



**City of Racine**  
**Journal of Council Proceedings**  
**Common Council**

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

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Tuesday, May 2, 2006

7:00 PM

Room 205, City Hall

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**A. Call To Order**

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

**B. Pledge of Allegiance To The Flag**

**C. Approval of Journal of Council Proceedings (Minutes)**

**D. Public Comments**

**E. Public Hearings**

1. [Ord.09-06](#) ORDINANCE NO. 9-06 TO AMEND SEC. 114-254(n) RELATING TO ZONING-YARD REQUIREMENTS

To amend Sec. 114-254(n) of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Yard requirements and open space.

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

Part 1:

Sec. 114-254(n) of the Municipal Code of the City of Racine is hereby amended by deleting from the last sentence of the paragraph the following phrase, "formed by a street line and a private drive line".

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

Approved:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

FISCAL NOTE: N/A

4-12-06 CPC

**Recommendation:** That a public hearing be scheduled and that the ordinance be adopted.

- 2. [ZOrd.0002-06](#) An Ordinance to rezone 3037, 3051, 3063 and 3077 Douglas Avenue

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

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

Part 1:

That the properties located at 3037, 3051, 3063 and 3077 Douglas Avenue, and more particularly described as follows:

"Begin at a point which is the intersection of the north line of Kingston Avenue and the east line Douglas Avenue, from that point travel easterly along the north line of Kingston Avenue 188.6 feet, travel thence northerly 204 feet to the south line of Florence Avenue, travel thence westerly 130 feet, travel thence northerly 164.95 feet, travel thence westerly 90 feet, travel thence 113.71 feet to the south line of Lombard Avenue, travel thence westerly along said line to the east line of Douglas Avenue, travel thence southeasterly along said line to the point of beginning of this description. Said land being in the City of Racine, Racine County, Wisconsin."

be rezoned from B-1 Neighborhood Convenience District, to B-2 Community Shopping District.

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

Approved:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

FISCAL NOTE: N/A

CPC 04-26-06

Recommendation: That the ordinance be adopted.

Fiscal Note: N/A

**F. Communications**

**Refer to Finance and Personnel Committee**

3. [06-1536](#) **Subject:** Communication from the Office of the City Attorney submitting the claim of Xochitl Julian for consideration.

**Referred to Finance and Personnel Committee**

4. [06-1825](#) **Subject:** The Mayor and City Clerk be authorized to enter into a 3 year agreement with CGI to develop a Community Movie Showcase for the City of Racine for the City.

**Referred to Finance and Personnel Committee**

5. [06-1827](#) **Subject:** Communication from the Public Health Administrator requesting permission for the Mayor and City Clerk to sign a contract with the State of Wisconsin Department of Health and Family Services, that will provide funding for West Nile Virus surveillance activities. The contract is for \$2,000 and there is no match required by the City.

**(Also refer to Board of Health)**

**Referred to Finance and Personnel Committee**

6.     [06-1841](#)     **Subject:** Communication from the Racine Theatre Guild requesting to apply for \$5,000 from funds available to Racine-based organizations.
- Referred to Finance and Personnel Committee
7.     [06-1846](#)     **Subject:** Communication from the Interim Fire Chief requesting permission to apply for the Office of Justice Assistance / 2005 Homeland Security Equipment Grant for Radio Communications Interoperability.
- (Also refer to License & Welfare Committee)
- Referred to Finance and Personnel Committee
- Referred to License and Welfare Committee
8.     [06-1849](#)     **Subject:** Communication fom Inv. Jody Spiegelhoff requesting waiving a portion of the rental fee for Johnson's Park for a fundraiser event to be held on July 29, 2006 for a Racine Police Department employee.
- Referred to Finance and Personnel Committee
9.     [06-1851](#)     **Subject:** Communication from the City Clerk wishing to meet with the appropriate committee to discuss entering into an agreement with Racine County for the purchase of handicapped accessible voting equipment.
- Referred to Finance and Personnel Committee
10.    [06-1856](#)     **Subject:** Communication from the Interim Finance Director requesting to discuss the borrowing for the 2006 Capital Improvement Projects.
- Referred to Finance and Personnel Committee
11.    [06-1858](#)     **Subject:** Communication from the Interim Finance Director requesting to discuss 2005 to 2006 budget carry forwards.
- Referred to Finance and Personnel Committee
12.    [06-1859](#)     **Subject:**Communication from the Interim Finance Director appearing before the Committee to discuss refunding Tax Incremental Financing District No. 11 (West Racine) short term debt that is due in June.

**Referred to Finance and Personnel Committee**

13. [06-1866](#) **Subject:** Communication from the Public Health Administrator requesting permission for the Mayor and City Clerk to sign a contract with Abri Health Plan, Inc. Abri Health Plan is an HMO provider for Medicaid recipients. The intent of the agreement is to arrange for the provision of designated healthcare services by the City of Racine Health Department to Abri Health Plan, Inc. and Medicaid/BadgerCare enrollees.

**Fiscal Note:** N/A

**(Please refer to the Board of Health).**

**Referred to Finance and Personnel Committee****Referred to Board of Health**

14. [06-1872](#) **Subject:** Communication from the City Clerk submitting the bid received for printing the Common Council Proceedings and legal notices.

**Referred to Finance and Personnel Committee****Refer to Public Works and Services Committee**

15. [06-1848](#) **Subject:** Communication from the Rotary Foundation of Racine West, Inc., requesting additional street closures for their events on July 7 & 8, 2006.

**Referred to Public Works and Services Committee**

16. [06-1855](#) **Subject:** Communication from K. Singh & Associates, Inc. requesting permission to perform soil borings in Michigan Boulevard as Part of Environmental Site Assessment Activities for the Former Walker Manufacturing Property.

**Referred to Public Works and Services Committee**

17. [06-1857](#) **Subject:** Communication from Pentecost Lutheran Church requesting permission to close Jerome Boulevard between Coolidge Avenue and Case Avenue from 7 a.m. to 10 p.m. on Saturday, August 19, 2006, in

conjunction with their annual neighborhood party.

**Referred to Public Works and Services Committee**

18. [06-1868](#) **Subject:** Communication from Godske Awnings & Textiles, Inc. requesting permission to put awnings on the property at 1301 Washington Avenue over the side walk.

**Referred to Public Works and Services Committee**

**Refer to License and Welfare Committee**

19. [06-1821](#) **Subject:** Communication from the Purchasing Agent requesting to discuss bid received for Official Notice #5, Performance Audit of the Health Department.

**Referred to License and Welfare Committee**

20. [06-1826](#) **Subject:** Application of Rum Point, Inc., Patrick J. O'Neil, Agent, for a "Class B" Retail Fermented Malt Beverage and intoxicating Liquor License for 2 Christopher Columbus Drive.

(1st District) (**Alderman of the 2nd District included in reference**) (The agent has been requested to appear)

**Referred to License and Welfare Committee**

21. [06-1843](#) **Subject:** Communication from Preservation Racine requesting the use of the Mound Cemetery Chapel for a special membership meeting on July 10, 2006.

**Referred to License and Welfare Committee**

**Referred to Cemetery Commission**

22. [06-1852](#) **Subject:** Communication from the Racine Zoological society requesting permission to sell malted beverages at the Zoo's concession stand on a daily basis.

**Referred to License and Welfare Committee**[06-1873](#)

**Subject:** The Application of Daniel Takarian and Mario Passarelli, for a Class "B" Retail Fermented Malt Beverage and intoxicating Liquor License for 303 Dodge Street.

**Referred to License and Welfare Committee****Refer to Traffic Commission**

23.

[06-1828](#)

**Subject:** Communication from 2nd District Alderman and County Supervisor Gaynell Dyess requesting a four way stop sign be installed at the intersection at 20th and Mead Street.

**Referred to Traffic Commission****Refer to Transit and Parking Commission**

24.

[06-1844](#)

**Subject:** Communication from 13th District Alderman wishing to discuss and receive permission to landscape the entrances to the parking lots in West Racine.

**Referred to Transit and Parking Commission**

25.

[06-1845](#)

**Subject:** Communication from William VanOfferen wishing to discuss proposal for increase in transit fare.

**Referred to Transit and Parking Commission**

26.

[06-1861](#)

**Subject:** Communication from the Deliverance Crusaders Church regarding a bus shelter honoring Mrs. Bonnie Ray Fleming.

**Referred to Transit and Parking Commission**

27.

[06-1862](#)

**Subject:** Communication from Michael Mlsna, owner of The Drink, 961 Dr. Martin Luther King Jr. Drive requesting to include The Drink in the 2006 Pub & Grub Trolley Route.

Referred to Transit and Parking Commission

28. [06-1863](#) **Subject:** Communication from the Transit Planner submitting the March 2006 operating and financial report for the Belle Urban System.

Referred to Transit and Parking Commission

29. [06-1870](#) **Subject:** Communication from the Mayor asking to discuss parking restrictions on the SW corner of 13th Street and Washington Avenue.

