parks, Recreation & Cultural Services 11-14-06: That the communication be deferred to the next meeting.

Recommendation of the Board of Parks, Recreation & Cultural Services 12-13-06: That the request be approved.

Recommendation of the Public Safety & Licensing of 01-08-07: That the request be approved.

Fiscal note: 15% of gross receipts to City.

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

[06-2936](#)

Subject: Communication from Terry McCarthy, requesting the City of Racine to consider clearing the lakefront trails, from Pershing park at the south end all the way to the north end of the zoo.

Recommendation of the Board of Parks, Recreation & Cultural Services 1-10-07: Receive and file.

Fiscal note: N/A

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

[06-2973](#)

Subject: Request from University of Wisconsin-Parkside to enter into a partnership with the City of Racine to develop the building located at 1301 - 6th Street into an innovative Root River Environmental Education Community Center.

Recommendation of the Board of Parks, Recreation & Cultural Services 1-10-07: Approve contingent upon a conditional use agreement to be worked out with Parks, Recreation & Cultural Services staff and the City Attorney's office.

Fiscal note: To be determined.

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

Council Action

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

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

City Landmark's Preservation Commission Report, by Ald. Anderson

06-3032

Subject: Direct Referral. Consideration of a request by the Director of City Development seeking consideration of a nomination to re-designate the property at 936 South Main Street (Blake House) as a Racine Landmark.

Recommendation of Landmarks Preservation on 01-08-07: That the property at 936 South Main Street (Blake House) be re-designated as a Racine Landmark.

Fiscal Note: N/A

Further to refer to City Plan Commission.

A motion was made by Alderman Robert Anderson that this be Referred the City Plan Commission. The motion PASSED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

G. Resolutions

Res.07-0001 Hold Harmless Agreement for Henry & Wanda's, 501 Sixth Street

Resolved, that the property owner of 501 Sixth Street be granted permission to install two (2) vent hoods over public right-of-way on Park Avenue and Seventh Street, as requested, with the stipulation that a hold harmless agreement be executed in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.

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

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

Adopted

Res.07-0002 Hold Harmless Agreement for 302-304 Sixth Street

Resolved, that the property owner of 302-304 Sixth Street be granted

permission to install a stationary, projecting awning and vertical banner, as requested, with the stipulation that a hold harmless agreement be executed in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.

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

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

Adopted

Res.07-0003 Final payment on contract for 2005 Stormwater Permit Compliance Services

Resolved, that the professional services provided by Earth Tech, Inc. under Contract 15-05 (K5-022), 2005 NR216 Stormwater Permit Compliance Services, be accepted and final payment authorized for a total contract amount of \$116,145.53, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 6425, dated March 15, 2005.

Adopted

Res.07-0004 Final payment for City Resurfacing contract

Resolved, that the work done by Payne & Dolan, Inc., under Contract 16-06 (K6-017), City Resurfacing, be accepted and final payment authorized for a total contract amount of \$464,416.16, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 06-7024, dated May 16, 2006.

Adopted

Res.07-0005 Agreement for 2007 Pavement Inspections and Planning

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Earth Tech, Inc. for 2007 Pavement Inspections and Planning at a price not-to-exceed \$74,700.00.

Further resolved, that funds to defray the cost of these professional services are available in Account 101.130.5610, 2007 Professional Services.

Fiscal Note: Funds are available as herein delineated.

A motion was made by Alderman Ronald D. Hart that this be Adopted. The motion PASSED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Res.07-0006 Agreement with property owner for paving 5143 Biscayne Avenue

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with the property owner of 5143 Biscayne Avenue for the City to pave the shoulder fronting his property with the cost of this additional work being paid for 100% by the property owner.

Fiscal Note: There will be no cost to the City of Racine for performing this additional work.

Adopted

Res.07-0007 Amendment to Recycling Services Agreement with Green Valley Disposal

Resolved, that Amendment No. 2, as submitted by Green Valley Disposal with the following changes, be approved.

