



City of Racine

Meeting Agenda - Final

Common Council

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

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

Tuesday, August 15, 2006

7:00 PM

Room 205, City Hall

AMENDED

- A. Call To Order**
- B. Pledge of Allegiance To The Flag**
- C. Approval of Journal of Council Proceedings (Minutes)**
- D. Public Comments**

- 1. [06-2368](#) **Subject:** Communication from the Building Inspector submitting the Building Report for the month of July, 2006

- E. Communications**

Refer to Finance and Personnel Committee

- 2. [06-2342](#) **Subject:** Communication from the City Attorney submitting the claim of Colleen & Mike Wilson for consideration.
- 3. [06-2364](#) **Subject:** Letter from Chief of Police Spenner, requesting authorization to accept the donation of one Motorola Centracom from Jon Formhals.

(Also referred to License & Welfare Committee.)

Refer to Public Works and Services Committee

4. [06-2346](#) **Subject:** Communication from the Commissioner of Public Works requesting that formal bidding be waived and that the City of Racine enter into a service contract with Johnson Controls, Inc. for building automation system upgrades for the City of Racine community centers.
5. [06-2356](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer submitting a street dedication for the extension of Phillips Avenue.

Refer to License and Welfare Committee

6. [06-2334](#) **Subject: (New)** Application of Xpress Food Mart, Narendra Shah, Agent, for a "Class A" Retail Fermented Malt Beverage and intoxicating Liquor License for 2418 Douglas Avenue. (7th District)

(Alderman of the 7th District Included in reference) (The agent has been requested to appear)
7. [06-2341](#) **Subject: (New)** The following application for a Sidewalk Cafe Permit for Lush Life, Inc. (Henry & Wanda's), 501 Sixth Street.
8. [06-2348](#) **Subject:** The application of PH Green bay, LLC., Michael Marcinkus, Agent, for a Change of Agent for a Class "B" Retail Fermented Malt Beverage License for 5000 Washington Avenue. (12th District)
9. [06-2355](#) **Subject:** The application of Mega Marts, LLC., Guy B. Bristow, Agent, for a Change of Agent for a "Class A" Retail Fermented Malt Beverage License for 2210 Rapids Drive. (7th District)
10. [06-2365](#) **Subject: (New)** The following application for a "Class C" and Class "B" Retail Fermented Malt Beverage License for Sher-A-Punjab, Inc., Kaminder Singh, Agent, located at 3340 Douglas Avenue.

11. [06-2367](#) **Subject: (New)** Application of Rajendra Kumar Z. Patel, Agent, for a "Class A" Retail Fermented Malt Beverage and intoxicating Liquor License with Groceries for 2303 Lathrop Avenue. (11th District)

(Alderman of the 11th District included in reference) (The agent has been requested to appear)

12. [06-2369](#) **Subject:** Communication from the City Clerk wishing to discuss changes for Operator's (Bartender) Licenses.

Refer to Traffic Commission

13. [06-2324](#) **Subject:** Communication from Jim and Julie Kaplan requesting that "Two Hour Parking Signs, 7 AM to 6 PM except Saturday and Sunday and Holidays" be placed on the north side of the 400 block of Kewaunee Street from the northwest corner of Kewaunee Street and North Main Street.

Refer to Transit and Parking Commission

14. [06-2353](#) **Subject:** Communication from the Transit Planner regarding policies and procedures to be implemented by the Belle Urban System for its complementary dial-a-ride service.
15. [06-2354](#) **Subject:** Communication from the Transit Planner submitting the July 2006 operating and financial report for Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service.
16. [06-2360](#) **Subject:** Communication from the Transit Planner wishing to discuss the acquisition of additional wheelchair-lift equipped vehicles for the provision of paratransit service, which will begin on October 1.

Refer to Committee of the Whole

17. [06-2357](#) **Subject:** Communication from Alderman of the 10th District requesting an ordinance be created to increase the annual compensation for Alderman to \$6,900 effective April 15, 2008.

F. Committee Reports

Finance and Personnel Committee Report

18. [06-2183](#) **Subject:** Communication from Vincent Ruffolo of Superior Industrial Coating, Inc., submitting a request for the initial resolution regarding Industrial Development Revenue Bond Financing for Superior Industrial Coating, Inc.” by the City of Racine in the amount of \$2,500,000.

Recommendation of the Finance & Personnel Committee of

07-10-06: The item be deferred.

Recommendation of the Finance & Personnel Committee of

07-24-06: The item be deferred.

Recommendation of the Finance & Personnel Committee of

08-07-06: The item be received and filed.

Fiscal Note: N/A

19. [06-2187](#) **Subject:** Communication from the Director of City Development requesting the establishment of a tax increment district for the Pointe Blue redevelopment project.

Recommendation of the Finance & Personnel Committee of

07-10-06: The item be deferred.

Recommendation of City Plan Commission on 7-26-06: Approval of the creation of Tax Increment District Number 14 for the City of Racine and the proposed project plan for the district.

Further, that the redevelopment project is consistent with City plans and programs.

Recommendation of the Finance & Personnel Committee of

08-07-06: Approval of the establishment of Tax Increment District Number 14 for the City of Racine's Pointe Blue redevelopment project.

Fiscal Note: N/A

20. [06-2188](#) **Subject:** Communication from the Executive Director of Neighborhood Housing Services requesting the creation of a Tax Increment Financing District to assist in the redevelopment of the site at 1014 Martin Luther King Drive.

Recommendation of the Finance & Personnel Committee of

07-10-06: The item be deferred.

Recommendation of City Plan Commission on 07-26-06: That the Plan Commission recommends approval of the creation of Tax Increment District Number 15 for the City of Racine and the proposed project plan for the district.

Further, that the redevelopment project is consistent with City plans and programs.

Recommendation of the Finance & Personnel Committee of

08-07-06: Approval of the establishment of Tax Increment District Number 15 and the proposed project plan for the property at 1014 Martin Luther King Drive.

Fiscal Note: N/A

21. [06-2248](#) **Subject:** A communication from the Director of Parks Recreation and Cultural Services requesting to accept a \$5,000.00 donation from Styberg Engineering to be utilized for the Mayor's Back to School/Stay in School program to purchase backpack and school supplies for the youth in Racine.

Recommendation from the Finance & Personnel Committee

08-07-06: The Director of Parks Recreation and Cultural Services granted permission to accept a \$5,000 donation from Styberg Engineering to be utilized for the Mayor's Back to School/Stay in School Program to purchase backpack and school supplies for the youth in Racine and that an appropriate letter of thanks be submitted.

Fiscal Note: N/A

22. [06-2271](#) **Subject:** (Direct Referral) Communication from the Interim Finance

Director submitting the second quarter 2006 Financial Statements.

Recommendation of the Finance & Personnel Committee 07-24-06:

The item be deferred

Recommendation of the Finance & Personnel Committee 08-07-06:

The second quarter 2006 financial reports be received and filed.