Referred to Transit and Parking Commission

**Refer to City Plan Commission**

30. [06-1812](#) **Subject:** The Establishment of Design Standards for the Expanded Downtown Area to address the need to establish specific design standards in sub-areas of the downtown area.

Referred to City Plan Commission

31. [06-1850](#) **Subject:** Communication from Aldermen of the 11th and 12th Districts requesting to meet with City Plan Commission to discuss zoning rules for various types of establishments.

Referred to City Plan Commission

**Refer to Redevelopment Authority of the City of Racine**

32. [06-1853](#) **Subject:** Communication from the Mayor wishing to discuss development of the former Walker property and adjoining areas.

(Also refer to Executive Committee)

Referred to Redevelopment Authority of the City of Racine

Referred to Executive Committee

**Refer to Committee of the Whole**

33. [06-1864](#) **Subject:** Communication from the Alderman of the 6th district wishing to



discuss current legislative processes to include: Requests to "Include in Reference" and distribution of paper copies of council agenda and minutes.

**Referred to Committee of the Whole**

**Refer to Waterworks Commission**

34. [06-1830](#) **Subject:** Communication from Robert Robinson requesting that the commission show cause for the Hazardous Waste Surcharge.

**Referred to Waterworks Commission**

**Refer to Board of Parks, Recreation, and Cultural Services**

35. [06-1838](#) **Subject:** Communication from the Board of Directors of the Friends of Seniors, Inc. wishing to discuss the present lease agreement with the City of Racine

**Referred to Board of Park, Recreation and Cultural Services**

**Referred to Finance and Personnel Committee**

36. [06-1854](#) **Subject:** Communication from the Spirit of Racine Triathlon requesting the use of North Beach Park on July 23, 2006 for their annual race.

**Referred to Finance and Personnel Committee**

**Refer to Cemetery Commission**

37. [06-1871](#) **Subject:** Recommendation to approve Cemetery Charges and Fees

**Referred to Cemetery Commission**

**G. Committee Reports**

**Finance and Personnel Committee Report**

38. [06-1777](#) **Subject:** (Direct Referral) Request from the Interim Fire Chief to meet with the appropriate committee to apply for a Federal Emergency Management Agency (FEMA) fire grant to replace fire department apparatus.

Recommendation: That the Interim Fire Chief be granted permission to apply for \$375,000 Federal Emergency Management Agency (FEMA) fire grant (Grant Control No. 2006-020) to be utilized for the replacement of the fire department's apparatus.

Fiscal Note: A 20% match is required on the part of the City that will be funded out of the State of Wisconsin Hazmat funds.

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

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

39. [06-1778](#)

**Subject:** (Direct Referral) Communication to discuss accepting a donation of \$1,000 for the Racine Fire Department Public Education Fund.

(Also refer to License & Welfare Committee)

**Recommendation of the Finance & Personnel Committee 04-24-06:** That the Interim Fire Chief be granted permission to accept the \$1,000 donation from Metro Milwaukee Auto Auction to be utilized for the Racine Fire Department's Public Education Fund and that an appropriate letter of thanks be sent.

**Recommendation of the License & Welfare Committee 04-24-06:** That the Interim Fire Chief be granted permission to accept the \$1,000 donation from Metro Milwaukee Auto Auction to be utilized for the Racine Fire Department's Public Education Fund for kids in the City of Racine.

**Fiscal Note:** The donation will be utilized for the Fire Department's public education.

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

40. [06-1783](#)

**Subject:** Request to enter into an agreement with Time Warner Cable for discounted Business Class Road Runner service and discounted CATV service for employees of the City of Racine.

**Recommendation:** That the Mayor and City Clerk be authorized and directed to enter into an agreement with Time Warner Cable Southeastern Wisconsin enabling City employees to receive Road Runner Business Class and CATV service at a discounted price for a total of 3 years.

**Fiscal Note:** The agreement for the service is at no cost to the City of Racine.

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

**AYES:** 12 - Friedel, Hart, Karas, Shakoor II, Sollman, Spangenberg, Weidner, Hermes, Holding, Anderson, Kaplan and Wisneski

**NOES:** 3 - Maack, Fair and DeHahn

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

Ordinance No. 14-06 to repeal and recreate Sec. 2-402(b) of the Municipal Code relating to Chief of Police.

To repeal and recreate Sec. 2-402(b) of the Municipal Code of the City of Racine, Wisconsin relating to Chief of Police - Supervision of department.

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

Part 1:

Sec. 2-402(b) of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“(b) Supervision of department; deputy chiefs.  
The chief of police shall have general supervision over the police department and be responsible for the efficiency thereof. In the event of a temporary absence of the chief of police, his duties shall be performed by the deputy chief of police designated by the chief of police, and in the event of the disability, death or suspension of the chief of police, his duties shall be performed by the deputy chief of police of the patrol division.”

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

Approved:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

**Recommendation:** The Committee recommends that Ordinance 14-06 amend the Municipal Code of the City of Racine, Wisconsin as follows:

Sec. 2-402 (d) amend by deleting the word "oftener" on the second line and add the words "more often."

Further recommends that Ordinance 14-06 be adopted.

FISCAL NOTE: N/A

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

42. [06-1801](#)

**Subject:** Communication from Human Resources Director wishing to review policies and procedures on Timekeeping Records.

**Recommendation:** The City of Racine's policy and procedures relating to Timekeeping records be adopted.

Fiscal Note: N/A

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

43. [06-1824](#)

**Subject:** (Direct Referral) Communication from the Assistant Finance Director submitting the first quarter 2006 financial report.

**Recommendation:** That the first quarter 2006 financial report be received and filed.

**Fiscal Note:** N/A

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

Council Action

Council Action

Council Action

Council Action

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

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

### Public Works and Services Committee Report

44. [06-1722](#) **Subject:** Communication from the residents of the 2000 blocks of Carmel and Kinzie requesting the installation of a light in the alley.
- Recommendation:** The lighting in the 2000 block of Carmel Avenue be upgraded from 50 watt high pressure sodium lights to 100 watt high pressure sodium lights.
- Fiscal Note:** There will be minimal cost to implement these changes.
- A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**
45. [06-1774](#) **Subject:** Communication from the owner of Inside-Out, 406 Main Street, requesting to place two columns in city-right-of way.
- Recommendation:** The property owner of 406 Main Street be granted permission to install two decorative columns which will extend into the public right-of-way with the stipulation that the columns not be adhered to the public sidewalk and that a hold harmless agreement be executed in accordance with State Statute 66.0425, Privileges in Street.
- Further recommends that the property owner be charged a \$50.00 fee to cover administrative costs association 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.**
46. [06-1776](#) **Subject:** Communication from the Racine County Department of Public Works requesting variances for the installation of canopies, doorway, intercom bollard and column caissons/pier foundations in city right-of-way, install new sidewalks, curbs and gutter, temporarily remove light pole and parking meters, and that all fees for permits, inspections and allowances on the Law Enforcement Center addition project be waived.
- Recommendation of the Public Works and Services Committee (4-25-06):** Racine County be granted permission to conduct the following activities with the public right-of-way:
- A. Install a concrete bollard and loop detector at the entrance to the Law

Enforcement sallyport;

B. Place three (3) pedestrian entrance canopies cantilevered over the City sidewalk;

C. Install drilled caissons along 8th Street which will extend below grade beyond the street right-of-way;

All with the following stipulations:

1. A hold harmless agreement be executed;
2. The County pay a \$50.00 fee for filing this item with the Register of Deeds office.
3. The County agrees to relocate the concrete bollard and loop detector, either on a temporary or permanent basis, if required by any street construction or utility construction project.

Further recommends that the request for the City to waive all fees associated with this project be denied.

**Fiscal Note:** There are certain fees which legally cannot be waived. In addition, it would not be fair to the City taxpayers to release all County taxpayers from contributing to the cost of these fees.

**Recommendation from the Transit and Parking Commission**

**(04-26-06):** Racine County be invoiced at a rate of \$0.93 per meter per day for lost meter revenue due to street closures during the term of the construction project at the Law Enforcement Center.

**Fiscal Note:** The Parking System will derive \$172.75 per week in replacement parking meter revenue for the term of the project.

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

47. [06-1790](#)

**Subject:** Communication from Michael's Signs requesting to install a projecting sign over the right-of-way at 606 Sixth Street.

**Recommendation:** The property owner of 606 Sixth Street be granted permission to install a stationary, projecting sign, as requested, with the stipulation that a hold harmless agreement be executed in accordance with State Statute 66.0425, Privileges in Street.

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

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

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

48. [06-1794](#)

**Subject:** Communication from the Sales/Marketing Director of the Racine County Convention and Visitors Bureau requesting permission to use city right-of-way on July 22, 2006, for the Spirit of Racine Triathlon.