- A. The contract period be extended to December 31, 2009, and
- B. The payment received from Green Valley Disposal for recyclables be increased to \$5.00 per ton.

Fiscal Note: This amendment will result in an increase of of approximately \$18,000.00 in revenue to the City.

Adopted

Res.07-0008 Agreement for Ground Penetrating Radar Locating Underground Vaults

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with HNTB Corporation for professional engineering services for Ground Penetrating Radar for locating underground vaults along 6th Street at a price not-to-exceed \$9,870.00.

Further resolved, that funds to defray the cost of these professional services are available in Account 101.130.5610, Professional Services.

Fiscal Note: Funds are available as herein delineated.

A motion was made by Alderman Ronald D. Hart that this be Adopted. The motion PASSED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Res.07-0009 Change Order on Contract for City Hall Data Center Improvements

Resolved, that Change Order No. 1 on Contract 46-06 (K6-049), City Hall Data Center Improvements, Ricchio, Inc., contractor, as submitted, be approved in the amount of \$30,600.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 987.100.5030, City Hall - IS Computer Room HVAC.

Fiscal Note: Funds are available as herein delineated.

A motion was made by Alderman Ronald D. Hart that this be Adopted. The motion PASSED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Res.07-0010 Transfer funds for Fire Department Kitchen Appliance Replacement

Resolved, that funding be authorized for the purchase of a replacement cooking stove at Fire Station 1 and that \$7,000 be transferred from account 986.300.5040, Fire Station #1 Female Locker Room, to account 986.300.5050, Fire Station #1 Cooking Stove, and carried forward to calendar year 2007.

Fiscal Note: There are sufficient funds available for the transfer.

Adopted

Res.07-0011 Police Department carry forward funds from 2006 budget to 2007 budget

Resolved, that the Police Department be granted permission to carry forward \$35,000 from the 2006 account 101.311.5770, (Machinery & Equipment), to the 2007 budget for the same account. Money will be allocated to purchase transcribing equipment.

Further resolved that, in the best interest of the City, formal bidding be waived.

Fiscal Note: There are sufficient funds available for the transfer.

Adopted

Res.07-0012 Memorandum of Agreement between City and Redevelopment Authority

Resolved, that the City of Racine and the Redevelopment Authority enter into a Memorandum of Agreement regarding general cooperation and coordination and that the Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City.

Fiscal Note: N/A

Adopted

Res.07-0013 Agreement with Racine County for Brighter Futures Program

Resolved, that the Mayor and City Clerk be authorized and directed to sign a contract with the Racine County Human Services Department (Grant Control No. 2006-043), for the Brighter Futures Program in the amount of \$70,000. The City will serve as the fiscal agent and the monies will be divided between the City of Racine, Caledonia/Mt Pleasant and Western Racine County Health Departments.

Fiscal Note: There is no match required on the part of the City.

Adopted

Res.07-0014 Contract with Children's Community Health Plan

Resolved, that the Mayor and City Clerk be authorized and directed to sign a contract with Children's Community Health Plan (CCHP) allowing the City of Racine Health Department to be reimbursed for services provided to clients with said HMOs.

Fiscal Note: N/A

Adopted

Res.07-0015 Contract with Children's Hospital of Wisconsin for Special Healthcare Needs Program

Resolved, that the Mayor and City Clerk be authorized and directed to sign a contract with the Children's Hospital of Wisconsin for the Children and Youth with Special Healthcare Needs program. (Grant Control No. 2006-046) in the amount of \$3,640 for calendar year 2007.

Fiscal Note: There is no match required on the part of the City.

Adopted**Res.07-0016** Extension to concession agreement at North Beach Oasis

Resolved, that the agreement for operation of a food and beverage concession at North Beach Oasis as authorized by Resolution No. 4642 of 05-21-02, be amended by increasing the term of the original agreement with a five year extension to the agreement and providing for compensation to the City of 15% of gross receipts.