Fiscal Note: N/A

23. [06-2301](#)

Subject: Communication from the Municipal Judge announcing his resignation, effective August 13, 2006.

Recommendation of the Finance & Personnel Committee 08-07-06:

The communication from the Municipal Judge announcing his resignation be received and filed.

Fiscal Note: N/A

24. [06-2304](#)

Subject: Communication from the City Attorney requesting that a portion of an invoice dated 12/17/04 to Downtown Racine Corporation Festival of Trees be written off. The Director of Parks, Recreation and Cultural Services be included in reference.

Recommendation of the Finance & Personnel Committee 08-07-06:

The \$25,000 settlement offered on City Invoice #34191 be accepted as payment in full and the remainder of \$3,845 be written off against Account 108.000.1210, Civic Centre Reserve for Uncollectible Accounts Receivable.

Fiscal Note: \$3,845 will come out of Account 108.000.1210, Civic Centre Reserve for Uncollectible Accounts Receivable.

25. [06-2309](#)

Subject: Communication from the Director of Human Resources requesting, in closed session, present a summary of the collective bargaining agreement between the City of Racine and the Racine Professional Employees Association (R.P.E.A.) 2006-2008.

Recommendation: That the collective bargaining agreement between the City of Racine and the Racine Professional Employees Association (R.P.E.A.) 2006-2008 be approved.

Fiscal Note: That the costs to the City will be in 2006, \$65,784.58; 2007,

\$84,697.64; and 2008, \$87,873.80. Increases do not include potential savings from premium contributions and plan design changes.

Public Works and Services Committee Report

26. [06-2067](#) **Subject:** Communication from Brian R. Exner, 2418 Westwood Drive, requesting permission to fill a ditch to develop a vacant lot on Spring Street between the Root River and 1723 Spring Place.

Recommendation: The property owner of 1723 Spring Place be granted permission to place fill dirt on City property as indicated in the preliminary grading plan, dated June 27, 2006, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed;
- C. The property owner restore all City property impacted by this work including the addition of topsoil, seeding and fertilizing in accordance with Sections 625, 629, 630 and 631 of the State of Wisconsin Department of Transportation specifications, and Sections 2.62, 2.612 and 6.43 of the State of Wisconsin Standard Specifications for Sewer and Water Construction; and
- D. The property owner is required to meet all State of Wisconsin storm water, site drainage and building code requirements for this project.

Fiscal Note: Not applicable.

27. [06-2285](#) **Subject:** Communication from Project New Life, 3433 Douglas Avenue, requesting permission to close city streets on Saturday, August 26, 2006, from 10 a.m. to 5 p.m. for the 6th annual Back-2-School event.

Recommendation: Permission be granted to Project New Life to close Short Street between Douglas Avenue and Tenth Avenue on Saturday, August 26, 2006, for their Back to School community event.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed;

B. A liability insurance certificate be filed prior to this event;

C. Any overtime costs incurred by any City department be charged to the sponsor;

D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.

E. The sponsor shall pay a \$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 incurred on a regular shift basis to provide limited assistance to implement this event.

28. [06-2289](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 4 on State Contract 2350-10-00, Racine Street (STH 32), 21st Street to Washington Avenue.

Recommendation: The communication be received and filed.

Fiscal Note: Not applicable.

29. [06-2303](#)

Subject: Communication from the Commissioner of Public Works submitting the bid award for salt for ice control for the 2006-2007 winter season.

Recommendation: The bid of North American Salt Company for the purchase of 6,000 tons (more or less) of salt for ice control for the 2006-07 year, be accepted at their bid price of \$36.65 per ton delivered, they being the lowest responsible bidder.

Further recommends that funds to defray the cost of this purchase be appropriated from Account 101.549.5250, Snow and Ice Control, Work Supplies.

Fiscal Note: The City of Racine's allotment of salt will be based upon 6,000 tons, and funds to make these purchases are budgeted in Account 101.540.5250, Snow and Ice Control, Work Supplies.

30. [06-2308](#)

Subject: Communication from the Alderman of the 12th District requesting that the following street repairs be deleted from the list of street repair

projects in CY2007:

North Osborne Boulevard from Ravine Drive to Fairway Drive
North Osborne Boulevard from Harrington Drive to Ravine Drive

Recommendation: Resolution No. 06-6954, of April 18, 2006, for proposed street improvements be amended by deleting North Osborne Boulevard from Ravine Drive to Fairway Drive.

Further recommend that Resolution No. 06-6954, of April 18, 2006, be adopted as amended.

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

31. [06-2317](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works submitting Change Order No. 1 on Contract 19-06 (K6-020), 2006 Sidewalk Replacement, Phase I, A.W. Oakes & Son, Inc., contractor.

Recommendation: Change Order No. 1 on Contract 19-06 (K6-020), 2006 Sidewalk Replacement, Phase I, A.W. Oakes & Son, Inc., contractor, as submitted, be approved in the amount of \$44,921.00.

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

\$21,691.35 - Account 906.000.5520, Sidewalk Replacement
\$16,044.15 - Account 986.908.5520, Sidewalk Replacement
\$ 7,185.50 - Account 105.420.5620, Belle Urban System
\$44,921.00 - Total

Fiscal Note: Funds are available as herein delineated.

32. [06-2318](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works submitting Change Order No. 2 on Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving, Milwaukee General Construction Company, contractor.

Recommendation: Change Order No. 2 on Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving, Milwaukee General Construction Company, contractor, as submitted, be approved in the amount of \$22,260.00, and that will provide a time extension until October 11, 2006.

Further recommends that funding to defray the cost of this change order be appropriated from the Water Department.

Fiscal Note: Funds are available as herein delineated.

33. [06-2322](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 36-06 (K6-038), Window Replacement at Fire Station No. 8.

Recommendation: Contract 36-06 (K6-038), Window Replacement at Fire Station No. 8, be awarded to Lueck's, Inc., at their bid price of \$22,847.00, plus Alternate No. 1 in the amount of \$8,030.00, for a total contract amount of \$30,877.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$22,091.79 - Account 986.300.5030, Fire Station 8 New Windows
\$ 8,785.21 - Account 986.300.5040, Station 1 Female Locker Room
\$30,877.00 - Total

Fiscal Note: Funds are available as herein delineated.

34. [06-2323](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 38-06 (K6-040), 2006 Sidewalk Replacement Phase II (R1).

Recommendation: Contract 38-06 (K6-040), 2006 Sidewalk Replacement Phase II (R1), be awarded to A.W. Oakes & Son, Inc., at their bid price of \$213,347.50, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$208,347.50 - Account 906.000.5520, Sidewalk Replacement
\$ 5,000.00 - Account 986.908.5520, Sidewalk Replacement
\$213,347.50 - Total

Fiscal Note: Funds are available as herein delineated.