**Recommendation:** The Racine County Convention and Visitors Bureau and HFP Racing be granted permission to close Michigan Boulevard from High Street to Goold Street and Goold Street from Michigan Boulevard to Main Street, and to utilize certain other City streets as indicated on their race map, for the Spirit of Racine Triathlon to be held on Saturday, July 23, 2006, from 3:00 a.m. to noon, and on Sunday, July 24, 2006, from 3:00 a.m. to 7:00 p.m., with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$450.00 special event fee.
- F. Sponsor shall be responsible for placement of all traffic control devices.

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

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

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

49. [06-1796](#)

**Subject:** Communication from the Asst. Commissioner of Public Works/Engineering requesting to apply for the Wisconsin Department of Transportation 2007-09 Local Transportation (TE) Program grant. This reimbursement grant, in the amount of \$362,250, is for streetscape amenities for the reconstruction of Sixth Street and requires a city match of 20%, or \$72,450.

**Recommendation:** The Commissioner of Public Works/City Engineer be authorized and directed to submit a grant application to the Wisconsin Department of Transportation for the 2007-09 Local Transportation Enhancements program.

**Fiscal Note:** The total amount of the grant is \$362,250.00 and is for

streetscape amenities as part of the reconstruction of Sixth Street which is scheduled for 2008.

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

50. [06-1797](#)

**Subject:** Communication from Redline Tavern Corporation requesting to close North Wisconsin Street, between Hamilton and Hubbard, for the 3rd Annual "Cruz in for the Cause" benefit for the non-profit organization "SafeHaven of Racine".

**Recommendation:** Permission be granted to Redline Tavern Corporation, 1200 N. Wisconsin Street, to close N. Wisconsin Street from Hamilton Street to Hubbard Street, on Saturday, July 15, 2006, for the 3rd annual "Cruz in for the Cause" benefit for Safehaven of Racine, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way.
- F. Any tents placed on the public right-of-way shall not be anchored by any means to the roadway surface.
- G. The sponsor shall pay a \$250.00 special event fee.

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

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

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

51. [06-1823](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/Engineering submitting a request for final payment on Contract 21-05 (K5-028), Maiden Lane Storm Sewer Improvements, Willkomm Excavating & Grading, Inc., contractor.

**Recommendation:** The work performed by Willkomm Excavating & Grading, Inc., on Contract 21-05 (K6-028), Maiden Lane Storm Sewer Improvements, be accepted and final payment authorized for a total contract amount of \$236,217.92.



**FISCAL NOTE:** Contract was authorized under Resolution No. 6495 of May 15, 2005.

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

Council Action

Council Action

Council Action

Council Action

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

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

#### **License and Welfare Committee Report**

52. [06-1763](#) **Subject:** The Application of Karbulka Jaroslava for a Secondhand Article Dealer's License for 310 Main Street. (1st District)

**Recommendation:** 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.**

53. [06-1785](#) **Subject:** Communication from Chief of Police Spenner, requesting to apply for the 2006 Bureau of Justice Assistance Bulletproof Vest Partnership Program grant, at no cost to the City. Grant control number 2006-011.

(Also refer to License & Welfare Committee.)

**Recommendation of the Finance & Personnel Committee 04-24-06:**

That the Chief of Police be granted permission to apply for the 2006 Bureau of Justice Assistance Bulletproof Vest Partnership Program grant (Grant Control No. 2006-011) to be utilized for the purchase of bulletproof vests.

**Recommendation of the License & Welfare Committee- 04-24-06:**

That the Chief of Police be granted permission to apply for the 2006 Bureau of Justice Assistance Bulletproof Vest Partnership Program grant (Grant

Control No. 2006-011) to be utilized for the purchase of bulletproof vests.

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

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

54. [06-1786](#)

**Subject:** Communication from Chief of Police Spenner, requesting to renew the 2006 lease agreement and any future leases necessary at no cost to the City, with Racine Joint Venture II, LLC by CBL & Associates Management Inc., for the Community Policing Information Center at Regency Mall.

(Also refer to License & Welfare Committee.)

**Recommendation of the Finance & Personnel Committee 04-24-06:**

That the Mayor and City Clerk be authorized and directed to renew the 2006 professional lease agreement and any future leases with Racine Joint Venture II, LLC by CBL & Associates Management Inc. for the Community Policing Information center at Regency Mall.

**Recommendation of the License & Welfare Committee 04-24-06:**

That the Mayor and City Clerk be authorized and directed to renew the 2006 professional lease agreement with Racine Joint Venture II, LLC by CBL & Associates Management Inc. for the Community Policing Information center at Regency Mall and any future leases.

Fiscal Note: The lease agreement is at no cost to the City.

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

55. [06-1789](#)

**Subject:** (Direct Referral) Communication from the Purchasing Agent submitting bids for the sale of Abandoned Vehicles.

**Recommendation:** That the item be received and filed.

**Fiscal Note:** This will generate \$ 5,240.02 in revenues.

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

56. [06-1798](#)

**Subject:** The application of Coasters of Racine, LTD, Michael A. Kurhajec, for Change of Agent for a "Class B" Retail Fermented Malt Beverage and intoxicating Liquor License for 1301 N. Main Street.

(4th District) (**Alderman of the 4th District included in reference**) (The agent has been requested to appear)

**Recommendation:** 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.**

Council Action

Council Action

Council Action

Council Action

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

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

**Traffic Commission Report**

57. [06-1618](#)

**Subject:** Communication from Thomas Cook and local residents requesting to appear before the committee to discuss the removal of Parking Restrictions in the 500 block of 14th Street; with the closing of Winslow School this will allow residents ample parking.

**Recommendation:** The request to remove No Parking Any Time on 14th Street 75 feet east and west of Park Avenue, both sides, be approved.

**Fiscal Note:** There is a nominal cost to remove the signs.

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

58. [06-1667](#)

**Subject:** Item 15 of 7-19-05, being a communication from the Mayor wishing to discuss the parking restrictions along Hoffert Drive and

Kewaunee Street.

**Recommendation:** The communication be received and filed.

**Fiscal Note:** N/A

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

59. [06-1787](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting the request of John Knuteson requesting a traffic study at the intersection of 5th Street and Wisconsin Avenue.

**Recommendation:** Recommends that No Parking Any Time be installed on Wisconsin Avenue, east side, from 5th Street north 84 feet.

**Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$100.00 and an annual maintenance cost of \$40.00.

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

60. [06-1837](#)

**Subject:** In accordance with Section 2-95 of the Municipal Code of the General Ordinances of the City of Racine, recommends that the following requests for changes in traffic code be granted:

**A. Recommends that Section 94-141(1) of Schedule F relating to "No parking any time," be amended:**

**By Deleting:**

1. Kewaunee Street, north side, from east terminus west 200 feet.
2. Kewaunee Street, south side, from east terminus west 240 feet.
3. 14th Street, north side, 75 feet east and west of Park Avenue.
4. 14th Street, south side, 75 feet east and west of Park Avenue.
5. Wisconsin Avenue, both sides, from Fifth Street north 45 feet.

**By Including:**

1. Hoffert Drive, both sides, from Barker Street to St. Patrick Street.
2. Wisconsin Avenue, east side, from Fifth Street north 84 feet.
3. Wisconsin Avenue, west side, from Fifth Street north 45 feet.

**Recommendation:** Approval of changes in traffic code.

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

Council Action

Council Action

Council Action

Council Action

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

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

**Transit and Parking Commission Report**

- 61. [06-1651](#) **Subject:** Communication from Gilbane wishing to discuss the possibility of waiving the parking meter fee during construction of the Law Enforcement Center (LEC) Expansion, when Eighth Street is closed down.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

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

- 62. [06-1733](#) **Subject:** Communication from the Monument Square Art Fair Board of Directors requesting the use of Lot # 5 on Saturday, June 10th and Sunday, June 11th, 2006.

**Recommendation:** The Monument Square Art Fair be granted permission to lease Lakefront Parking Lot. No. 5 on Saturday, June 10, 2006 & Sunday, June 11, 2006, subject to payment of the lease costs for the parking lot in accordance with existing policies, and subject to the execution of a hold harmless agreement with the City.

**Fiscal Note:** The agreement will generate \$360 in revenue for the Parking System.

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

63.     [06-1739](#)     **Subject:** February 2006 operating and financial report for the Belle Urban System.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

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

64.     [06-1746](#)     **Subject:** Communication from Lawrence B. Johnson requesting that the 1700 block of Hill Street be allowed to park on both sides of the street.

**Recommendation:** Refer this to Traffic Commission.

**Fiscal Note:** N/A

Referred to Traffic Commission

65.     [06-1775](#)     **Subject:** Communication from the Event Chairman for the North American Championships sailing competition requesting to use two parking lots by North Beach on August 12-18, 2006.

**Recommendation:** Refer this to Board of Parks, Recreation and Cultural Services.

**Fiscal Note:** N/A

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

66.     [06-1791](#)     **Subject:** Request of Parks, Recreation & Cultural Services Department to meet with Transit and Parking Commission for permission to install 6 - 10 bike racks at the State Street Transit Station.