Fiscal Note: 15% of gross receipts to the City.

Adopted**Res.07-0017** Rescind Resolution No. 6748 of November 1, 2005

Resolved, that Resolution No. 6748 of November 1, 2005, regarding Change Order No 2 to Contract 27-05 (K5-034), 2005 Monument Square Site Landscape Improvements, be rescinded.

Fiscal Note: N/A

Adopted**Res.07-0018** Final Payment for Boiler Replacement at Lakeview Center and Festival Hall

Resolved, that the work of Southport Consulting for boiler replacement at Lakeview Center and Festival Hall be accepted and final payment authorized for a total contract amount of \$4,500.00.

Fiscal Note: N/A

Adopted**Res.07-0019** Renaming of a portion of Mead Street

Resolved, that the street currently referred to as Mead Street, which extends from the south line of 9th Street to the west line of Washington Avenue, be renamed South Marquette Street, as the renaming is not in conflict with existing city plans and programs.

Fiscal Note: N/A

Adopted

Res.07-0020 Amendment to Conditional Use Permit for 1600 Ohio Street

Resolved, that the request of Kevin Kadlec of KAB Properties L.P., representing Home Harbor, seeking an amendment to a conditional use permit to add 24 housing units to an existing 86 unit residential care facility at 1600 Ohio Street, subject to the following conditions:

- a. That the plans stamped "Received December 21, 2006" and presented to the Plan Commission on January 10, 2007 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be applied for.
- c. That sufficient parking be provided to adequately accommodate residents, employees, and visitors, but in no case shall there be less than 94 total parking spaces provided for the entire development. Further, all parking areas be appropriately screened from neighboring residential properties.
- d. That final plans be submitted to the Director of City Development for review and approval illustrating the design of the garage, trash, and storage structures.
- e. That all signs be professionally made, comply with the zoning ordinance, and be submitted to the Director of City Development for review and approval prior to installation.
- f. That the roof color be either tan, brown, or gray.
- g. That all site lighting consist of box type cut-off fixtures, and be so positioned so as not to cause glare on neighboring street or property.
- h. That vehicle access to underground parking be from the west side of the building addition, resulting in one driveway onto Ohio Street.
- i. That all curb cuts be approved by the Commissioner of Public Works.
- j. That prior to the issuance of a building permit, a detailed landscaping plan be submitted for the review and approval of the Director of City Development illustrating the treatment of the patio areas and retaining walls. Landscaping shall be installed prior to the issuance of an occupancy permit unless a letter of credit, equal to the value of the landscaping, is submitted to the Director of City Development for review and approval.
- k. That all codes and ordinances be complied with and required permits acquired.
- l. That no minor changes be made from the conditions of this permit without approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.

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

n. That all signs be professionally made, comply with zoning ordinance requirements and be approved by the Director of City Development.

Fiscal Note: N/A

Adopted

Res.07-0021 Regional Telecommunications Commission Participation Agreement

Resolved, that the Mayor and City Clerk be authorized and directed to execute the Regional Telecommunications Commission Participation Agreement on behalf of the City of Racine, as a participant in the intervention group, to approve intervention in the Milwaukee declaratory judgment litigation against AT&T at the initial retainer cost of \$300.00 per participant, and potential further costs as set out in the Participation Agreement.

Fiscal Note: Funds to be appropriated from account 101-990-591, Judgment and Claims.

A motion was made by Alderman Sandy Weidner that this be Adopted. The motion PASSED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

H. Ordinances

Ord.01-07 Ordinance No. 1-07 Alderman Maack

To repeal and recreate Article XXV. Pawnbrokers and Secondhand Dealers, to create Secs. 22-900 - 22-919, Pawnbroker Licenses, and amend Sec. 114-468, Conditional Uses, of the Municipal Code of the City of Racine, Wisconsin.