35. [06-2325](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a proposal from Earth Tech for Construction Management Services for the Southside Industrial Park Infrastructure.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into a professional services contract with Earth Tech, Inc. to

provide Contract Administration and Construction Inspection Services for the Southside Industrial Park Infrastructure at a cost not-to-exceed \$156,201.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account Tid #10.

Fiscal Note: Funds are available as herein delineated.

36. [06-2328](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting Change Order No. 1 on Contract 1-06 (K6-001), West Racine Asbestos Abatement and Building Demolition, AZAR LLC, contractor.

Recommendation: Change Order No. 1 on Contract 1-06 (K6-001), West Racine Asbestos Abatement and Building Demolition, AZAR LLC, contractor, as submitted, be approved in the amount of \$16,095.75.

Further recommends that funding to defray the cost of this change order be appropriated from Account 971.000.5030, Demolition-TID 11.

Fiscal Note: Funds are available as herein delineated.

37. [06-2329](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 1-06 (K6-001), West Racine Asbestos Abatement and Building Demolition, AZAR LLC, contractor.

Recommendation: The work of AZAR LLC, under Contract 1-06 (K6-001), West Racine Asbestos Abatement and Building Demolition, be accepted and final payment authorized for a total contract amount of \$125,155.75.

Fiscal Note: Contract was authorized under Resolution No. 6875 of February 7, 2006.

38. [06-2331](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting the request of a property owner in the 1800 block of South Main Street for the street to be repaved with bituminous concrete.

Recommendation: The prayer of the petitioners be granted and that a preliminary resolution be introduced for the paving of the 1800 block of S. Main Street from Wisconsin Avenue north to the dead end.

Fiscal Note: This is an assessable street project and, therefore, all costs will be paid for by the abutting property owners.

39. [06-2333](#) **Subject:** Res. 06-7147 of August 2, 2006 relating to street improvements.

Recommendation: Resolution No. 06-7147, of August 2, 2006, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

KEWAUNEE STREET from N. Main Street to Michigan Boulevard
LIGHTHOUSE DRIVE from Sheffield Drive to Queens Court
LIGHTHOUSE DRIVE from Queens Court to Steeplechase Drive

and, as amended, Resolution No. 06-7147, of August 2, 2006, be adopted.

Fiscal Note: Funds will be appropriated in the 2007 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

40. [06-2337](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 14-06 (K6-015), Island Park Streambank Stabilization, K&L Construction, Inc., contractor.

Recommendation: The work of K&L Construction, Inc., under Contract 14-06 (K6-015), Island Park Streambank Stabilization, be accepted and final payment authorized for a total contract amount of \$47,760.54.

Fiscal Note: Contract was authorized under Resolution No. 7029 of May 16, 2006.

41. [06-2340](#) **Subject:** Direct Referral. Communication from Keybridge Development Group requesting permission to put a sign for the Pointe Blue Development on the Walker Site.

Recommendation: Keybridge Development Group be granted permission to install an advertising sign on the fencing of the property known as the Walker Site along Michigan Boulevard with the stipulation that a hold harmless agreement be executed and a liability insurance certificate be filed.

Fiscal Note: Not applicable.

42. [06-2343](#) **Subject:** Communication from the Commissioner of Public Works/City Engineering submitting Change Order No. 1 on Contract 26-06 (K6-027), HVAC System & Controls at City Hall, Johnson Controls, Inc., contractor.

Recommendation: Change Order No. 1 on Contract 26-06 (K6-027), HVAC System & Controls at City Hall, Johnson Controls, Inc., contractor, as submitted, be approved in the amount of \$2,625.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 985.255.5010, Library Boiler Replacement.

Fiscal Note: Funds are available as herein delineated.

License and Welfare Committee Report

43. [06-2272](#) **Subject:** (New) Application of KC Food Mart, LLC, Kamesh Chand, Agent, for a Class "A" Retail Fermented Malt Beverage License for 1229 Eleventh Street. (1St District)

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

Recommendation of the License and Welfare Committee of 08/07/06: That the license be granted.

Fiscal Note: N/A

44. [06-2298](#) **Subject:** (Direct Referral) (NEW), Mangat Inc., Jatinder Singh Mangat, Agent, for a Class "A" Retail Fermented Malt Beverage License for 2100 N. Main Street. (5th District)

Recommendation of the License and Welfare Committee of 08/07/06: That the license be granted.

Fiscal Note: N/A

45. [06-2320](#) **Subject:** (Direct Referral) (New) Application of NYS Alliance, LLC,

Navpreet S. Manhani, Agent, for a Class "A" Retail Fermented Malt Beverage License for 930 Washington Avenue. (1st District)

Recommendation of the License and Welfare Committee of 08/07/06: That the license be granted.

Fiscal Note: N/A

46. [06-2310](#) **Subject:(Direct Referral)** Communication from the Purchasing Agent submitting the monthly report for the sale of Abandoned vehicles, July 25, 2006.

Recommendation of the License & Welfare Committee 08/07/06:
That the item be received and filed.

Fiscal Note: \$4,926.01 in revenues

47. [06-2313](#) **Subject:** July, 2006 Special License Premise Report.

The Cruz Inn - 1473 State Street - "Class B" License

Recommendation of the License & Welfare Committee on 8-7-06:
That the matter be referred to a due process hearing for determination whether the license should be revoked or suspended.

Fiscal Note: The approximate cost of the due process hearing is \$4,000.00

48. [06-2316](#) **Subject:** Communication from Redline Tavern Corporation, Connie M. Nau, Agent, requesting to amend the premises description at 1200 N. Wisconsin Street.

Recommendation of the License and Welfare Committee of

08/07/06: That the amended premise description to include adjacent north lot and shed for storage only be approved.

Fiscal Note: N/A

City Plan Commission Report

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

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

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

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

CPC 06-14-06

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

Further, that the resolution be adopted.

Sponsors: Ronald D. Hart

50. **06-2130** **Subject:** Direct Referral. A request from Felix Servantez of Servantez Property, Inc. seeking a conditional use permit to establish an automobile repair and sales facility at 4101 & 4105 Washington Avenue

Recommendation of City Plan Commission on 07-12-06: To defer action to allow staff and Attorney Servantez the ability to explore a conditional use permit as applied to a flex development overlay.

City Plan Commission incorporated conditional use permit into Flex Use Supplement on July 26, 2006.

Fiscal Note: N/A

Recommendation of City Plan Commission 07-26-06: That an ordinance be created to rezone the property at 4101 and 4105 Washington Avenue from B-1 Neighborhood Convenience District and R-3 Limited General Residence District to B-1 and R-3 with a Flex Development Overlay District.

Fiscal Note: N/A

51. [06-2288](#)

Subject: Direct Referral. Review of a use supplement for the Flex Development Overlay District at 720 S. Marquette Street.