**Recommendation:** The request be granted subject to coordination of locations with the Transit Planner and that all installation, repair and maintenance costs be borne by the Parks, Recreation and Cultural Services Department.

**Fiscal Note:** There will be no cost to the Belle Urban System for installation of the bicycle racks.

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

67.     [06-1793](#)     **Subject:** Communication from the Transit Planner submitting the March 2006 operating and financial report for Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

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

68.     [06-1810](#)     **Subject:** Communication from Barbara A. Walsh, Student at the University of Wisconsin-Parkside requesting an opportunity to address the issue of the proposed cuts to the Route 9 bus service.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

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

69.     [06-1813](#)     **Subject:** (Direct Referral) Communication from the Transit Planner wishing to discuss the purchase and installation of Paratransit Scheduling software for the Belle Urban System.

**Recommendation:** Formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to negotiate with Route Match, Inc. for paratransit schedule software, installation and training for an amount not to exceed \$25,000, funding to be provided by Federal Capital Grant WI-03-0084 (80%), and City of Racine CIP Capital projects Account 105.900.5010 (20%).

**Fiscal Note:** As delineated above.

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

70. [06-1820](#)

**Subject:** (Direct Referral) Communication from the Transit Planner regarding the introduction of the new Belle Urban System General Manager.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

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

Council Action

Council Action

Council Action

Council Action

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

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

**City Plan Commission Report**

71. [06-1742](#)

**Subject:** Communication from Mayor Becker wishing to meet with the appropriate committees to discuss the selling of an excess parking lot on Villa Street between 7th & 8th Streets.

**Transit & Parking Recommendation:** The Villa Street half of the Park-Villa Parking Lot be declared surplus and that the matter be referred to the Public Works and Services Committee for disposal of the surplus property.

**Fiscal Note:** The Parking System will generate an unknown amount of revenue from the sale of this parking lot.

CPC 4-26-06

**Recommendation:** Adopt, as proposal is consistent with City plans and programs.

Fiscal Note; N/A



**Referred to Public Works and Services Committee**72. [06-1704](#)

**Subject:** Direct Referral. Consideration of a request by Jawed (Joe) Awan seeking a conditional use permit to operate a facility conducting general automotive repair such as tune ups, exhaust and brakes at 1901 Taylor Avenue.

**Recommendation:** Approve, subject to the following conditions:

- a. That the plans stamped "Received March 28, 2006" and presented to the Plan Commission on April 26, 2006 be approved, subject to the conditions contained herein.
- b. That an occupancy permit shall be requested from the Building Department prior to the operation of this business at this location.
- c. That no auto body work or auto painting be conducted at this location.
- d. That there shall be no vehicle sales or salvage at this location.
- e. That all vehicles waiting repair, or those which have been repaired shall be stored on the subject property in an orderly fashion but in no case longer than 20 days.
- f. That by July 1, 2006 the following shall be accomplished:
  1. Submit a landscape plan for the review and approval of the Director of City Development. If occupancy is requested prior to the installation of landscaping, then a letter of credit equal to the value of the landscape plan shall be submitted for the review and approval of the Director of City Development. In any case, landscaping shall be installed no later than August 1, 2006.
  2. Paint the exterior of the building in a color scheme which has been approved by the Director of City Development.
  3. Paving and striping of the parking lot.
  4. Closure of the southern-most driveway apron onto Taylor Avenue, and the installation of curbing, and a grass parkway shall be established.
  5. Installation of fencing along the east property line in compliance with

city ordinances.

- g. That signage be professionally made and comply with applicable zoning ordinance requirements.
- h. That all vehicle repairs shall be conducted indoors.
- i. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and equipment.
- j. That all trash and recyclables shall be stored in closed containers and screened from view. Trash pick up shall only be conducted between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday.
- k. That the maximum hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday, with no hours on Sunday.
- l. That all applicable codes and ordinances be complied with and required permits acquired.
- m. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- n. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

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

73. [06-1749](#)

**Subject:** The Establishment of Updated Design Guidelines for the Expanded Downtown Area.

**Recommendation:** Received and filed.

Fiscal Note: N/A

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

- 74.     06-1814     **Subject:** Direct Referral. Request by Rov Deitsch and Blake Thompson seeking a conditional use permit to operate an automobile repair facility at 2009 Kewaunee Street.

**Recommendation:** To deny.

Fiscal Note: N/A

**Referred to City Plan Commission**

- 75.     06-1839     **Subject:** Direct Referral. Consideration of Updated Design Guidelines for the Expanded Downtown Area.

**Recommendation:** That the resolution be adopted by the Common Council with the following language that the document entitled "Downtown Design Guidelines" dated May 10, 2005 is hereby adopted this 2nd day of May, 2006. A copy of which is on file in the office of the Director of City Development.

Fiscal Note: N/A

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

Council Action

Council Action

Council Action

Council Action

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

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

**Committee of the Whole Report**

- 76.     05-1048     **Subject:** Communication from the Alderman of the 9th District wishing to discuss alternative firearm safety educational programs available to the City.

**Recommend** that the Item be received and filed.

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

77. [05-1134](#)

**Subject:** Communication from the Alderman of the 9th District wishing to give a presentation to the Common Council on behalf of the Bright Public Power Initiative.

**Recommend** that the Item be received and filed.

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

78. [06-1498](#)

**Subject:** Communication from 1st District Alderman Keith Fair requesting a meeting with the Committee of the Whole and Chief David Spenner to openly discuss additional police strength, resources, and tools needed to address this "Community Crisis". It is further requested that the Mayor and City Administrator appear at this meeting.

**Recommend** that the Item be received and filed.

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

Council Action

Council Action

Council Action

Council Action

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

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

**Wastewater Commission**

79. [Ord.12-06](#)

Ordinance No. 12-06 to amend Secs. 18-551, 18-553, 18-582, 18-583, 18-584(1) and 18-585(a) of the Municipal Code relating to Well abandonment and Cross connection control.

To amend Secs. 18-551, 18-553, 18-582, 18-583, 18-584(1) and 18-585(a) of the Municipal Code of the City of Racine, Wisconsin relating to Buildings and building regulations - Well abandonment and Cross connection control.

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

Part 1:

Sec. 18-551 of the Municipal Code of the City of Racine is hereby amended by deleting in the first line "ILHR 82" and inserting "Comm 82" in its place.

Part 2:

Sec. 18-553 of the Municipal Code of the City of Racine is hereby amended by deleting at the end of the paragraph "NR 111.25(3)" and inserting "NR 811.09" in its place.

Part 3:

Sec. 18-582 of the Municipal Code of the City of Racine is hereby amended by deleting "NR 112.42" in the third line of the third paragraph and inserting "NR 812.42" in its place; by deleting "NR 122.43" in the last line of the third paragraph and inserting "NR 812.43" in its place; by deleting "NR 112.06" in the fifth paragraph and inserting "NR 812.06" in its place and by deleting "NR 112.26" in the last paragraph and inserting "NR 812.26" in its place.

Part 4:

Sec. 18-583 of the Municipal Code of the City of Racine is hereby amended by deleting in the fourth line "112" and inserting "812" in its place.

Part 5:

Sec. 18-584(1) of the Municipal Code of the City of Racine is hereby amended by deleting "NR 112.42" and inserting "NR 812.42" in its place.

Part 6:

Sec. 18-585(a) of the Municipal Code of the City of Racine is hereby amended by deleting "NR 112.26" in the fourth line and inserting "NR 812.26" in its place.

Part 7:

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

Passed by the Common Council:

\_\_\_\_\_

Approved:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest.:

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

FISCAL NOTE: N/A

**Recommendation:** To adopt Ordinance No. 12-06.

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

### Board of Parks, Recreation, and Cultural Services Report

80. [06-1647](#) **Subject:** Communication from the Racine Zoological Society requesting exclusive use of Lakeview Park for competitors and other needs and the blocking of traffic from on Michigan Boulevard beginning at Lakeview Park heading north to Goold Street and Goold Street west to Main Street.

Also refer to Traffic Commission

**Recommendation: Approve**

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

81. [06-1647-A](#) **Subject:** Communication from the Racine Zoological Society requesting exclusive use of Lakeview Park for competitors and other needs and the blocking of traffic from Michigan Boulevard beginning at Lakeview Park heading north to Goold Street and Goold Street west to Main Street.

Referred to Traffic Commission and to the Board of Parks, Recreation & Cultural Services.

**Traffic Commission 3-20-06 Recommendation:** This communication be referred to the Public Works and Services Committee.

**Fiscal Note:** N/A

**Recommendation of the Public Works and Services (4-18-06):** The Racine Zoological Society be granted permission to close Goold Street from Main Street to Michigan Boulevard and Michigan Boulevard from Goold Street to Yout Street, from 3:00 p.m. on Friday, July 28, 2006, to 9:00 a.m. on Sunday, July 30, 2006, in conjunction with the Zoo-B-que event, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;

- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way;
- F. The sponsor shall pay a \$350.00 special event fee.