Part 1:

Article XXV, Pawnbrokers and Secondhand Dealers of the Municipal Code of the City of Racine is hereby recreated to read as follows:

“ARTICLE XXV. SECONDHAND DEALERS

*State law references: Pawnbrokers and secondhand goods dealers, Wis. Stats. § 134.71.

Sec. 22-891. Statutory definitions adopted.

All definitions listed in Wis. Stats. § 134.71 are hereby adopted by reference and incorporated in this article as though fully set out in this section.

Sec. 22-892. License--Required.

(a) No person may operate as a secondhand dealer unless the person first obtains a secondhand dealer's license under this article, provided that such license is not required for a person who operates as a secondhand article dealer only on premises or land owned by a person having a secondhand dealer mall or flea market license under section 22-894.

(b) No person may operate as a secondhand jewelry dealer unless the person first obtains a secondhand jewelry dealer's license under this article.

Sec. 22-893. Same--Application; investigation of applicant.

(a) Application for a license as a secondhand article dealer or secondhand jewelry dealer shall be made to the city clerk. The city clerk shall furnish application forms which shall require that information specified by Wis. Stats. § 134.71(5).

(b) Within ten days after receipt of an application for a license under this article, the city clerk shall forward a copy of the application to the chief of police, who shall cause an investigation of each applicant for such license to be made to determine whether the applicant has been convicted within the preceding ten years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of the activity proposed to be licensed and, if so, the nature and date of the offense and the penalty assessed. The chief of police shall furnish the information derived from the investigation in writing to the city clerk within five days from completion of the investigation.

Sec. 22-894. Same--Issuance; transfer; term.

(a) Following receipt of all appropriate information required in the application for a license under this article, the city clerk shall forward the application to the common council, which shall grant the license if all of the following apply:

(1) The applicant, including an individual, a partner or an officer, director or agent of any corporate applicant, has not been convicted within the preceding ten years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of being a secondhand jewelry dealer, secondhand article dealer or secondhand article dealer mall or flea market owner.

(b) No license issued under this article may be transferred.

(c) Each license for a secondhand article dealer or secondhand jewelry dealer is valid from January 1 until the following December 31.

(d) Each license for a secondhand article dealer mall or flea market is valid for up to two years, and shall expire on April 30 of the next odd-numbered year.

Sec. 22-895. Secondhand dealer requirements.

(a) *Identification.* No secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer without first securing adequate identification from the customer. At the time of the transaction, the secondhand article dealer or secondhand jewelry dealer shall require the customer to present one of the following types of identification:

- (1) A county identification card.
- (2) A state identification card.
- (3) A valid Wisconsin motor vehicle operator's license.
- (4) A valid motor vehicle operator's license, containing a picture, issued by another state.
- (5) A military identification card.
- (6) A valid passport.
- (7) An alien registration card.
- (8) A senior citizen's identification card containing a photograph.
- (9) Any identification document issued by a state or federal government, whether or not containing a picture, if the secondhand article dealer or secondhand jewelry dealer obtains a clear imprint of the customer's right index finger.

(b) *Transactions with minors.*

(1) Except as provided in subsection (b)(2) of this section, no secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from any minor.

(2) A secondhand article dealer or secondhand jewelry dealer may engage in a transaction described under subsection (b)(1) of this section if the minor is accompanied by his parent or guardian at the time of the transaction or if the minor provides the secondhand article dealer or secondhand jewelry dealer with the parent's or guardian's written consent to engage in the particular transaction.

(c) *Records.*

(1) Except as provided in subsection (c)(2) of this section, for each transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer, a secondhand article dealer or secondhand jewelry dealer shall require the customer to complete and sign, in ink, the appropriate

form provided by the city. No entry on such form may be erased, mutilated or changed. The secondhand article dealer or secondhand jewelry dealer shall retain an original and a duplicate of each form for not less than one year after the date of the transaction, except as provided in subsection (e) of this section, and during that period shall make the duplicate available to any law enforcement officer for inspection at any reasonable time.