Recommendation: That a use supplement be adopted by a resolution of the Common Council in association with a Flex Development Overlay District at 720 South Marquette Street, subject to the following conditions:

- a. That all uses listed in the underlying "R-5: General Residence District are permissible by right or by conditional use permit as specified in said district.
- b. That all applicable permits are obtained from the Building Inspection Department.
- c. That the following flex uses are permitted in addition to those permitted in the "R-5" General Residence District:
 1. Permitted uses: those uses permitted in the "B-1" Neighborhood Convenience District including un-amplified live entertainment, dwelling units below the second floor, excepting those other uses excluded herein.
 2. Conditional uses: those conditional uses permitted in the "B-1" Neighborhood Convenience District, community living arrangements, group day care facilities, excepting those other uses excluded herein.
 3. Uses excluded: banks, convenient cash establishments, laundromats, convenience stores, grocery stores, meat and fish markets, taverns, cocktail lounges, appliance repair, telephone booths, coin operated telephones, community living arrangements and group day car facilities as permitted uses, non-resident vehicle storage, community gardens, transmission towers, boarding houses, lodging houses, rooming houses,

- d. That all aspects of the flex uses and all other uses shall be contained on site.
- e. That all trash and recyclables be stored in closed containers and screened from view.
- f. That the Chief Building Inspector or Director of City Development may impose additional conditions on a single or a group of flex uses to mitigate potential negative impacts on the subject or surrounding properties. Decisions in this regard may be appealed by the affected operator(s) to the Plan Commission who will forward a recommendation to the Common Council.
- g. That upon consultation between the Chief Building Inspector and Director of City Development, additional uses not listed in this resolution may be permitted if found to comply with the spirit and intent of this flex development and the Flex Development Overlay District
- h. That all applicable codes and ordinances be complied with and required permits acquired.
- i. That no minor changes be made from the conditions of this flex development without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.
- j. That this flex development is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

52. [06-2296](#)

Subject: Direct Referral. Request by Narendra Sha seeking a conditional use permit to construct additions to the convenience store at 2418 Douglas Avenue for a 1,110 sq. ft. single bay car wash and 1,500 sq. ft. laundromat.

Recommendation: To defer action on this matter to allow staff time to meet with Mr. Ceechini to discuss site plan alternatives.

Fiscal Note: N/A

Recommendation: That the request by Narendra Shah of Balark, LLC seeking an amendment to a conditional use permit to construct additions to the convenience store at 2418 Douglas Avenue for a car wash and laundromat addition to the convenience store at 2500 Lathrop Avenue be

approved subject to the following conditions:

- a. That the plans presented to the Plan Commission of August 9, 2006 and marked "Plan D" be approved subject to the conditions contained herein.
- b. That all building and occupancy permits be requested from the Building Inspection Department.
- c. That the maximum hours of operation be from 4:00 a.m. to midnight (12:00 a.m.) daily with no fuel pump operations outside of the maximum hours of operation.
- d. That the maximum hours of operation for the vacuum and car wash be from 6:00 a.m. to 9:00 p.m. daily.
- e. That all aspects of the operation of this business be conducted indoors including vending machines, product displays or sales.
- f. That the eastern overhead door of the car wash remained closed throughout the drying cycle.
- g. That the sale of vehicles is prohibited at this location.
- h. That curbing shall be installed along all sidewalk areas not traversed by a driveway.
- i. That prior to the issuance of a building permit approval by the Access Corridor Development Review Committee shall be requested in regards to building design, signage, site design, and landscaping.
- j. That prior to the issuance of an occupancy permit for the building expansion, the public phone be removed or re-locate to inside the convenience store or Laundromat.
- k. That if an occupancy permit for the building expansion is requested prior to the implementation of the approved landscape plan, then a letter of credit shall be submitted equal to the value of the landscaping to be installed.
- l. That all trash and recyclables be stored in closed containers and screened from view. All garbage receptacles shall be commercial or industrial grade with top covers and spring-loaded door.

- m. That all roof-top mechanical equipment be screened from view.
- n. That all parking areas be paved and striped.
- o. That all yard areas, landscaping, buildings, and grounds be maintained on a daily basis.
- p. That all codes and ordinances be complied with and required permits acquired.
- q. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- r. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

53. [06-2326](#)

Subject: Direct Referral. Request by James P. Castaneda seeking a conditional use permit to operate an auto repair facility at 1100 South Memorial Drive.

Recommendation: That the request by James P. Castaneda seeking a conditional use permit to operate an auto repair facility at 1100 S. Memorial Drive be granted, subject to the following conditions:

- a. That the plans stamped "Received July 18, 2006" and presented to the Plan Commission on August 9, 2006 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be applied for through the Building Inspection Department.
- c. That the outside storage of junked vehicles, vehicle parts, materials, and equipment be prohibited.
- d. That missing privacy slats in the outdoor storage area fencing be replaced.
- e. That all aspects of the operation of this business be conducted

indoors including vending machines, product displays, or sales.

- f. That the sale of vehicles, and the performance of body work, and painting of vehicles be prohibited at this location.
- g. That only employee vehicles, and customer vehicles awaiting repair shall be permitted to be parked or stored on site, and for no longer than 20 days. Outdoor storage of vehicles for more than 20 days is prohibited.
- h. That vehicles be positioned in a manner that neither constricts traffic circulation on the property nor hinders traffic flow on S. Memorial Drive or on 11th Street.
- i. That no vehicles be parked in the vision triangle of S. Memorial Drive and 11th Street.
- j. That the maximum hours of operation be from 7:30 a.m. to 5:30 p.m. Monday through Saturday with no hours on Sunday, and that trash pick-up also be limited to these hours and days.
- k. That wheel stops or curbing be installed where parking spaces are adjacent to sidewalks, and that vehicles shall not overhang into the sidewalk areas or block driveways.
- l. That all trash, recyclables, dumpsters, discarded parts, and tires be stored in the fenced yard area, with trash and recyclables being stored in closed containers and screened from view.
- n. That a landscape plan be submitted to Director of City Development for review and approval that illustrates a planting bed at the northeast corner of the property. If an occupancy permit is requested prior to the installation of landscaping, then a letter of credit for said landscaping shall be submitted for review and approval to the Director of City Development prior to the issuance of an occupancy permit.
- o. That all signs be professionally made, comply with the zoning ordinance requirements and be submitted for review and approval to the Director of City Development.
- p. That all codes and ordinances be complied with and required permits acquired.
- q. That no minor changes be made from the conditions of this

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

Fiscal Note: N/A

54. [06-2330](#)

Subject: Direct Referral. Request by Juan Villalobos seeking a conditional use permit for a concrete contractor's storage facility at 1535 High Street.