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

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

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

82.     [06-1660](#)     **Subject:** Communication from Robert Wortock, requesting to discuss the proposal to put Christmas Symbols (decorations) up on Monument Square for 2006 and each year after.

Recommendation: Failed

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

83.     [06-1683](#)     **Subject:** Communication from the Downtown Rotary Club of Racine, requesting the City of Racine to provide a 950 linear feet of wood slat fencing with 95 fencing stands, for the 52nd Annual Post Prom at Festival Hall Saturday, May 20, 2006.

Recommendation: Approved

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

84.     [06-1701](#)     **Subject:** Request of the Historic Sixth Street Association to install two electrical ground fault outdoor receptacles at Paul Harris Park. Also two swivel neck photocells. The purpose is to provide power for Christmas lighting and other public events.

Recommendation: Approve

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

85.     [06-1735](#)     **Subject:** Communication from the 13th District Alderman wishing to

discuss the relocation of Santa's Chalet in West Racine. The request is to relocate the building to the northwest corner of Washington Avenue and West Blvd.

Recommend: Approve

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

Council Action

Council Action

Council Action

Council Action

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

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

**NON VOTING:** 1 - Friedel

**Civic Centre Commission**

- 86. [06-1615-A](#) **Subject:** Communication from the Assistant Finance Director requesting to discuss to discontinue the sale of personalized bricks at the Festival Hall site.

(Item also referred to License & Welfare Committee)

**Recommendation of the Racine Civic Centre 04-26-06:** *That the sale of personalized bricks at Festival Hall be discontinued.*

*Ayes: Alderman James Spangenberg, Jeff Coe, Andrew Kindsvater, Ray Mathews, Lydia Vela, and Kate Scheller*

*Noes: None*

*Abstain: None*

**Fiscal Note:** *N/A*

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

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



## H. Resolutions

### 87. [Res.06-6998](#) AGREEMENTS WITH HUD FOR CHILDHOOD LEAD POISONING

WHEREAS, Resolution No. 06-6967 of April 5, 2006 authorized that up to \$15,000 be allocated from the Local Option Fund to the Racine Health Department to hire a grant writer to assist in developing an application to the U.S. Department of Housing and Urban Development for grant funding to end childhood lead poisoning; and

WHEREAS, the Health Department is desirous of obtaining assistance to develop an application to the U.S. Department of Housing and Urban Development (HUD) for grant funding for a program to end childhood lead poisoning; and

WHEREAS, the Health Department is desirous of obtaining services of a technical advisor to assist in developing an application to the U.S. Department of Housing and Urban Development (HUD) for grant funding to end childhood lead poisoning.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a Services Agreement with The Coalition to End Childhood Lead Poisoning Inc., at a cost of up to \$10,000, for developing an application to the U.S. Department of Housing and Urban Development (HUD) for grant funding for a program to end childhood lead poisoning.

FURTHER RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a Services Agreement with APJ Services, LLC in the amount of \$5,000, to assist in developing an application to the U.S. Department of Housing and Urban Development (HUD) for grant funding to end childhood lead poisoning.

FISCAL NOTE: There are sufficient funds in the Local Option Fund.

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

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

### 88. [Res.06-6999](#) GREAT MIDWEST DRAGON BOAT FESTIVAL

RESOLVED, that permission be granted to the Racine Rotary West Club to use the City-owned parking lot east of Gateway Technical College and the gravel area immediately east of the Gateway parking lot between Pershing Park Drive

and Lake Michigan for the third annual Great Midwest Dragon Boat Festival to be held July 7-8, 2006.

FURTHER RESOLVED, that the parking lane along the east side of Main Street from 11th Street to 14th Street be closed during the event.

FURTHER RESOLVED, that permission be granted to the sponsor to use certain city streets on Friday, July 7, 2006, and to close the following streets:

6th Street from Library Drive to Pershing Park Drive  
Pershing Park Drive from 6th Street to 11th Street  
11th Street from Main Street to Pershing Park Drive

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

- a. A hold harmless agreement be executed;
- b. Proof of liability insurance be filed prior to the event;
- c. Any overtime costs incurred by any City department be charged to the sponsor;
- d. The sponsor shall pay a \$350.00 special event fee.

FURTHER RESOLVED, that the Commission of Public Works/City Engineer, Chief of Police, and Director of Parks, Recreation and Cultural Services provide necessary assistance, in the interest of public safety to implement this event.

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

**Adopted**

89.     [Res.06-7000](#)     STREET CLOSINGS ZOO-B-QUE EVENT

RESOLVED, that the Racine Zoological Society be granted permission to close Goold Street from Main Street to Michigan Boulevard and Michigan Boulevard from Goold Street to Yout Street, from 3:00 p.m. on Friday, July 28, 2006, to 9:00 a.m. on Sunday, July 30, 2006, in conjunction with the Zoo-B-que event, with the following stipulations:

- a. A hold harmless agreement be executed;
- b. Proof of liability insurance be filed prior to this event;
- c. any overtime costs incurred by any City department be charged to the sponsor;
- d. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- e. No alcohol beverages will be sold and/or dispensed within the street right-of-way;
- f. The sponsor shall pay a \$350.00 special event fee.

FURTHER RESOLVED, that the Commissioner of Public Works/City Engineer

and Chief of Police provide limited assistance, in the interest of safety, to implement this event.

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

**Adopted**

90. [Res.06-7001](#) FINAL RESOLUTION STREET PAVING

Final - Ten (10) Year  
Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 25th day of April, 2006, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

**PORTLAND CEMENT CONCRETE PAVING**

**Erie Street** from Prospect Street to Colbert Street.  
**Superior Street** from Liberty Street to State Street.  
**Chatham Street** from Melvin Avenue to Lombard Avenue.  
**Mitchell Street** from Ashland Avenue to Kearney Avenue.  
**Oakdale Avenue** from Wright Avenue to Athens Avenue.  
**Alley** from Gilson Street to +/- 140' northwest of Gilson Street.

**SANITARY SEWER**

**Oakdale Avenue** from Wright Avenue to Athens Avenue.

**SEWER AND WATER LATERALS**

**Oakdale Avenue** from Wright Avenue to Athens Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Racine as follows:

1. That the report of the Commissioner of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.
2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner of Public Works.
3. That payment for said improvements be made by assessing the cost to the

property benefited as indicated in said report.

4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.

5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.

6. That the assessments may be paid in cash or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per annum.

7. The City Clerk is directed to publish this resolution in the official newspaper of the City of Racine as a Class I notice in the assessment district.

8. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll, whose post office address is known or can with reasonable diligence be ascertained.

Dated \_\_\_\_\_

Signed \_\_\_\_\_  
Mayor

Published \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

**Adopted**

91. [Res.06-7002](#) RENEW 2006 LEASE AGREEMENT WITH RACINE JOINT VENTURE

RESOLVED, that the Mayor and City Clerk be authorized and directed to renew the 2006 professional lease agreement with Racine Joint Venture II, LLC by CBL & Associates Management Inc., for the Community Policing Information center at Regency Mall and any future leases.

FISCAL NOTE: The lease agreement is at no cost to the City.

**Adopted****92. [Res.06-7003](#) AGREEMENT WITH TIME WARNER CABLE**

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Time Warner Cable Southeastern Wisconsin enabling City employees to receive Road Runner Business Class and CATV service at a discounted price for a total of 3 years.

FISCAL NOTE: The installation of the service is at no cost to the City of Racine.

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

**AYES:** 12 - Friedel, Hart, Maack, Shakoor II, Sollman, Spangenberg, Weidner, Hermes, Holding, Anderson, Kaplan and Wisneski

**NOES:** 3 - Karas, Fair and DeHahn

**93. [Res.06-7004](#) LAW ENFORCEMENT CENTER ADDITION PROJECT**

RESOLVED, that Racine County be granted permission to conduct the following activities within the public right-of-way:

- A. Install a concrete bollard and loop detector at the entrance to the Law Enforcement sallyport;
- B. Place three (3) pedestrian entrance canopies cantilevered over the City sidewalk;
- C. Install drilled caissons along 8th Street which will extend below grade beyond the street right-of-way;

All with the following stipulations:

- 1. A hold harmless agreement be executed;
- 2. The County pay a \$50.00 fee for filing this item with the Register of Deeds office.
- 3. The County agrees to relocate the concrete bollard and loop detector, either on a temporary or permanent basis, if required by any street construction or utility construction project.

FURTHER RESOLVED, that the request for the City to waive all fees associated with this project be denied.

FURTHER RESOLVED, that Racine County be invoiced at a rate of \$0.93 per meter per day for lost meter revenue due to street closures during the term of the construction project at the Law Enforcement Center.

FISCAL NOTE: There are certain fees which legally cannot be waived. In addition, it would not be fair to the City taxpayers to release all County taxpayers from contributing to the cost of these fees. The Parking System will derive \$172.75 per week in replacement parking meter revenue for the term of the project.