(2) For every secondhand article purchased, received or exchanged by a secondhand article dealer from a customer off the secondhand article dealer's premises or consigned to the secondhand article dealer for sale on the secondhand article dealer's premises, the secondhand article dealer shall keep a written inventory. In this inventory the secondhand article dealer shall record the name and address of each customer, the date, time and place of the transaction and a detailed description of the article which is the subject of the transaction. The customer shall sign his name on a declaration of ownership of the secondhand article identified in the inventory and shall state that he owns the secondhand article. The secondhand article dealer shall retain an original and a duplicate of each entry and declaration of ownership relating to the purchase, receipt or exchange of any secondhand article for not less than one year after the date of the transaction, except as provided in subsection (e) of this section, and shall make duplicates of the inventory and declarations of ownerships available to any law enforcement officer for inspection at any reasonable time.

(d) *Holding period.*

(1) Except as provided in subsection (d)(5) of this section, any secondhand article or secondhand jewelry purchased or received by the secondhand dealer shall be kept on the secondhand dealer's premises or other place for safekeeping for not less than 30 days after the date of purchase or receipt, unless the person known by the secondhand dealer to be the lawful owner of the secondhand article or secondhand jewelry recovers it.

(2) Except as provided in subsection (d)(5) of this section, any secondhand article purchased or received by a secondhand article dealer shall be kept on the secondhand article dealer's premises or other place for safekeeping for not less than ten days after the date of purchase or receipt.

(3) Except as provided in subsection (d)(5) of this section, any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the secondhand jewelry dealer's premises or other place for safekeeping for not less than 15 days after the date of purchase or receipt.

(4) During the period specified in subsection (d)(1), (d)(2) or (d)(3) of this section, the secondhand article or secondhand jewelry shall be held separate and apart and may not be altered in any manner. The secondhand article dealer or secondhand jewelry dealer shall permit any law enforcement officer to inspect the secondhand article or secondhand jewelry during this period. Within 24 hours after a written request of a law enforcement officer during this period, a secondhand article dealer or secondhand jewelry dealer shall make available

for inspection any secondhand article or secondhand jewelry which is kept off the premises for safekeeping. Any law enforcement officer who has reason to believe any secondhand article or secondhand jewelry was not sold or exchanged by the lawful owner may direct a secondhand article dealer or secondhand jewelry dealer to hold that secondhand article or secondhand jewelry for such reasonable length of time as the law enforcement officer considers necessary to identify it.

(5) Subsections (d)(1) to (d)(4) of this section do not apply to any of the following:

- a. A coin of the United States, any gold or silver coin or gold or silver bullion.
- b. A secondhand article or secondhand jewelry consigned to a secondhand article dealer or secondhand jewelry dealer.

(e) *Report to law enforcement agency.* Within 24 hours after purchasing or receiving a secondhand article or secondhand jewelry, a secondhand article dealer or secondhand jewelry dealer shall make available, for inspection by a law enforcement officer, the original form completed under subsection (c)(1) of this section or the inventory under subsection (c)(2) of this section, whichever is appropriate. Notwithstanding Wis. Stats. § 19.35(1), a law enforcement agency receiving the original form or inventory or a declaration of ownership may disclose it only to another law enforcement agency.

(f) *Exception for customer return or exchange.* Nothing in this section applies to the return or exchange, from a customer to a secondhand article dealer or secondhand jewelry dealer, of any secondhand article or secondhand jewelry purchased from the secondhand article dealer or secondhand jewelry dealer.

Sec. 22-896. Secondhand article dealer mall or flea market.

(a) The owner of any premises or land upon which two or more persons operate as secondhand article dealers may obtain a secondhand article dealer mall or flea market license for the premises or land if the following conditions are met:

(1) Each secondhand article dealer occupies a separate sales location and identifies himself to the public as a separate secondhand article dealer.