Recommendation: That a request from Juan Villalobos seeking a conditional use permit for a concrete contractor's facility at. 1535 High Street be granted, subject to the following conditions:

- a. That the plans stamped "Received July 27, 2006" and presented to the Plan Commission on August 9, 2006 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be applied for through the Building Inspection Department.
- c. That all outdoor storage of vehicles, equipment, and materials be contained in a screened area.
- d. That all employee parking be contained on site.
- e. That no junked or inoperable vehicles be parked at this location.
- f. That no junk, debris, or scrap materials be stored at this location.
- g. That all trash and recyclables be stored in closed containers and screened from view.
- h. That no painting, processing, or fabrication of materials, and equipment be conducted at this location.
- i. That all signs be professionally made, be located on the existing free standing monument sign, comply with the zoning ordinance requirements, and be submitted for the review and approval by the Director of City Development.
- j. That all codes and ordinances be complied with and required permits acquired.

- k. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- l. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Committee of the Whole Report

55. [06-2211](#) **Subject:** City Clerk submitting a petition received from Racine Coalition for Peace and Justice, "To Bring The Troops Home!"

Recommendation of the Committee of the Whole on 8-14-06: That the petition submitted, "To Bring The Troops Home!", be placed on the ballot for the November 7, 2006 General Election.

Fiscal Note: N/A

Office of the Mayor

56. [06-2283](#) **Subject:** Communication from the Chairman of the City of Racine Board of Ethics submitting their 2005-2006 Annual Report.

Recommendation: The report be received and filed.

57. [06-2362](#) **Subject:** Communication from Mayor Becker nominating appointments/reappointments to the following Boards and Commissions for the City of Racine.

Parks, Recreation & Cultural Services:

Appoint Debbi Embry - 3100 N. Wisconsin St.

Board of Health

58. [06-2229](#) **Subject:** Communication from the Public Health Administrator requesting permission to apply for funding from Cities and Villages Mutual Insurance Company (CVMIC).

Recommendation of the Board of Health 08-08-06: That the Public Health Administrator be authorized to apply for funding from Cities and Villages Mutual Insurance Company (CVMIC) in order to supply sharps disposal units to prevent needle sticks. The grant control number is 2006-034.

Fiscal Note: \$600

Board of Parks, Recreation, and Cultural Services Report

59. [06-1978](#) **Subject:** Communication from Ed Possing, 2625 Lathrop Ave., requesting to purchase the property at 504 Hawthorne Drive.

Item also referred to the City Plan Commission and Board of Parks, Recreation and Cultural Services.

Recommendation from the Finance & Personnel Committee

06-12-06: That the item be deferred.

Fiscal Note: N/A

Recommendation of Parks, Recreation & Cultural Services 6/14/06:

Defer to August meeting

Recommendation of Parks, Recreation & Cultural Services 8/9/06:

That the item be received and filed.

Fiscal note: N/A

60. [06-2191](#) **Subject:** Communication from Pastor Melvin D. Hargrove of Zoe Outreach Ministries requesting waiving or reductions in fees for the Cesar Chavez Community Center.

Item also referred to the Board of Parks, Recreation and Cultural Services

Recommendation of the Finance & Personnel Committee of

07-10-06: The item be deferred.

Recommendation of the Finance & Personnel Committee of

07-24-06: The item be received and filed.

Recommendation of the Board Parks, Recreation & Cultural**Services:** Recommends the communication be received and filed.**Fiscal note:** N/A

61. [06-2213](#) **Subject:** Direct Referral - Request of HFP Racing, Spirit of Racine Triathlon for personnel to stay on the grounds of North Beach in the overnight hours to guard equipment and set up early in the morning before the Triathlon.

Recommends the communication be received and filed.

Fiscal note: N/A

62. [06-2284](#) **Subject:** Request of Chairman of the Board of Harbor Commissioners to meet with the Board of Parks, Recreation & Cultural Services to discuss Pershing Park boat launch and revenue control.

Recommend the communication be received and filed.

63. [06-2347](#) **Subject: Direct Referral:** Item # 06-1441 of 2/8/06 related to fees and charges and the recommendation of the Board of Parks, Recreation & Cultural Services that staff report back on the comprehensive fees and charges for the department.

Recommend the communication to received and filed

Fiscal note: N/A

Cemetery Commission

64. [06-2361](#) **Subject:** Request of the Board of Cemetery Commissioners that the City of Racine no long repurchase graves.

Recommendation: Approve

65. [06-2363](#) **Subject:** Request of the Board of Cemetery Commissioners to conduct Saturday burials.

Recommendation: Approve

Fiscal note: City subsidy to reinstate Saturday burials would be approximately \$28,453.00 annually.

G. Resolutions

66. [Res.06-7170](#) PROJECT NEW LIFE BACK TO SCHOOL STREET CLOSURE

RESOLVED, that permission be granted to Project New Life to close Short Street between Douglas Avenue and Tenth Avenue from 10:00 a.m to 5:00 p.m. on Saturday, August 26, 2006, for its Back to School community event.

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

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event; and
- E. 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 incurred on a regular shift basis to provide limited assistance to implement this event.

Sponsors: Ronald D. Hart

67. [Res.06-7171](#) PERMISSION FOR GRADING CITY PROPERTY

RESOLVED, that the property owner of 1723 Spring Place be granted permission to place fill dirt on City property as indicated in the preliminary grading plan, dated June 27, 2006, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed with the City;
- C. The property owner restore all City property affected by this work including the addition of topsoil, seeding, and fertilizing in accordance with Sections 625, 629, 630 and 631 of the State of Wisconsin Department of Transportation specifications, and Sections 2.62, 2.612 and 6.43 of the State of Wisconsin Standard Specifications for Sewer and Water Construction; and
- D. The property owner meet all State of Wisconsin storm water, site drainage, and building code requirements for this project.

FISCAL NOTE: Not applicable.

Sponsors: Ronald D. Hart

68. [Res.06-7172](#) INSTALLATION OF POINTE BLUE DEVELOPMENT SIGN

RESOLVED, that Keybridge Development Group be granted permission to install an advertising sign on the fencing of the property known as the Walker Site along Michigan Boulevard with the stipulation that a hold harmless agreement be executed and proof of liability insurance be filed with the City.

FISCAL NOTE: Not applicable.

Sponsors: Ronald D. Hart

69. [Res.06-7173](#) PRELIMINARY RESOLUTION FOR PAVING 1800 BLOCK OF S. MAIN STREET

RESOLVED, by the Common Council of the City of Racine, Wisconsin:

1. The Common Council hereby declares its intention to exercise its power under s. 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following street(s):

All property fronting upon both sides of the 1800 block of S. Main Street from Wisconsin Avenue north to the dead end.

2. Said public improvement shall consist of Bituminous Concrete Paving.

3. The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall not be greater than the benefits accruing thereto from said improvements.
4. The assessments against any parcel may be paid in cash or in ten (10) annual installments.
5. The Commissioner of Public works is directed to prepare a report consisting of:
 - a. Preliminary or final plans and specifications for said improvement
 - b. An estimate of the entire cost of the proposed work or improvement
 - c. An estimate, as to each parcel of property within the assessment district, of:
 - (1) The assessment of benefits to be levied.
 - (2) The damages to be awarded for property taken or damaged.
 - (3) The net amount of such benefits over damages or the net amount of such damages over benefits.

Upon completing such report the Commissioner of Public Works is directed to file a copy thereof in the City Clerk's office for public inspection.

6. Upon receiving the report of the Commissioner of Public Works, the City Clerk is directed to give a Class 1 notice of a public hearing on such report as specified in s. 66.60 (7), Wisconsin Statutes. The hearing shall be held at the Council Chambers in the City Hall at a time set by the Clerk in accordance with S. 66.0703 (7)(a), Wisconsin Statutes.

Sponsors: Ronald D. Hart

70. [Res.06-7174](#) BID ACCEPTED FOR SALT FOR ICE CONTROL

RESOLVED, that the bid of North American Salt Company for the purchase of 6,000 tons (more or less) of salt by the City of Racine for ice control for the 2006 - 2007 winter season be accepted at the bid price of \$36.65 per ton delivered, it being the lowest responsible bidder.

FURTHER RESOLVED, that funds to defray the cost of this purchase be appropriated from Account 101.549.5250, Snow and Ice Control, Work Supplies.

FISCAL NOTE: The City of Racine's allotment of salt will be based upon 6,000 tons, and funds to make these purchases are budgeted in Account 101.540.5250, Snow and Ice Control, Work Supplies.

Sponsors: Ronald D. Hart

71. [Res.06-7175](#) CONTRACT FOR WINDOW REPLACEMENT AT FIRE STATION NO. 8

RESOLVED, that Contract 36-06 (K6-038), Window Replacement at Fire Station No. 8, be awarded to Lueck's, Inc., at its bid price of \$22,847.00, plus Alternate No. 1 in the amount of \$8,030.00, for a total contract amount of \$30,877.00, it being the lowest responsible bidder.

FURTHER RESOLVED, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$22,091.79 - Account 986.300.5030, Fire Station 8 New Windows
\$ 8,785.21 - Account 986.300.5040, Station 1 Female Locker Room
\$30,877.00 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

72. [Res.06-7176](#) CONTRACT FOR 2006 SIDEWALK REPLACEMENT PHASE II

RESOLVED, that Contract 38-06 (K6-040), 2006 Sidewalk Replacement Phase II (R1), be awarded to A.W. Oakes & Son, Inc., at its bid price of \$213,347.50, it being the lowest responsible bidder.

FURTHER RESOLVED, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$208,347.50 - Account 906.000.5520, Sidewalk Replacement
\$ 5,000.00 - Account 986.908.5520, Sidewalk Replacement
\$213,347.50 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

73. [Res.06-7177](#) CHANGE ORDER FOR WEST RACINE ASBESTOS ABATEMENT AND BUILDING DEMOLITION CONTRACT

RESOLVED, that Change Order No. 1 on Contract 1-06 (K6-001), West Racine Asbestos Abatement and Building Demolition, AZAR LLC, contractor, as submitted, be approved in the amount of \$16,095.75.

FURTHER RESOLVED, that funding to defray the cost of this change order be appropriated from Account 971.000.5030, Demolition-TID 11.

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

74. [Res.06-7178](#) FINAL PAYMENT ON WEST RACINE ASBESTOS ABATEMENT AND BUILDING DEMOLITION CONTRACT

RESOLVED, that the work of AZAR LLC, under Contract 1-06 (K6-001), West Racine Asbestos Abatement and Building Demolition, be accepted and final payment be authorized for a total contract amount of \$125,155.75.

FISCAL NOTE: Contract was authorized under Resolution No. 6875 of February 7, 2006.

Sponsors: Ronald D. Hart

75. [Res.06-7179](#) FINAL PAYMENT FOR ISLAND PARK STREAMBANK STABILIZATION CONTRACT

RESOLVED, that the work of K&L Construction, Inc., under Contract 14-06 (K6-015), Island Park Streambank Stabilization, be accepted and final payment be authorized for a total contract amount of \$47,760.54.

FISCAL NOTE: Contract was authorized under Resolution No. 7029 of May 16, 2006.

Sponsors: Ronald D. Hart

76. [Res.06-7180](#) CHANGE ORDER 2006 SIDEWALK REPLACEMENT PHASE I CONTRACT

RESOLVED, that Change Order No. 1 on Contract 19-06 (K6-020), 2006 Sidewalk Replacement, Phase I, A.W. Oakes & Son, Inc., contractor, as submitted, be approved in the amount of \$44,921.00.

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

\$21,691.35 - Account 906.000.5520, Sidewalk Replacement

\$16,044.15 - Account 986.908.5520, Sidewalk Replacement
\$ 7,185.50 - Account 105.420.5620, Belle Urban System
\$44,921.00 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

77. [Res.06-7181](#) CHANGE ORDER FOR CONCRETE STREET RECONSTRUCTION AND PAVING CONTRACT

RESOLVED, that Change Order No. 2 on Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving, Milwaukee General Construction Company, contractor, as submitted, be approved in the amount of \$22,260.00 and a time extension to October 11, 2006.

FURTHER RESOLVED, that funding to defray the cost of this change order be appropriated from the Water Department.

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

78. [Res.06-7182](#) AGREEMENT FOR SOUTHSIDE INDUSTRIAL PARK CONTRACT MANAGEMENT SERVICES

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a professional services contract with Earth Tech, Inc. to provide Contract Administration and Construction Inspection Services for the Southside Industrial Park Infrastructure at a cost not-to-exceed \$156,201.00.

FURTHER RESOLVED, that funding to defray the cost of these professional services be appropriated from Account Tid #10.

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

79. [Res.06-7183](#) CHANGE ORDER FOR HVAC SYSTEM & CONTROLS AT CITY HALL CONTRACT

RESOLVED, that Change Order No. 1 on Contract 26-06 (K6-027), HVAC

System & Controls at City Hall, Johnson Controls, Inc., contractor, as submitted, be approved in the amount of \$2,625.00.

FURTHER RESOLVED, that funding to defray the cost of this change order be appropriated from Account 985.255.5010, Library Boiler Replacement.

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

80. [Res.06-7184](#) CREATE TAX INCREMENTAL DISTRICT NUMBER 14

WHEREAS, a public hearing was held before the City Plan Commission on July 26, 2006, for the proposed boundaries and project plan for Tax Increment District 14, and 20 days have lapsed since the date of hearing; and

WHEREAS, Wisconsin Statutes permit the Common Council to take final action on a tax increment financing district when at least 14 days have elapsed after the date of public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Racine, Wisconsin that:

1. The district shall be known as "Tax Increment District Number 14, City of Racine, Wisconsin";
2. The boundaries of the district are: Begin at a point which is the intersection of the north line of Hamilton Street and the west line of Chatham Street; travel thence southerly along the west line of Chatham Street to the south line of Dodge Street; travel thence easterly along said line to the east line of Michigan Boulevard; travel thence southerly along said line to the north bulkhead line of the Root River; travel thence easterly along said line to the established bulkhead line of Lake Michigan; travel thence northerly along said bulkhead line to the intersection of the north line of Hubbard Street extended; travel thence westerly to a point 455 feet east of the west line of Michigan Boulevard; travel thence southerly to a point 150 feet north of the north line of Hamilton Street extended; travel thence westerly along said line to the west line of Michigan Boulevard; travel thence southerly along said to the north line of Hamilton Street; travel thence westerly along said line to the point of beginning of this description. Said land being in the City of Racine, Racine County, Wisconsin, recommended by the City Plan Commission and as fully described in the district project plan, are approved; and
3. The district shall be created as of January 1, 2006.
4. The project plan for the district is hereby approved.

FURTHER RESOLVED, that the Common Council finds that:

1. Not less than 50 percent by area of the real property without the district is blighted or in need of rehabilitation and or conservation work.
2. The improvement of the area is likely to enhance significantly the value of substantially all other real property in the district and the project costs relate directly to eliminating blight or directly serve to rehabilitate or conserve the area;
3. The equalized value of taxable property of the district plus the value increment of all existing districts does not exceed 12 percent of the total equalized value of taxable property within the city;
4. The area is a blighted area and rehabilitation district; and
5. The project plan for the district is feasible and in conformity with the master plan of the City of Racine.

FURTHER RESOLVED, that the Director of City Development is authorized and directed to submit the district project plan and supporting documentation to the Standing Joint Review Board for review and approval of the district by the Board.

FISCAL NOTE: Implementation of the Project Plan is estimated to cost \$22,464,457.00.

Sponsors: Thomas Friedel and Gregory Holding

81. [Res.06-7185](#) CREATE TAX INCREMENTAL DISTRICT NUMBER 15

WHEREAS, a public hearing was held before the City Plan Commission on July 26, 2006 , for the proposed boundaries and project plan for Tax Increment District 15, and 20 days have lapsed since the date of hearing; and

WHEREAS, Wisconsin Statutes permit the Common Council to take final action on a tax increment financing district when at least 14 days have elapsed after the date of public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Racine, Wisconsin that:

1. The district shall be known as "Tax Increment District Number 15, City of Racine, Wisconsin";
2. The boundaries of the district: Prospect Street on the north; Dr. Martin Luther King, Jr. Drive on the east; West Street on the south; and Wilson Street on the west, recommended by the City Plan Commission and as fully described in the district project plan, are approved; and

3. The district shall be created as of January 1, 2006.
4. The project plan for the district is hereby approved.

FURTHER RESOLVED, that the Common Council finds that:

1. Not less than 50 percent by area of the real property without the district is blighted or in need of rehabilitation and or conservation work;
2. The improvement of the area is likely to enhance significantly the value of substantially all other real property in the district and the project costs relate directly to eliminating blight or directly serve to rehabilitate or conserve the area;
3. The equalized value of taxable property of the district plus the value of substantially all other real property in the district and the project costs relate directly to eliminating blight or directly serve to rehabilitate or conserve the area;
4. The area is a blighted area and rehabilitation district; and
5. The project plan for the district is feasible and in conformity with the master plan of the City of Racine.

FURTHER RESOLVED, that the Director of City Development is authorized and directed to submit the district project plan and supporting documentation to the Standing Joint Review Board for review and approval of the district by the Board.

FISCAL NOTE: Implementation of the Project Plan is estimated to cost \$191,700.00.

Sponsors: Thomas Friedel and Gregory Holding

82. [Res.06-7186](#) APPROVE COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY AND RACINE PROFESSIONAL EMPLOYEES ASSOCIATION

RESOLVED, that the collective bargaining agreement between the City of Racine and the Racine Professional Employees Association (R.P.E.A.) 2006-2008 be approved.

FISCAL NOTE: That the costs to the City will be in 2006, \$65,784.58; 2007, \$84,697.64; and 2008, \$87,873.80. Increases do not include potential savings from premium contributions and plan design changes.

Sponsors: Thomas Friedel

83. [Res.06-7187](#) USE SUPPLEMENT FOR 720 SOUTH MARQUETTE STREET

RESOLVED, that a use supplement be adopted in association with a Flex Development Overlay District at 720 South Marquette Street, subject to the following conditions:

a. That all uses listed in the underlying "R-5" General Residence District are permissible by right or by conditional use permit as specified in said district.

b. That all applicable permits are obtained from the Building Inspection Department.

c. That the following flex uses are permitted in addition to those permitted in the "R-5" General Residence District:

1. Permitted uses: those uses permitted in the "B-1" Neighborhood Convenience District including un-amplified live entertainment, dwelling units below the second floor, excepting those other uses excluded herein.

2. Conditional uses: those conditional uses permitted in the "B-1" Neighborhood Convenience District, community living arrangements, group day care facilities, excepting those other uses excluded herein.

3. Uses excluded: banks, convenient cash establishments, laundromats, convenience stores, grocery stores, meat and fish markets, taverns, cocktail lounges, appliance repair, telephone booths, coin operated telephones, community living arrangements and group day car facilities as permitted uses, non-resident vehicle storage, community gardens, transmission towers, boarding houses, lodging houses, rooming houses,

d. That all aspects of the flex uses and all other uses shall be contained on site.

e. That all trash and recyclables be stored in closed containers and ascreened from view.

f. That the Chief Building Inspector or Director of City Development may impose additional conditions on a single or a group of flex uses to mitigate potential negative impacts on the subject or surrounding properties. Decisions in this regard may be appealed by the affected operator(s) to the Plan Commission who will forward a recommendation to the Common Council.

g. That upon consultation between the Chief Building Inspector and Director of City Development, additional uses not listed in this resolution may be permitted if found to comply with the spirit and intent of this flex development and the Flex Development Overlay District

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

i. That no minor changes be made from the conditions of this flex development without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.

j. That this flex development is subject to Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

Sponsors: Gregory Holding

84. [Res.06-7188](#) AMENDMENT TO CONDITIONAL USE PERMIT FOR 2418 DOUGLAS AVENUE

RESOLVED, that the request by Narendra Shah of Balark, LLC seeking an amendment to a conditional use permit to construct additions to the convenience store at 2418 Douglas Avenue for a car wash and laundromat addition be approved subject to the following conditions:

a. That the plans presented to the Plan Commission of August 9, 2006 and marked "Plan D" be approved subject to the conditions contained herein.

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

c. That the maximum hours of operation be from 4:00 a.m. to midnight (12:00 a.m.) daily with no fuel pump operations outside of the maximum hours of operation.

d. That the maximum hours of operation for the vacuum and car wash be from 6:00 a.m. to 9:00 p.m. daily.

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

f. That the eastern overhead door of the car wash remained closed throughout the drying cycle.

g. That the sale of vehicles shall be prohibited at this location.

h. That curbing shall be installed along all sidewalk areas not traversed by a driveway.

i. That prior to the issuance of a building permit approval by the Access Corridor Development Review Committee shall be requested in regards to building design, signage, site design, and landscaping.

j. That prior to the issuance of an occupancy permit for the building expansion, the public phone be removed or re-locate to inside the convenience store or laundromat.

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

l. That all trash and recyclables be stored in closed containers and screened from view and that all garbage receptacles shall be commercial or industrial grade with top covers and spring-loaded door.

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

n. That all parking areas be paved and striped.

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

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

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

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

FISCAL NOTE: N/A

Sponsors: Gregory Holding

85. [Res.06-7189](#) **CONDITIONAL USE PERMIT FOR 1100 S. MEMORIAL DRIVE**

RESOLVED, that the request by James P. Castaneda seeking a conditional use permit to operate an auto repair facility at 1100 S. Memorial Drive be granted, subject to the following conditions:

a. That the plans stamped "Received July 18, 2006" and presented to the Plan Commission on August 9, 2006 be approved subject to the conditions contained herein.

b. That all applicable building and occupancy permits be applied for through the Building Inspection Department.

c. That the outside storage of junked vehicles, vehicle parts, materials, and equipment be prohibited.

d. That missing privacy slats in the outdoor storage area fencing be replaced.

- e. That all aspects of the operation of this business be conducted indoors including vending machines, product displays, or sales.
- f. That the sale of vehicles, and the performance of body work, and painting of vehicles be prohibited at this location.
- g. That only employee vehicles and customer vehicles awaiting repair shall be permitted to be parked or stored on site and for no longer than 20 days and that outdoor storage of vehicles for more than 20 days be prohibited.
- h. That vehicles be positioned in a manner that neither constricts traffic circulation on the property nor hinders traffic flow on S. Memorial Drive or on 11th Street.
- i. That no vehicles be parked in the vision triangle of S. Memorial Drive and 11th Street.
- j. That the maximum hours of operation be from 7:30 a.m. to 5:30 p.m. Monday through Saturday, with no hours on Sunday, and that trash pick-up also be limited to these hours and days.
- k. That wheel stops or curbing be installed where parking spaces are adjacent to sidewalks, and that vehicles shall not overhang into the sidewalk areas or block driveways.
- l. That all trash, recyclables, dumpsters, discarded parts, and tires be stored in the fenced yard area, with trash and recyclables being stored in closed containers and screened from view.
- n. That a landscape plan be submitted to Director of City Development for review and approval that illustrates a planting bed at the northeast corner of the property. If an occupancy permit is requested prior to the installation of landscaping, then a letter of credit for said landscaping shall be submitted for review and approval to the Director of City Development prior to the issuance of an occupancy permit.
- o. That all signs be professionally made, comply with the zoning ordinance requirements, and be submitted for review and approval to the Director of City Development.
- p. That all codes and ordinances be complied with and required permits be acquired.
- q. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.

FISCAL NOTE: N/A

Sponsors: Gregory Holding

86. [Res.06-7190](#) CONDITIONAL USE PERMIT FOR 1535 HIGH STREET

RESOLVED, that the request from Juan Villalobos seeking a conditional use permit for a concrete contractor's facility at 1535 High Street be granted, subject to the following conditions:

- a. That the plans stamped "Received July 27, 2006" and presented to the Plan Commission on August 9, 2006 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be applied for through the Building Inspection Department.
- c. That all outdoor storage of vehicles, equipment, and materials be contained in a screened area.
- d. That all employee parking be contained on site.
- e. That no junked or inoperable vehicles be parked at this location.
- f. That no junk, debris, or scrap materials be stored at this location.
- g. That all trash and recyclables be stored in closed containers and screened from view.
- h. That no painting, processing, or fabrication of materials, and equipment be conducted at this location.
- i. That all signs be professionally made, be located on the existing free standing monument sign, comply with the zoning ordinance requirements, and be submitted for the review and approval by the Director of City Development.
- j. That all codes and ordinances be complied with and required permits be acquired.
- k. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- l. That this permit is subject to Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

Sponsors: Gregory Holding

87. [Res.06-7191](#) CONTRACT WITH COUNTRYSIDE HUMANE SOCIETY

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a two year agreement with Countryside Human Society for animal control services as follows:

For the period of January 1, 2007 through December 31, 2007, in the amount of \$165,220.

For 2008, the contract price will be adjusted for inflation but shall not exceed an increase of greater than 3% of the 2007 contract amount.

FISCAL NOTE: The contract amount for 2007 is \$165,220.

Sponsors: Raymond DeHahn

88. [Res.06-7192](#) ACQUISITION OF PROPERTIES FROM THE COUNTY

RESOLVED, that the Mayor and City Clerk be authorized and directed to accept the residential properties at 1322 Lincoln Street (Parcel ID No. 0193700) and 1944 Howe Street (Parcel ID No. 16960000) from Racine County and to execute such agreements and/or deeds of sale necessary to accomplish the acquisition of the properties.

FURTHER RESOLVED, that the acquisition of the properties shall be at no cost to the City of Racine except for reimbursement to the County for such special charges as were placed on the properties by the City. The reimbursement shall be paid from local option funds in the HOME program 808 fund.

FURTHER RESOLVED, that the Mayor and City Clerk be authorized and directed to then dispose of the properties at 1322 Lincoln Street (Parcel ID No. 0193700) and 1944 Howe Street (Parcel ID No. 16960000) to Racine Habitat for Humanity, Inc., for the good of the public, and to execute such agreements and/or deeds of sale necessary to accomplish the disposal of the properties. Transfer of the properties will be at no cost to the City.

FISCAL NOTE: The special charges to be reimbursed are \$2,545.62 for 1944 Howe Street and \$4,357.41 for 1322 Lincoln Street. Sufficient funds are available in the designated fund account.

Sponsors: Thomas Friedel

H. Ordinances**89. [ZOrd.0007-06](#) AN ORDINANCE REZONING 4101 AND 4105 WASHINGTON AVENUE**

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

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

Part 1:

That the property located at 4101 and 4105 Washington Avenue and more particularly described as follows:

"Lots 1 & 2 of Block 3 of Orchard Home Addition. Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "B-1 Neighborhood Convenience District and "R-3" Limited General Residence District to "B-1" and "R-3" with a Flex Development Overlay 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

Sponsors: Gregory Holding

I. Miscellaneous Business

J. Adjourn

Office of The City Clerk

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