**Adopted**

94. [Res.06-7005](#) LEASE FOR PARKING FOR MONUMENT SQUARE ART FAIR

RESOLVED, that the Monument Square Art Fair be granted permission to lease Lakefront Parking Lot. No. 5 on Saturday, June 10, 2006 & Sunday, June 11, 2006, subject to payment of the lease costs for the parking lot in accordance with existing policies, and subject to the execution of a hold harmless agreement with the City.

FISCAL NOTE: The agreement will generate \$360 in revenue for the Parking System.

**Adopted**

95. [Res.06-7006](#) FORMAL BIDDING WAIVED FOR PARATRANSIT SCHEDULING SOFTWARE

RESOLVED, that formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to negotiate with Route Match, Inc. for paratransit schedule software, installation and training for an amount not to exceed \$25,000, funding to be provided by Federal Capital Grant WI-03-0084 (80%), and City of Racine CIP Capital projects Account 105.900.5010 (20%).

FISCAL NOTE: Funds are available as delineated above.

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

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

96. [Res.06-7007](#) CONDITIONAL USE PERMIT FOR 1901 TAYLOR AVENUE

RESOLVED, that the request of Jawed (Joe) Awan seeking a conditional use permit to operate a facility conducting general automotive repair such as tune

ups, exhaust and brakes at 1901 Taylor Avenue be approved subject to the following conditions:

- a. That the plans stamped "Received March 28, 2006" and presented to the Plan Commission on April 26, 2006 be approved, subject to the conditions contained herein.
- b. That an occupancy permit shall be requested from the Building Department prior to the operation of this business at this location.
- c. That no auto body work or auto painting be conducted at this location.
- d. That there shall be no vehicle sales or salvage at this location.
- e. That all vehicles waiting repair, or those which have been repaired shall be stored on the subject property in an orderly fashion but in no case longer than 20 days.
- f. That by July 1, 2006 the following shall be accomplished:
  1. Submit a landscape plan for the review and approval of the Director of City Development. If occupancy is requested prior to the installation of landscaping, then a letter of credit equal to the value of the landscape plan shall be submitted for the review and approval of the Director of City Development. In any case, landscaping shall be installed no later than August 1, 2006.
  2. Paint the exterior of the building in a color scheme which has been approved by the Director of City Development.
  3. Paving and striping of the parking lot.
  4. Closure of the southern-most driveway apron onto Taylor Avenue, and the installation of curbing, and a grass parkway shall be established.
  5. Installation of fencing along the east property line in compliance with city ordinances.
- g. That signage be professionally made and comply with applicable zoning ordinance requirements.
- h. That all vehicle repairs shall be conducted indoors.
- i. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and equipment.
- j. That all trash and recyclables shall be stored in closed containers and screened from view. Trash pick up shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday.

k. That the maximum hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday, with no hours on Sunday.

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

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

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

FISCAL NOTE: N/A

**Adopted**

97. [Res.06-7008](#) HOLD HARMLESS AGREEMENT FOR 406 MAIN STREET

RESOLVED, that the property owner of 406 Main Street be granted permission to install two decorative columns which will extend into the public right-of-way with the stipulation that the columns not be adhered to the public sidewalk and that a hold harmless agreement be executed in accordance with Wis. Stat. sec. 66.0425, Privileges in Street.

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

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

**Adopted**

98. [Res.06-7009](#) HOLD HARMLESS AGREEMENT FOR 606 SIXTH STREET

RESOLVED, that the property owner of 606 Sixth Street be granted permission to install a stationary, projecting sign, as requested, with the stipulation that a hold harmless agreement be executed in accordance with Wis. Stat. sec. 66.0425, Privileges in Street.

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



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

**Adopted**

99. [Res.06-7010](#) 1ST ANNUAL RIVER BEND DERBY DUCK RACE

RESOLVED, that the River Bend Nature Center be granted permission to close the sidewalk and one lane of the northbound traffic along the east side of the Main Street Bridge for the 1st Annual River Bend Derby Duck Race which will be held on Saturday, June 24, 2006, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed with the City Attorney's office;
- C. Department of Public Works staff review and approve the means and methods for placing the rubber ducks in the river so as to not damage the Main Street Bridge.
- D. Sponsor shall be responsible for placement of all traffic control devices.

FISCAL NOTE: Not applicable.

**Adopted**

100. [Res.06-7011](#) CRUZ IN THE CAUSE BENEFIT

RESOLVED, that permission be granted to Redline Tavern Corporation, 1200 N. Wisconsin Street, to close N. Wisconsin Street from Hamilton Street to Hubbard Street, on Saturday, July 15, 2006, for the 3rd annual "Cruz in for the Cause" benefit for Safehaven of Racine, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. No alcohol beverages will be sold and/or dispensed within the street right-of-way.
- F. Any tents placed on the public right-of-way shall not be anchored by any means to the roadway surface.
- G. The sponsor shall pay a \$250.00 special event fee.

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

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

**Adopted**

101. [Res.06-7012](#) SPIRIT OF RACINE TRIATHLON

RESOLVED, that the Racine County Convention and Visitors Bureau and HFP Racing be granted permission to close Michigan Boulevard from High Street to Goid Street and Goid Street from Michigan Boulevard to Main Street, and to utilize certain other City streets as indicated on their race map, for the Spirit of Racine Triathlon to be held on Saturday, July 23, 2006, from 3:00 a.m. to noon, and on Sunday, July 24, 2006, from 3:00 a.m. to 7:00 p.m., with the following stipulations:

- A. A hold harmless agreement be executed.
- B. Proof of liability insurance be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$450.00 special event fee.
- F. Sponsor shall be responsible for placement of all traffic control devices.

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

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

**Adopted**

102. [Res.06-7013](#) SUBMIT GRANT APPLICATION TO WI DOT FOR SIXTH STREET RECONSTRUCTION

RESOLVED, that the Commissioner of Public Works/City Engineer be authorized and directed to submit a grant application to the Wisconsin Department of Transportation for the 2007-09 Local Transportation Enhancements program.

FISCAL NOTE: The total amount of the grant is \$362,250.00 and is for streetscape amenities as part of the reconstruction of Sixth Street which is scheduled for 2008 and requires a city match of 20% or \$72,450.

**Adopted**

103. [Res.06-7014](#) FINAL PAYMENT MAIDEN LANE STORM SEWER IMPROVEMENTS

RESOLVED, that the work performed by Willkomm Excavating & Grading, Inc., on Contract 21-05 (K6-028), Maiden Lane Storm Sewer Improvements, be accepted and final payment authorized for a total contract amount of \$236,217.92.

FISCAL NOTE: Contract was authorized under Resolution No. 6495 of May 15, 2005.

**Adopted**

**I. Ordinances**

104. [COrd.0001-06](#) Charter Ordinance to amend Sec. 5-3 of the Charter Ordinances relating to Gasoline service stations - License application.

To amend Charter Ordinances sec. 5-3 of the Municipal Code of the City of Racine, Wisconsin relating to Gasoline service stations - License application.

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

Part 1:

Charter ordinance sec. 5-3 of the Municipal Code of the City of Racine is hereby amended by deleting the last paragraph in the section.

Part 2:

This ordinance shall take effect 60 days after passage and publication, subject to Wis. Stat. s. 66.0101(5).

Passed by the Common Council:

\_\_\_\_\_  
\_\_\_\_\_

Approved:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

FISCAL NOTE: N/A

**Referred to Public Works and Services Committee**

**Referred to License and Welfare Committee**

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

Ordinance No. 15-06 to repeal and recreate Sec. 22-476 of the Municipal Code relating to Gasoline service stations - application for owner's license; investigation.

To repeal and recreate Sec. 22-476 of the Municipal Code of the City of Racine, Wisconsin relating to Gasoline service stations - application for owner's license; investigation.

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

Part 1:

Sec. 22-476 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

"An application for a gasoline service station owner's license shall be filed with the city clerk at least 15 days prior to the granting of any such license. Any false statement in the application shall make the license issued thereon void."

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

Approved:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

FISCAL NOTE: N/A

**Referred to Public Works and Services Committee**

**Referred to License and Welfare Committee**

- 106. [Ord.16-06](#) Ordinance No. 16-06 to amend Sec. 98-33(c) of the Municipal Code relating to Utilities - Waterworks commission.

To amend Sec. 98-33(c) of the Municipal Code of the City of Racine, Wisconsin relating to Utilities - Waterworks commission.

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

Part 1:

Sec. 98-33(c) of the Municipal Code of the City of Racine is hereby amended by adding the phrase "and powers" in two places after the word "duties"; by deleting in "(c)(5)" at the end of the sentence "and"; by creating a new "(c)(6)" to read: "To acquire, lease or sell real property, including fixtures and improvements, subject to approval of the common council; and"; and to renumber the current "(6)" to read "(7)".