(2) The secondhand article dealer mall or flea market is operated under one name and at one address, and is under the control of the secondhand article dealer mall or flea market license holder, and is zoned appropriately.

(3) All sales are completed at a central location under the control of the secondhand article dealer mall or flea market license holder, who maintains a record of all sales.

(b) The secondhand article dealer license holder and each secondhand article dealer operating upon the premises or land licensed under this section shall

comply with section 22-895.

Sec. 22-897. License revocation.

The common council may revoke any license issued by it under this article for fraud, misrepresentation or false statement contained in the application for a license or for any violation of this article or of Wis. Stats. § 943.34, 948.62 or 948.63.

Sec. 22-898. License fees.

The license fees under this article shall be as established by the common council, and shall be paid by the applicant upon submittal of the application for such license to the city clerk:

- (1) Secondhand article dealer's license;
- (2) Secondhand jewelry dealer's license;
- (3) Secondhand article dealer mall or flea market license.

Sec. 22-899. Penalty for violation of article.

(a) Upon conviction for a first offense under this article, a person shall forfeit not less than \$50.00 nor more than \$1,000.00. Upon conviction for a second or subsequent offense under this article, a person shall forfeit not less than \$500.00 nor more than \$2,000.00.

(b) Each violation of this article and each day a violation continues or occurs shall constitute a separate offense. The monetary penalties prescribed by this section shall not preclude the denial or revocation of a license required under this article to do business.”

Part 2:

To create Sections 22-900 through 22-919 of the Municipal Code of the City of Racine.

“PAWNBROKERS LICENSES

Sec. 22-900. Purpose.

The city council finds that use of services provided by pawnbrokers provides an opportunity for the commission of crimes and their concealment because pawn businesses have the ability to receive and transfer property stolen by others easily and quickly. The city council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. The purpose of this chapter is to prevent pawn businesses from being used as facilities for the commission of crimes, and to assure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the city.

To help the police department better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this chapter also implements and establishes the required use of the automated pawn system (APS).

Sec. 22-901. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Article means any item of value.

Billable transaction means very reportable transaction conducted by a pawnbroker except renewals, redemptions or extensions of existing pawns on items previously reported and continuously in the licensee's possession, voided transactions, and confiscations.

Charitable organization means a corporation, trust, or community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

Customer means a person with whom a pawnbroker, or an agent thereof, engages in a transaction of purchase, sale, receipt, or exchange of any secondhand article.

Pawnbroker means any person who engages in the business of lending money on the deposit or pledge of any article or purchasing any article with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price. To the extent that a pawnbroker's business includes buying personal property previously used, rented, leased, or selling it on consignment, the provisions of this chapter shall be applicable. A person is not acting as a pawnbroker when engaging in any of the following:

- (1) Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem, or antique show, or a convention.
- (2) Any transaction entered into by a person engaged in the business of junk collector, junk dealer, or scrap processor, as described in s. 70.995(2)(x), Wis. Stats.
- (3) Any transaction while operating as a charitable organization or conducting a sale, the proceeds of which are donated to a charitable organization.
- (4) Any transaction between a buyer of a new article and the person who sold the article when new that involves any of the following:

- a. The return of the article.
- b. The exchange of the article for a different, new article.

(5) Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.

(6) Any transaction as a seller of a secondhand article that the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

Reportable transaction means every transaction conducted by a pawnbroker in which an article or articles are received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided, or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, or an item is confiscated by law enforcement, is reportable except:

(1) The bulk purchase or consignment of new or used articles from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the pawnbroker must maintain a record of such purchase or consignment that describes each item, and must mark each item in a manner that relates it to that transaction record.

(2) Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

Secondhand means owned by any person, except a wholesaler, retailer, or licensed secondhand article dealer immediately before the transaction at hand.

License required. No person may operate as a pawnbroker in the city unless the person first obtains a pawnbroker license under his chapter.

Display of license. Each license issued under this chapter shall be displayed in a conspicuous place visible to anyone entering a licensed premise.