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

Approve:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

FISCAL NOTE: N/A

**Referred to Waterworks Commission**

- 107. [Ord.17-06](#) Ordinance No. 17-06 to amend Secs. 22-291 and 22-297 of the Municipal Code relating to Cigarette and tobacco products retailers - Statutory provision adopted; Penalty for violation of article.

To amend Secs. 22-291 and 22-297 of the Municipal Code of the City of

Racine, Wisconsin relating to Cigarette and tobacco products retailers - Statutory provision adopted; Penalty for violation of article.

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

Part 1:

Sec. 22-291 of the Municipal Code of the City of Racine is hereby amended by adding "(a)" at the beginning of the paragraph, by changing "Stats." to read "Stat." in two places in the paragraph and by adding the following paragraph at the end of the section:

"(b) The provisions of Wis. Stat. § 134.66(2)(a), (am), (cm) and (e) relating to licenses for cigarette and tobacco products are adopted as a portion of this article as far as may be applicable to the city. A violation of any such provisions of Wis. Stat. § 134.66(2)(a), (am), (cm) and (e) shall constitute a violation of this article."

Part 2:

Sec. 22-297 of the Municipal Code of the City of Racine is hereby amended by adding "(a)" at the beginning of the paragraph, by deleting the phrase "this article" in the second line, by inserting "sec. 22-291(a) or sec. 22-292" in its place, and by adding the following paragraph at the end of the section:

"(b) A person who commits a violation of sec. 22-291(b) is subject to a forfeiture of:

- a. Not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or
  - b. Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.
3. A court shall suspend any license or permit issued under s. 134.65, 139.34 or 139.79 to a person for:
- a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
  - b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or
  - c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.
4. The court shall promptly mail notice of a suspension under subd. 3 to the department of revenue and to the clerk of each municipality which has issued a license or permit to the person."

Part 3:

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

Passed by the Common Council:

\_\_\_\_\_

Approved:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

FISCAL NOTE:     N/A

**Referred to License and Welfare Committee**

- 108.     [Ord.18-06](#)     Ordinance No. 18-06 to amend Sec. 70-101 of the Municipal Code relating to Parks - Closing hours.

To amend Sec. 70-101(a) of the Municipal Code of the City of Racine, Wisconsin relating to Parks, Recreation and Cultural Services - Parks; Closing hours.

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

Part 1:

Sec. 70-101(a) of the Municipal Code of the City of Racine is hereby amended by inserting after "law enforcement officers," the phrase, "city concession contractors and employees thereof for a period not more than 45 minutes after park closing but only while actively engaged in their work,".

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

Approved:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

FISCAL NOTE: N/A

**Referred to License and Welfare Committee**

- 109. [Ord.19-06](#) Ordinance No. 19-06 to repeal and recreate Chapter 22, Article XIII relating to Business-Food and drinking establishments.

To repeal and recreate Chapter 22, Article XIII of the Municipal Code of the City of Racine, Wisconsin relating to Business - Food and drinking establishments.

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

Part 1:

Chapter 22, Article XIII of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

**“ARTICLE XIII. LODGING, RECREATION AND FOOD PROTECTION**

DIVISION I. GENERALLY

**Sec. 22-411. Authority.**

This ordinance is adopted pursuant to authority provided by Wis. Stat. § §60.0417, 97.12, 97.41, 125.68(5), 251.04(3), 252.02, 252.03, 254.47, and 254.69(2), ch. 68, and Wis. Admin. Code chapters ATCP 74 and 75, HFS 172, 173, 175, 178, 192, 195, 196, 197 and 198, and COMM 90 and 95.

**Sec. 22-412. Purpose.**

(a) The purpose of this article is to protect and improve the public health and to authorize the City of Racine Health Department to become the designated agent of:

- 1. The Wisconsin Department of Health and Family Services for the purpose of establishing permit fees, issuing permits, making investigations or inspections of hotels, motels, tourist rooming houses, body piercing and tattooing establishments, restaurants, bed and breakfast establishments,



campgrounds and camping resorts, recreational and educational camps, public swimming pools and in making investigations and inspections of food vending machines, their operators and vending machine commissaries; and,

2. The Wisconsin Department of Agriculture, Trade, and Consumer Protection, for the purpose of establishing permit fees, issuing permits, conducting routine sampling, making inspections or investigations of retail food establishments, and enacting local regulations governing these establishments.

(b) The health department is also authorized to secure samples or specimens of food and any product or substance that may affect food, to examine and copy relevant documents and records and to obtain photographic and other evidence reasonably necessary to enforce this article. The health department shall examine any samples secured and conduct other inspections and examinations needed to determine whether there is a violation.

**Sec. 22-413. Applicability.**

The provisions of this article shall apply to the owner and operator of any retail food establishment, hotel, motel, tourist rooming house, body piercing and tattooing establishment, restaurant, bed and breakfast establishment, campground and camping resort, recreational and educational camp, public swimming pool, vending machine commissary or vending machine in all areas of jurisdiction of the health department.

**Sec. 22-414. Definitions.**

All definitions as set forth in Wis. Stat. §66.0417, chapters 68, 97, 125, 251, 252 and 254; and Wis. Admin. Code Articles, ATCP 74 and 75, HFS 172, 173, 175, 178, 192, 195, 196, 197 and 198, and COMM 90 and 95 are hereby incorporated into this article by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. In addition, the following terms and phrases have the meanings given:

*Annual permit fee* means a fee for on-site inspection of the entire facility, and one follow-up inspection to determine whether the facility is compliant with the applicable statutes and administrative codes.

*Duplicate permit fee* means a fee for the replacement of an original permit.

*Health department* means the City of Racine Health Department.

*Late application fee* means a fee that is charged for failure to comply with the application timeframe specified in the applicable provision for completion and submission of the required application for permit to the health department.

*Late fee* means a fee for failure to pay established or assessed fees in a timely manner. This refers to any fee not received or postmarked by June 30 or other specified due date.

*Limited food service* means the serving of only individually wrapped hermetically sealed single food servings by a licensed processor, with preparation on the premises limited to heating and serving of single-service articles, e.g., hermetically wrapped sandwiches or frozen pizza.

*Master fee schedule* means the schedule of all fees associated with this article, as established from time to time by the common council, and posted in the health department.

*Mobile restaurant* means a restaurant operating from a movable vehicle, pushcart, trailer or boat which periodically or continuously changes location and wherein meals or lunches are prepared, served or sold to the general public, excepting those vehicles used in delivery of pre-ordered meals or lunches prepared in a licensed restaurant.

*Operator* means the owner, operator, manager or person responsible for the operation of the hotel, motel, bed and breakfast establishment, restaurant, retail food establishment or beverage establishment, vending machine commissary and/or vending machine, campground, camping resort, recreational/educational camp, or public swimming pool.

*Outdoor grilling* means the cooking of food on an outdoor grill on the premises of a licensed food service facility. The purpose for outdoor cooking shall not be to increase the production capability of the restaurant kitchen by circumventing codes applicable to indoor cooking facilities. Hot holding shall be limited to the quantity of food that the cooking unit is designed to hold.

Except as provided in sub 1, *Potentially Hazardous Food* means:

(a) A food that is natural and synthetic and that requires temperature control because it is in a form capable of supporting:

1. The rapid and progressive growth of infectious or toxigenic microorganisms;
2. The growth and toxin production of *Clostridium botulinum*; or in raw shell eggs, the growth of *Salmonella enteritidis*.
3. An animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified under 1. above.

(b) *Potentially hazardous food* does not include:

1. An air-cooled hard-boiled egg with shell intact;
2. A food with an a/w value of 0.85 or less;
3. A food with a pH level of 4.6 or below when measured at 24C (75F);

4. A food in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;

5. A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or growth of *S. enteritidis* in eggs or *C. botulinum* cannot occur, such as a food that has an a/w and pH that are above the levels specified under Subparagraphs 2 and 3 of this definition and that may contain a preservative, other barrier to growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms;

6. A food that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified under subparagraph 1 of this definition.

*Pre-inspection fee* means the fee associated with the required inspection necessary to determine compliance at the time of a change-in-operator or new business.

*Re-inspection fee* means a fee for the subsequent inspections needed to address compliance issues that govern an establishment. Re-inspections are conducted due to one or more of the following: Uncorrected critical violation, more than ten total violations, repeat violations from previous inspections, major non-critical violations, or when a complaint investigation identifies unsatisfactory conditions. The fee for a re-inspection will be established by the common council and posted in the health department on the Master Fee Schedule.

*Restaurant* means any building, room or place where meals are prepared, served or sold to transients or the general public, and all places used in connection with the building, room or place, and include any public or private school lunchroom for which food service is provided by contract. *Restaurant* does not include:

- (a) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter;
- (b) Churches, religious, fraternal, youth or patriotic organizations, service clubs and civic organizations which occasionally prepare, serve or sell meals to the general public;
- (c) Any public or private school lunchroom for which food service is directly provided by the school;
- (d) Any food service provided solely for needy persons;
- (e) Bed and breakfast establishments; or
- (f) A private individual selling food from a movable or temporary stand at a

public farm sale.

*Retail food establishment* means any of the following, but does not include a restaurant or other establishment holding a permit to the extent that the activities of the establishment are covered by that permit:

(a) A permanent or mobile food processing facility where food is processed primarily for direct retail sale to consumers at the facility.

(b) A mobile facility from which potentially hazardous food is sold to customers at retail.

(c) A permanent facility from which food is sold to consumers at retail, whether or not that facility sells potentially hazardous food or is engaged in food processing.

*Temporary restaurant* or *Temporary retail food establishment* means a restaurant or retail food establishment that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale, or occasional sales promotion for a period of no more than fourteen consecutive days. Mobile establishments of this type that conduct business in the jurisdiction of the health department and that are licensed outside the area of jurisdiction, will be inspected and charged a nominal fee to cover the cost of inspection.

*Vending machine* means any self-service device offered for public use which, upon insertion of a coin or token, or by other means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation, except that *vending machine* does not include a device which dispenses only bottled, prepackaged or canned soft drinks, a one-cent vending device, a vending machine dispensing only candy, gum, nuts, nutmeats, cookies or crackers, or a vending machine dispensing only prepackaged grade A pasteurized milk or milk products.

*Vending machine commissary* means any building, room or place in the state at which foods, containers, transport equipment or supplies for vending machines are kept, handled, prepared or stored by a vending machine operator, except a place at which the operator is licensed to manufacture, distribute or sell food products under Wis. Stat. ch. 97.

*Wisconsin food code* means the food code appended to Wis. Admin. Code ch. HFS 196 and ATCP 75.

#### **Sec. 22-415. Enforcement.**

The provisions of this article shall be administered by or under the direction of the public health officer who, in person or by duly authorized representatives, shall have the right, at reasonable hours, to enter upon premises subject to this article to inspect the premises, secure samples or specimens, examine and

copy relevant documents and records, and obtain photographic or other evidence needed to enforce this article and issue citations or file a summons and complaint with the city attorney.

**Sec. 22-416. Violation of article; payment of forfeiture in lieu of court appearance.**

(a) Any person charged with a violation of the offenses listed under subsection (b) of this section may pay the amount enumerated therein at the police department in lieu of a court appearance. Persons wishing to contest charges 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 listed herein may be paid at the police department:

<i>Code Section</i>	<i>Violation</i>	<i>Forfeiture</i>
22-417	Permit required	\$250.00
22-420	Permit display	50.00

DIVISION 2. PERMIT

**Sec. 22-417. License and permit.**

(a) No person shall operate a retail food establishment, bed and breakfast establishment, hotel, motel, tourist rooming house, body piercing establishment, tattooing establishment, restaurant, campground and camping resort, recreational and educational camp, or public swimming pool without first obtaining a non-prorated permit from the health department.

1. Except as provided in sub § a., permits shall expire on June 30 of each year:

a. Permits initially issued for a bed and breakfast establishment, hotel, motel, tourist rooming house, body piercing and tattooing establishment, restaurant, campground and camping resort, recreational and educational camp, or public swimming pool during the period April 1 through June 30 shall expire June 30 of the following year.

b. Permits issued to retail establishments covered under the master rule are issued for one year from July 1 through June 30.

2. The issuance of a permit may be conditioned upon the permittee correcting a violation of this article within a specified period. If the condition is not met within such time, the permit shall be voided.

b) The permit shall not be transferable to another location nor shall a permit be transferred from one operator to another except that, as to operator, a permit of a non-retail food establishment operator may be transferred to an individual who

is an immediate family member of the operator if the operator is transferring operation of the establishment or vending machine to that immediate family member. A parent, spouse, child, step-child, grandchild, sibling or step-sibling shall be considered an immediate family member for purposes of this article.

(c) No person may conduct, maintain, manage or operate a restaurant, retail food establishment, mobile restaurant, marketplace, incidental food establishment, or temporary restaurant within the city without first obtaining a permit. No permit shall be transferred from one person or place to another.

(d) Temporary permits may be issued for periods of up to 14 days.

(e) An operator's or permit licensee of a temporary restaurant who the health department has found to be uncooperative or a habitual violator of this article may be denied a permit to operate.

(f) With the exception of those establishments defined as "temporary", no permits shall be granted to any person without a pre-inspection by the health department of the premises for which the permit has been requested.

(g) No permit shall be issued until all applicable fees have been paid.

**Sec. 22-418. Application.**

Application for permits shall be made in writing to the health department on forms developed and provided by the health department, stating the name and address of the applicant and proposed operator, and the address and location of the proposed establishment, together with any such other information as may be required. The health department shall either approve the application or deny the permit within thirty (30) days after receipt of a complete application.

**Sec. 22-419. Fees.**

Fees for permits required by this article shall be as provided through the master fee schedule.

**Sec. 22-420. Permit public display.**

Every establishment required to obtain a permit pursuant to this article shall display said permit, at all times, in a conspicuous place at the subject establishment.

**Sec. 22-421. Temporary orders.**

Whenever as a result of an examination the health officer or designee has reasonable cause to believe that an immediate danger to health exists on a premises subject to this article, the health officer or designee may issue a temporary order in accordance with Wis. Stat. §66.0417(2).

**Sec. 22-422. Denial, suspension or revocation of license.**

The health officer or designee may deny any license application or suspend or revoke any license issued under this article for non-compliance with this code and regulations, rules and laws adopted by reference under sub §12. The following procedure shall be followed in the denial, suspension or revocation of any license issued under this article:

(a) A decision by the health officer or designee to deny, suspend or revoke a license shall be in writing and shall state, with specificity, the reasons for the decision and shall state any applicable statute, ordinance, rule, regulation or order which has been violated. The health officer or designee shall send to the licensee a copy of the written decision by certified mail return receipt requested, by personal service or by publication if such service is not reasonably possible. The notice shall inform the licensee or applicant of the right to have the decision reviewed and the procedure for such review.

(b) Any licensee or applicant aggrieved by a decision of the health officer or designee to deny, suspend or revoke a license may have the decision reviewed and reconsidered by a written request mailed or delivered to the health officer within 30 working days after service or publication. The written request for review and reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.

(c) Within 15 working days after receipt of the request for review and reconsideration, the health officer shall review the initial determination. The health officer may affirm, reverse or modify the initial determination. The health officer shall mail or deliver to the licensee or applicant a copy of the decision on review, which shall state the reasons for such decision. The decision shall advise the licensee or applicant of the right to an administrative appeal, the time within which appeal shall be taken and the office or person with whom the appeal shall be filed.

(d) A licensee or applicant who wishes to appeal a decision made by the health officer on review must file a notice of appeal within 30 days of notice of the health officer's decision on review. The administrative appeal shall be filed or mailed to the health officer. The health officer shall immediately file the notice of appeal with the health department.

(e) A licensee or applicant shall be provided a hearing on appeal within 15 days of receipt of the request for an administrative appeal. The health officer shall serve the licensee or applicant with notice of hearing by mail or personal service at least 10 days before the hearing.

(f) The hearing shall be conducted before the board of health and shall be conducted in accordance with the procedures outlined in Wis. Stat. §§68.11(2) and (3).

(g) Within 20 days after the hearing, the board of health shall mail or deliver to the appellant its written determination stating the reasons therefor.

(h) A decision by the health officer upon a request for review and reconsideration, which is not appealed to the board of health, or a decision by the health department on an appeal of a decision by the health officer of a request for review and reconsideration shall be a final determination under Wis. Stat. §68.12(2).

(i) Any party to a proceeding resulting in a final determination may seek review thereof by certiorari within 30 days after receipt of the final determination per Wis. Stat. §68.13.

**Sec. 22- 423. Construction or remodeling of restaurants and permanent retail food establishments; plan approval required.**

When a restaurant or a permanent retail food establishment is constructed or work is done that requires a permit from the building department, or when an existing structure is converted for use as a restaurant or a permanent retail food establishment, properly prepared plans and specifications for such construction, remodeling or alteration, showing the layout, arrangement and construction materials of the work area, and the location, size, type of fixed equipment and facilities, shall be submitted to the health officer for approval before such work is commenced.

**Sec. 22- 424. Regulations, rules and laws adopted by reference.**

The applicable laws, rules and regulations as set forth in Wis. Stat §§66.0417, and chapters 68, 97, 125, 251, 252 and 254; and Wisconsin State Administrative Code chapters ATCP 74 and 75, and HFS 172, 173, 175, 178, 192, 195, 196, 197 and 198, and COMM 90 and 95 and the Wisconsin Food Code are incorporated in this article by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. The expressed provisions of this article shall control where more restrictive.”

Part 2:

This ordinance shall take effect upon passage and the day after publication or on July1, 2006, whichever is later.

Passed by the Common Council:

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Approved:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_

City Clerk



FISCAL NOTE: N/A

Referred to Board of Health

**K. Adjourn**