Sec. 22-902. License fees.

(a) The annual license fees for licenses issued under this chapter shall be \$210.00.

(b) The billable transaction license fee of \$1.00 reflects the cost of processing transactions and other related regulatory expenses as determined by the city council, and shall be reviewed and adjusted, if necessary, annually. Licensees shall be notified in writing thirty (30) days before any adjustment is implemented.

(c) Billable transaction fees shall be billed monthly and are due and payable within thirty (30) days. Failure to do so is a violation of this chapter.

Sec. 22-903. License application.

A person wishing to operate as a pawnbroker shall apply for a license to the city clerk. The clerk shall furnish application forms approved by the police department that shall require all of the following:

- (a) The applicant's name, place and date of birth, residence address, and residence addresses for the 10-year period prior to the date of the application.
- (b) The name and address of the business and of the owner of the business premises.
- (c) Whether the applicant is a natural person, corporation, limited liability company, or partnership, and:
 - (1) If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.
 - (2) If the applicant is a partnership, the names and addresses of all partners.
 - (3) If the applicant is a limited liability company, the names and addresses of all members.
 - (4) The name of the manager or proprietor of the business.
 - (5) Any other information that the clerk may reasonably require.
- (d) A statement as to whether the applicant, including an individual, agent, officer, director, member, partner, manager, or proprietor, has been convicted of any crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.
- (e) Whether the applicant or any other person listed in subsection d. above has ever used or been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.
- (f) Whether the applicant or any other person listed in subsection d. above has previously been denied or had revoked or suspended a pawnbroker license from any other governmental unit. If so, the applicant must furnish information as to the date, location, and reason for the action.
- (g) New manager. When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate application within fourteen (14) days. The application must include all appropriate information required in this section.

Sec. 22-904. Investigation of license applicant.

The police department shall investigate each applicant and any other person listed in subsection c. or g. above for a pawnbroker license. The department shall furnish the information derived from that investigation in writing to the city clerk. The investigation shall include each agent, officer, member, partner, manager, or proprietor.

Sec. 22-905. License issuance.

- (a) The city council shall grant the license if all of the following apply:
- (1) The applicant, including an individual, a partner, a member of a limited liability company, a manager, a proprietor, or an officer, director, or agent of any corporate applicant, does not have an arrest or conviction record, subject to ss. 11.321, 111.322 and 111.335 of the Wisconsin statutes.
 - (2) The applicant provides to the city clerk a bond of \$2,500 with not less than 2 sureties for the observation of all municipal ordinances or state or federal laws relating to pawnbrokers. The bond must be in full force and effect at all times during the term of the license.
- (b) No license issued under this subsection may be transferred.
- (c) Each license is valid from January 1 until the following December 31.

Sec. 22-906. Records required.

- (a) At the time of any reportable transaction other than renewals, extensions, redemptions or confiscations, every licensee must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the police department.
- (1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
 - (2) The purchase price, amount of money loaned upon, or pledged therefor.
 - (3) The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.
 - (4) Date, time and place the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records.
 - (5) Full name, current residence address, current residence telephone number, date of birth and accurate description of the person from whom the item of the property was received, including: sex, height, weight, race, color of eyes and

color hair.

(6) The identification number and state of issue from any of the following forms of identification of the seller:

- a. Current valid Wisconsin driver's license.
- b. Current valid Wisconsin identification card.
- c. Current valid photo identification card issued by another state or province of Canada.

(7) The signature of the person identified in the transaction.

(8) Effective sixty (60) days from the date of notification by the police department of acceptable video standards the licensee must also take a color photograph or color video recording of:

- a. Each customer involved in a billable transaction.
- b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

If a photograph is taken, it must be at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. The major portion of the photograph must include an identifiable facial image of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must focus on the person pawning or selling the item so as to include an identifiable image of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for three (3) months.

(9) Digitized photographs. Effective sixty (60) days from the date of notification by the police department licensees must fulfill the color photograph requirements in section 22-906(8) by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements in subdivision (8).

(10) Renewals, extensions, redemptions and confiscations. For renewals, extensions, redemptions and confiscations the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.

(11) Inspection of records. The records must at all reasonable times be open to inspection by the police department. Data entries shall be retained for at least three (3) years from the date of transaction. Entries of required digital images shall be retained a minimum of ninety (90) days.

Sec. 22-907. Daily reports to police.

(a) Effective no later than sixty (60) days after the police department provides licensees with the current version of the Automated Pawn System Interchange File Specification, licensees must submit every reportable transaction to the police department daily in the following manner:

(1) Licensees must provide to the police department all reportable transaction information by transferring it from their computer to the Automated Pawn System via modem using the current version of the Automated Pawn System Interchange File Specification. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority. All transaction that does not meet the Automated Pawn System Interchange File Specification must be corrected and resubmitted the next business day. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs patrons that all transactions are reported to the police department daily.

(b) Billable transaction fees, licensees will be charged for each billable transaction reported to the police department.

(1) If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide the police department, upon request, printed copies of all reportable transactions along with the video tape(s) for that date, by noon the next business day.

(2) If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must continue to provide the required reports as detailed in section 22-907 (b) (1), and shall be charged \$10.00 reporting failure penalty, daily, until the error is corrected.

(3) If the problem is determined to be outside the licensee's system, the licensee must continue to provide the required reports in sec. 22-907 (b)(1), and resubmit all such transactions via modem when the error is corrected.

(4) If a licensee is unable to capture, digitize or transmit the photographs required in sec. 22-906 (9), the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to the police department upon request.

(5) Regardless of the cause or origin of the technical problems that

prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.

(6) Section 22-907 (b)(1) through (3) notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

Sec. 22-908. Receipt required.

(a) Every licensee must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three (3) years. The receipt must include at least the following information:

(1) The name, address and telephone number of the licensed business.

(2) The date and time the item was received by the licensee.

(3) Whether the item was pawned or sold, or the nature of the transaction.

(4) An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

(5) The signature or unique identifier of the licensee or employee that conducted the transaction.

(6) The amount advanced or paid.

(7) The month and annual interest rates, including all pawn fees and charges.

(8) The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.

(9) The full name, current residence address, current residence telephone number, and date of birth of the pledger or seller.

(10) The identification number and state of issue from any of the following forms of identification of the seller:

- a. Current valid Wisconsin driver's license.
- b. Current valid Wisconsin identification card.
- c. Current valid photo driver's license or identification card issued by another state or province of Canada.

(11) Description of the pledger or seller including approximate sex, height, weight, race, color of eyes and color of hair.

(12) The signature of the pledger or seller.

Sec. 22-909. Redemption period.

(a) Any person pledging, pawning or depositing an item for security must have a minimum of sixty (60) days from the date of that transaction to redeem the item before it may be forfeited and sold. During the sixty (60) day holding period, items may not be removed from the licensed location except as provided in Sec. 22-906. Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued to, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with approval of the chief of police, or chief's designee. Written authorization for release of property to persons other than original pledger must be maintained along with original transaction record in accordance with Sec. 22-906.

(b) An individual may redeem an item seventy-two (72) hours after the item was received on deposit, excluding Sundays and legal holidays.

Sec. 22-910. Holding period.

(a) Holding period.

(1) Except as provided in subsection A. 3., any secondhand article purchased or received by a pawnbroker shall be kept on the premises or other place for safekeeping for not less than 30 days after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article redeems it.

(2) During the period set forth in subsection D. 1., the secondhand article shall be held

Referred to the Public Safety and Licensing Committee

Referred to the City Plan Commission

J. Adjourn

The meeting was adjourned at 7:45p.m. by Alderman Shakoor. The next scheduled meeting of the Council is February 6, 2007.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK