



City of Racine

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

Meeting Agenda - Final Common Council

*Mayor John T. Dickert, President, Alderman Terry McCarthy
Alderman Dennis Wiser, Alderman Jim Kaplan
Alderman Q.A. Shakoor, II, Alderman Ronald D. Hart, Alderman
Sandy Weidner
Alderman Krystyna Sarrazin, Alderman Jeff Coe, Alderman
Michael Shields
Alderman Melissa Kaprelian-Becker, Alderman Raymond
DeHahn,
Alderman Gregory Holding, Alderman James Morgenroth
Alderman Edward E. Diehl, Alderman Henry Perez*

Tuesday, February 4, 2014

7:00 PM

Room 205, City Hall

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

[Ord.01-14](#) Ordinance 01-14

To amend Sec. 86-194 - Fees. in the Municipal Code of Racine, Wisconsin.

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

Part 1: In subsection (3) of Sec. 86-194 - Fees., of the Municipal Code of the City of Racine, Wisconsin, the first instance of "\$50.00" is hereby repealed and shall be replaced with "\$170.00."

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

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: Fees are being increased to offset expenses incurred by the department while administering the associated services.

Sponsors: Dennis Wiser

ZOrd.001-14 ZOrd. 001-14

An Ordinance Rezoning 116 10th Street

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 116 10th Street and more particularly described as follows:

“Said lands being in Racine County, WI, City of Racine, in the SE ¼ of the NE ¼ of Section 16, Township 3 North, Range 23 East, being in Block 16 of the School Section, being the Western 102 feet of the Southern 60 feet of Lot 10, and the Western 102 feet of Lot 11 (116 Tenth Street), and the western 77.5 feet of the Southern 40 feet of Lot 9, and the eastern 18 feet of the southern 60 feet of Lot 10, and the Eastern 18 feet of Lot 11 and the western 77.5 feet of lot 12. (110 Tenth Street).”

be rezoned from O/I Office Institutional District to O/I Office Institutional District with a FD Flex Development Overlay.

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

Passed by the Common Council:

Approved:

Mayor
Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Dennis Wisner

F. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

- [14-9748](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services, requesting to extend the agreement with Tuesday Optimist to provide food and beverage concession service to the public at various City park locations.
- [14-9749](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting permission to apply for and accept \$2,500.00 in grant funds from SC Johnson to support the GED program.
- [14-9762](#) **Subject:** communication submitting the claim of Racine Joint Venture II LLC, based on the alleged excessive 2013 real estate assessment and taxes for properties located at 5502 and 5700 Durand Avenue, for consideration.
- [14-9768](#) **Subject:** communication from the City Attorney submitting the claim of Mary Strong for consideration.

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

- [14-9753](#) **Subject:** Communication from Phesal Ckadan requesting permission to install a projecting sign over City right-of-way at 2057 Douglas Avenue.

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

- [14-9750](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services and Board of Cemetery Commissioners requesting approval of Section 23 for sale of cremation graves at Graceland Cemetery.
- [14-9761](#) **Subject:** Communication from Alderman Wisner relating to a new ordinance and forfeiture associated with no trespassing on RUSD schools during night time hours. (Ord. 02-14)
- [14-9765](#) **Subject: (New)** Application of Break & Run Billiards, Gregory Bowen, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor

License for 2037 Lathrop Avenue. (13th District)

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor

[09-3447](#)

Subject: The Finance Director requesting to discuss a timecard/pay policy relating to the new City of Racine Time Management System.

Recommendation of the Finance & Personnel Committee on 4-27-09: Defer the item.

Recommendation of the Finance & Personnel Committee on 1-27-14: To receive and file the item

[13-9689](#)

Subject: Communication from the City Attorney submitting the claim of Kathleen Troc for consideration.

Recommendation of the Finance & Personnel Committee on 1-27-14: The claim of Kathleen Troc for alleged damages arising from her alleged trip and fall in the crosswalk at Main Street and Fourth Street be denied.

Fiscal Note: N/A

[14-9732](#)

Subject: Communication from the Public Health Administrator requesting permission to enter into an Agreement between the Wisconsin Disaster Medical Response Team Medical Reserve Corps (WDMRTMRC) and the Racine County Medical Reserve Corps (RCMRC), which will facilitate intrastate collaboration. (Res. No. 14-0046)

Recommendation of the Finance & Personnel Committee on 1-27-14: To authorize the Mayor and City Clerk to enter into a memorandum of understanding between the Wisconsin Disaster Medical Response Team Medical Reserve Corps (WDMRTMRC) and the Racine County Medical Reserve Corps (RCMRC), which will facilitate intrastate collaboration.

Fiscal Note: N/A

[14-9733](#)

Subject: Communication from the Public Health Administrator requesting permission to enter into a contract agreement to accept funds of \$3,500 from the National Association of County and City Health Officials (NACCHO). The funds will be used to support the Racine County Medical Reserve Corps which will recruit, train and support,

Health Professional volunteers for emergency and non-emergency response. (Grant Control # 2014-002) (Res. No. 14-0047)

Recommendation of the Finance & Personnel Committee on

1-27-14: To authorize the Mayor and City Clerk to enter into a contract agreement to accept funds of \$3,500 from the National Association of County and City Health Officials (NACCHO). (Grant Control # 2014-002)

Fiscal Note: There is no City match required.

14-9734

Subject: Communication from the Public Health Administrator requesting permission to enter into a contract agreement to accept the \$25,000 Healthy Communities Grant from Weight Watchers International, Inc. The funds will be used for the "Racine on the Move" program which offers financial assistance toward Weight Watchers meetings, YMCA memberships and Parks, Recreation & Cultural Services programs to support healthy lifestyles and healthy families in the City of Racine. (Grant Control # 2014-004) (Res. No. 14-0048)

Recommendation of the Finance & Personnel Committee on

1-27-14: To authorize the Mayor and City Clerk to enter into a contract agreement to accept the \$25,000 Healthy Communities Grant from Weight Watchers International, Inc. (Grant Control # 2014-004)

Fiscal Note: There is no City match required.

14-9735

Subject: Communication from the Public Health Administrator to enter into a Contract Agreement and to accept funding in the amount of \$169,708 from the Department of Health Services for the Local Public Health Departments Performance Consolidated Programs. The Consolidated Contract covers allocations of \$36,137 for Immunization, \$24,857 for Childhood Lead, \$79,715 for Wisconsin Well Woman Program, \$4,044 for Prevention and \$24,955 for Maternal Child Healthcare. The funds will be used for the continuation of programs. (Grant Control # 2014-003) (Res. No. 14-0049)

Recommendation of the Finance & Personnel Committee on

1-27-14: To authorize the Mayor and City Clerk to enter into a Contract Agreement and to accept funding in the amount of \$169,708 from the Department of Health Services for the Local Public Health Departments Performance Consolidated Programs. (Grant Control # 2014-003)

Fiscal Note: There is a soft match of \$18,716 required of the City for Maternal Child Healthcare.

14-9736

Subject: Communication from the Public Health Administrator

requesting permission to enter into a contract and to accept funds of \$5,900 from the Wisconsin Department of Agriculture Trade and Consumer Protection. The Funds will be used to continue the collections of unwanted prescription drugs that take place in April and October in conjunction with the household hazardous waste collection. (Grant Control # 2014-005) (Res. No. 14-0050)

Recommendation of the Finance & Personnel Committee on

1-27-14: To authorize the Mayor and City Clerk to enter into a contract and to accept funds of \$5,900 from the Wisconsin Department of Agriculture Trade and Consumer Protection.(Grant Control # 2014-005)

Fiscal Note: There is a City (soft) match required of \$1,966.67.

[14-9737](#)

Subject: Communication from the Police Chief, requesting to apply for a Racine Founders Rotary Club Foundation Grant. (Res. No. 14-0045)

Recommendation of the Finance & Personnel Committee on

1-27-14: Permission be granted to the Police Chief to apply for and accept a Racine Founders Rotary Club Foundation Grant, under the assumption of no matching funds.

Fiscal Note: The grant is for an amount up to \$8,000, which would be used to purchase a harness mounted camera system for the K-9 police dogs.

[14-9751](#)

Subject: (Direct Referral) Communication from the Deputy City Attorney and the Human Resources Manager requesting to meet in closed session pursuant to Wis. Stat. sec. 19.85(1)(c), to discuss strategy regarding upcoming contract negotiations with the City's labor unions without contracts after December 31, 2014.

Recommendation of the Finance & Personnel Committee on

1-27-14: To receive and file the item.

Fiscal Note: N/A

Public Works and Services Committee Report, by Ald. Weidner

[14-9716](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting final payment on Contract 09-13 (K3-009) - Street Paving Assessable (R1), Cornerstone Pavers, LLC., contractor. (Res. No. 14-0051)

Recommendation of the Public Works and Services Committee on

01-28-14: That the work done by Cornerstone Pavers, LLC. under Contract 09-13 (K3-009), Street Paving Assessable (R1), be accepted

and final payment authorized for a total contract amount of \$753,201.18.

Fiscal Note: Contract was authorized under Resolution 13-0169, dated April 15, 2013.

14-9728

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting final payment on Contract 06-11 (K1-006), PS - 2011 DPW/Engineering IT Support On-Call, AECOM, consultant. (Res. No. 14-0052)

Recommendation of the Public Works and Services Committee on 01-28-14: That the professional services provided by AECOM, under Contract 06-11 (K1-006), PS - 2011 DPW/Engineering IT Support On-Call, be accepted and final payment authorized for a total contract amount of \$27,343.16.

Fiscal Note: Contract was authorized under Resolution No. 10-2347, dated December 21, 2010.

14-9739

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer requesting approval of the Encroachment Report for State Project ID: 2704-00-03, Ohio Street, 16th Street to Washington Avenue. (Res. No. 14-0053)

Recommendation of the Public Works and Services Committee on 01-28-14: That the Encroachment Report for State Project ID: 2704-00-03, Ohio Street, 16th Street to Washington Avenue, be approved.

Fiscal Note: N/A

Public Safety and Licensing Committee Report, by Ald. Holding

14-9729

Subject: (NEW) Application of Mangat Petro Erie Inc., Jatinder S. Mangat, Agent, for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3945 Erie Street (15th District)

Recommendation of the Public Safety and Licensing Committee on 01-28-14: That the application of Mangat Petro Erie Inc., Jatinder S. Mangat, Agent, for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3945 Erie Street be approved.

Fiscal Note: N/A

City Plan Commission Report, by Ald. Wisner

[13-9687](#)

Subject: (Direct Referral) Request from Todd Brown from Heating and Cooling Solutions, Inc. seeking a conditional use permit to add a storage facility to the building located at 2430 Lathrop Avenue. (PC-14) (Res. No. 14-0058)

Recommendation of the City Plan Commission on 1-29-14: That the request be approved, subject to conditions.

Fiscal Note: N/A

[14-9754](#)

Subject: (Direct Referral) Amendment to Resolution 13-0490 for the Certified Survey Map of 6006 - 21st Street to strike condition b. from the conditions of approval. (PC-14) (Res. No. 14-0054)

Recommendation of the City Plan Commission on 1-29-14: To rescind Resolution 13-0490 to remove condition b. from the conditions of approval as listed for the Certified Survey Map of 6006 21st Street.

Fiscal Note: N/A

[14-9755](#)

Subject: (Direct Referral) Request from Donald Schumacher to operate a bed and breakfast at 304 Sixteenth Street. (PC-14) (Res. No. 14-0059)

Recommendation of the City Plan Commission on 1-29-14: The the request be approved, subject to conditions.

Fiscal Note: N/A

[14-9756](#)

Subject: (Direct Referral) Request from Richard Becker to utilize a portion of the building at 1328 Lathrop Avenue as a private office. (PC-14) (Res. No. 14-0060)

Recommendation of the City Plan Commission on 1-29-14: That the item be approved, subject to conditions.

Fiscal Note: N/A

[14-9757](#)

Subject: (Direct Referral) Request from Thomas M. Wood of Harris & Associates seeking an amendment to a Planned Unit Development to construct new garage structures at the Courtyard Apartment Complex at 4215 Durand Avenue. (PC-14) (Res. No. 14-0061)

Recommendation of the City Plan Commission on 1-29-14: That the item be approved, subject to conditions.

Fiscal Note: N/A

[14-9758](#)

Subject: (Direct Referral) Consideration of a use supplement related to a request from Pamela Deskins for a Flex Development Overlay at 116 Tenth Street. (PC-14) (Res. No. 14-0056)

Recommendation of the City Plan Commission on 1-29-14: That a use supplement be adopted by a resolution of the Common Council in association with a Flex Development Overlay District, subject to conditions.

Fiscal Note: N/A

[14-9759](#)

Subject: (Direct Referral) Conditions of approval related to a request by Pamela Deskins for a Conditional Use Permit for a bed and breakfast and small events facility at 116 Tenth Street. (PC-14) (Res. No. 14-0057)

Recommendation of the City Plan Commission on 1-29-14: That the request be approved, subject to conditions.

Fiscal Note: N/A

[14-9763](#)

Subject: (Ord.01-14) An ordinance amending Sec. 86-194 - Fees. in the Municipal Code of Racine, Wisconsin.

Recommendation of the City Plan Commission on 1-29-14: That the ordinance be adopted.

Fiscal Note: Fees are being increased to offset expenses incurred by the department while administering the associated services.

[14-9764](#)

Subject: (ZOrd.001-14) An ordinance rezoning 116 Tenth Street from O/I Office Institutional District to O/I Office Institutional District with a FD Flex Development Overlay.

Recommendation of the City Plan Commission on 1-29-14: That the ordinance be adopted.

Fiscal Note: N/A

Committee of the Whole Report, by Ald. McCarthy

[13-9128](#)

Subject: Communication from Alderman Holding to propose entering into an intergovernmental agreement with Kenosha pertaining to Ethics Board Hearing procedures and revising our Ethics Code to adhere with the terms of the intergovernmental agreement. (Ord. No. 11-13)

Recommendation of the Committee of the Whole on 07-29-2013:
the City Attorney be directed to negotiate an intergovernmental agreement with the Kenosha City Attorney for effecting an ethics complaint processing ordinance.

Recommendation of the City Attorney on 10-23-2013: the Item be referred to Committee of the Whole for review and approval of the proposed intergovernmental agreement and revisions to the Ethics Code.

Recommendation of the Committee of the Whole on 01-07-2014:
the Item be deferred.

Recommendation of the Committee of the Whole on 01-21-2014:
the Item be Received and Filed.

Fiscal Note: N/A

[13-9625](#)

Subject: communication from the City Attorney recommending Council consideration of a press pass policy.

Recommendation of the Committee of the Whole on 01-21-2014:
the Item be Received and Filed.

Fiscal Note: N/A

[13-9645](#)

Subject: (Direct Referral) communication submitting Ordinance 11-13, to repeal and recreate portions of Sec. 2-584. - Duties of ethics board.

Recommendation of the Committee of the Whole on 01-07-2014:
the Item be deferred.

Recommendation of the Committee of the Whole on 01-21-2014:
the Item be Received and Filed.

Fiscal Note: N/A

[13-9654](#)

Subject: Communication from Alderman of the 15th District to revise Sec. 2-166. Vacating office due to nonattendance of meetings of the Racine Municipal Code as follows: (Ord. No. 03-14)

"The office of any individual appointed to any special committee, board, or commission of the city, who fails to attend three meetings in any term year (May 1 until April 30th), shall be automatically vacated. This would also include, but is not limited to, medical reasons which would cause that member to miss the three meetings."

Recommendation of the Committee of the Whole on 01-21-2014: that the City Attorney's office prepare an ordinance to create a new section of Ordinance "2-166 Office created; term" regarding nonattendance of meetings, as follows: The office of any individual, except aldermen, appointed to any special committee, board, or commission of the city, who, for any reason, fails to attend three meetings in any term year (May 1 until April 30th), shall be automatically vacated.

Fiscal Note: N/A

Wastewater Commission Report, by Ald Hart

[14-9743](#)

Subject: Amendment to Household Hazardous Waste (HHW) Agreements

Recommendation of the Wastewater Commission on 1/28/14: That Mayor Dickert and the City Clerk be authorized to sign amendments to the Household Hazardous Waste Agreement with participating communities.

FURTHER RECOMMENDS THAT THIS ITEM BE REFERRED TO THE FINANCE AND PERSONNEL COMMITTEE FOR APPROVAL

Fiscal Note: N/A

H. Consent Agenda/Resolutions

[Res.13-0492](#)

High Rollers Club - 1333 Douglas Avenue

Resolved, that the request from Margaret Brockman to allow for 24/7 hours of operation at the High Rollers Club at 1333 Douglas Avenue is approved, subject to the following conditions:

- a. That the plans submitted to the Plan Commission on December 11, 2013, be approved subject to the conditions herein.
- b. That compliance with all past approvals is required, except as modified by this approval.
- c. That all applicable building and occupancy permits be obtained from the Building Inspection department. Occupancy shall not exceed 88 individuals.

- d. That signage is not approved with this review.
- e. That there be no sale of alcohol on the premises. The serving of alcohol may be allowed as regulated by the City Clerk's office.
- f. That there be no food sold on the premises. The serving of food may be allowed as regulated by the City Health Department.
- g. That the premises be open for inspection by the Building Department, Health Department, Police Department, City Development, or other applicable entity as needed to inspect or verify conditions of approval are being met.
- h. That the overflow parking shall be utilized if traffic congestion, blocking of roadways, or other traffic disturbances occur.
- i. That the security plan as submitted to Staff shall be in effect with this approval.
- j. That failure to adhere to all the conditions set forth, and/or if the use again begins to generate calls to the Police Department for disturbances including but not limited to loitering, traffic problems, or other nuisances, that this item will be brought back to the Plan Commission by Staff with the recommendation the conditional use be revoked.
- k. That the hours of operation shall be 24 hours a day, 7 days a week.
- l. 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.
- m. That this permit is subject to Plan Commission review for compliance with listed conditions.

Fiscal Note: N/A

Sponsors: Dennis Wisner

[Res.14-0045](#) Racine Founders Rotary Club Foundation Grant

Resolved, that permission is granted to the Police Chief to apply for and

accept a Racine Founders Rotary Club Foundation Grant, under the assumption of no matching funds.

Fiscal Note: The grant is for an amount up to \$8,000.00, which would be used to purchase a harness mounted camera system for the K-9 police dogs.

Sponsors: Q.A. Shakoor, II

Res.14-0046 Agreement Between Wisconsin Disaster Medical Response Team Medical Reserve Corps (WDMRTMRC) and the Racine County Medical Reserve Corps (RCMRC)

Resolved, that the Mayor and City Clerk are authorized to enter into a memorandum of understanding between the Wisconsin Disaster Medical Response Team Medical Reserve Corps (WDMRTMRC) and the Racine County Medical Reserve Corps (RCMRC), which will facilitate intrastate collaboration.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

Res.14-0047 Funds to Support Racine County Medical Reserve Corps

Resolved, that the Mayor and City Clerk are authorized to enter into a contract agreement to accept funds of \$3,500.00 from the National Association of County and City Health Officials (NACCHO). The funds will be used to support the Racine County Medical Reserve Corps, which will recruit, train and support Health Professional volunteers for emergency and non-emergency response. (Grant Control #2014-002)

Fiscal Note: There is no City match required.

Sponsors: Q.A. Shakoor, II

Res.14-0048 Health Communities Grant from Weight Watchers

Resolved, that the Mayor and City Clerk are authorized to enter into a contract agreement to accept the \$25,000.00 Health Communities Grant from Weight Watchers International, Inc. for "Racine on the Move" program, which offers financial assistance toward Weight Watchers meetings, YMCA memberships and Parks, Recreation & Cultural Services programs to support health lifestyles and healthy families in the City of Racine. (Grant Control #2014-004)

Fiscal Note: There is no City match required.

Sponsors: Q.A. Shakoor, II

Res.14-0049 Local Public Health Departments Performance Consolidated Programs

Resolved, that the Mayor and City Clerk are authorized to enter into a Contract Agreement and to accept funding in the amount of \$169,708.00 from the Department of Health Services for the Local Public Health Departments Performance Consolidated Programs. The Consolidated Contract covers allocations of \$36,137.00 for Immunization, \$24,857.00 for Childhood Lead, \$79,715.00 for Wisconsin Well Woman Program, \$4,044.00 for Prevention and \$24,955.00 for Maternal Child Healthcare. The funds will be used for the continuation of programs.(Grant Control #2014-003)

Fiscal Note: There is a soft match of \$18,716.00 required of the City for Maternal Child Healthcare.

Sponsors: Q.A. Shakoor, II

Res.14-0050 Wisconsin Department of Agriculture Trade and Consumer Protection

Resolved, that the Mayor and City Clerk are authorized to enter into a contract and to accept funds of \$5,900.00 from the Wisconsin Department of Agriculture Trade and Consumer Protection. The Funds will be used to continue the collections of unwanted prescription drugs that take place in April and October in conjunction with the household hazardous waste collection. (Grant Control # 2014-005)

Fiscal Note: There is a City (soft) match required of \$1,966.67.00.

Sponsors: Q.A. Shakoor, II

Res.14-0051 Final payment on Contract 09-13 (K3-009) - Street Paving Assessable (R1)

Resolved, that the work done by Cornerstone Pavers, LLC. under Contract 09-13 (K3-009), Street Paving Assessable (R1), is accepted and final payment authorized for a total contract amount of \$753,201.18.

Fiscal Note: Contract was authorized under Resolution 13-0169, dated April 15, 2013.

Sponsors: Sandy Weidner

Res.14-0052 Final payment on Contract 06-11 (K1-006), PS - 2011 DPW / Engineering IT Support On-Call

Resolved, that the professional services provided by AECOM, under Contract 06-11 (K1-006), PS - 2011 DPW / Engineering IT Support On-Call, is accepted and final payment authorized for a total contract amount of \$27,343.16.

Fiscal Note: Contract was authorized under Resolution No. 10-2347,

dated December 21, 2010.

Sponsors: Sandy Weidner

Res.14-0053

Sponsors: Sandy Weidner

Res.14-0054 Rescind Resolution 13-0490

Resolved, that Resolution 13-0490 is to be rescinded and a new resolution created to remove condition b. from the conditions of approval as listed in Resolution 13-0490 for the Certified Survey Map of 6006 21st Street.

Fiscal Note: N/A

Sponsors: Dennis Wiser

Res.14-0055 3-Lot Certified Survey Map for 6006 - 21st Street (PC-13)

Resolved, that the request for a three-lot certified survey map for 6006 Twenty-First Street is approved, subject to the following conditions:

- a. That the certified survey map as prepared by Nielsen, Madsen, & Barber presented to the Plan Commission on December 11, 2013 be approved subject to the conditions contained herein.
- b. That the approved CSM will not alter any dedicated right-of-way, easements, or other use restrictions and covenants of record.
- c. That the map be physically created in accordance with State Statutes.
- d. That the signature lines on behalf of the City of Racine shall be updated for the full and proper names of the Mayor and City Clerk: John T. Dickert, Mayor, and Janice M. Johnson-Martin, City Clerk
- e. That within thirty (30) days of recording the CSM, a certified recorded copy shall be provided to the Department of City Development. Failure to provide the recorded copy will result in nullification of the approval.

Fiscal Note: N/A

Sponsors: Dennis Wiser

Res.14-0056 Flex Development Overlay at 116 Tenth Street

Resolved, that a use supplement is adopted by a resolution of the

Common Council in association with a Flex Development Overlay District at 116 - 10th Street (also 110 Tenth Street), subject to the following conditions:

- a. That all uses listed in the underlying O/I - Office Institutional District are permissible by right or by conditional use permit unless otherwise modified or prohibited herein.
- b. That the following flex uses are allowed through Ordinance No. ZOrd.001-14:
 1. Permitted Uses:
 - (a) All uses listed in the O - Restricted Office District are permissible by right or by conditional use permit unless otherwise modified or prohibited herein.
 - (b) Single-family dwelling.
 2. Conditional Uses:
 - (a) Small events facility, to capacities as authorized by applicable fire and building codes, but in no case shall capacities exceed 25 anticipated event participants (not including event staff). For purposes of this supplement, small events are defined as those for a wedding, shower, birthday, anniversary, luncheon, training, corporate board, receptions, other similar gatherings.
 - (b) Clubs and lodges.
 - (c) Recreation and social facilities as follows:
 - i. Parks and playgrounds.
 - ii. Recreational buildings and community centers, non commercial.
- c. That the following uses shall be prohibited through Ordinance No. ZOrd.001-14:
 1. Two-family and multifamily dwellings.
 2. Community living arrangements.
 3. Group day care centers.
- d. 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.
- e. 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. Decisions in this regard may be appealed to the City Plan Commission.

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

g. 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.

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

Fiscal Note: N/A

Sponsors: Dennis Wisner

Res.14-0057 Small Events Facility at 116 Tenth Street

Resolved, that the request by Pamela Deskins for a conditional use permit for a bed and breakfast and small events facility at 116 Tenth Street is approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on January 29, 2014 be approved subject to the conditions contained herein.

b. That in the matter of the **bed and breakfast**, all requirements of Section 114-428 (18) regulating Bed and Breakfast establishments, and as summarized herein, be complied with. The requirements as related to this request are as follows:

1. Provides for five or fewer rooms for rent, for no more than 15 tourists or transients, for no more than 30 days.
2. Provides no meals other than breakfast and provides the breakfast only to guests of the establishment.
3. That the structure was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence.
4. Has had completed, prior to May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation.
5. Shall be the owner's personal residence and is occupied by the owners at the time of rental.
6. Shall provide maid service, linen service, and room upkeep.
7. That only one sign shall be allowed, a maximum of 12 square feet in size and state only the name, address, and proprietors of the establishment.
8. Shall have screened off-street parking provided in the amount of one parking space per room rented plus two spaces for the owners.
9. That all state and local laws be complied with and permits and licenses acquired.
10. That approval shall be subject to any other conditions listed in the conditional use permit approved by the Common Council.

c. That in the matter of the **small events facility**:

1. Permissible small events shall be defined by the use supplement described in Resolution 14-0056 of the Common Council.
2. All parking shall be confined to off-street areas. Proof of adequate reserve off-site off-street parking spaces shall be provided for the review and approval of the Director of City Development prior to the operation of the small events facility.
3. Outdoor events shall be confined to the porches, and/or the yard area at 110 - Tenth Street.
4. Audio and video equipment that may be employed during an event shall be situated and monitored so as not to cause undue disturbance to neighboring properties.

d. That any exterior remodeling, restoration and painting activities on the structures at 116 or 110 Tenth Street, or any signage is subject to the review and approval by the Downtown Area Design review Commission.

e. That all signs be professionally made, not be internally illuminated, not be located within any vision triangle.

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

g. 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.

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

Fiscal Note: N/A

Sponsors: Dennis Wiser

Res.14-0058 Add Storage Facility to Building Located at 2430 Lathrop Avenue

Resolved, that the request from Todd Brown from Heating and Cooling Solutions, Inc. Seeking a conditional use permit to add a storage facility to the building located at 2430 Lathrop Avenue is approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on January 29, 2014 be approved subject to the conditions contained herein.

b. That the maximum hours of contractor activities at the site be from 7:00 a.m. to 5:00 p.m., Monday through Saturday, with no hours on

Sunday.

c. That no painting, processing or fabrication of materials and equipment be conducted at this location.

d. That all employee parking be contained on site.

e. That two - 2 square feet signs stating "No parking of trailers, or trucks and box type truck over 6,000 lbs gross weight" be placed in the east façade of the building.

f. That prior to the issuance of a building permit, samples depicting color, texture and thickness (where applicable) of the following materials shall be submitted for the review and approval of the Director of City Development:

1. Sample of "Hardi-Plank" or similar product.
2. Sample of "Thin-Brick" veneer of similar product.
3. Sample of "Spanish Roof Tile".
4. Paint chip(s) indicating color(s) to be utilized in the repainting of the existing building. Included with the chips shall be building elevations depicting the proposed application of colors.
5. Signage plan depicting a to-scale and complete accounting for all existing and proposed signage and their design.
6. Landscape plan depicting the size, species and location of all plantings and the material to be used in the construction of the Lathrop Avenue planter box.
7. Revised elevation drawing and manufacture's brochures depicting the safety features to be installed to warn pedestrians and employees of traffic coming to and from the southern overhead door.

g. That prior to the issuance of an occupancy permit the following shall be accomplished:

1. All vinyl siding existing on the building shall be removed and replaced with "Hardi-Plank" or similar material.
2. All sided areas on the building addition shall be sided in "Hardi-Plank" or other similar materials.
3. All exterior corners of the addition shall have a brick veneer simulating corner columns as depicted on the plans stamped received January 23, 2014.
4. Paint the existing building be in the approved uniform color scheme.
5. Seal and stripe of all parking areas.
6. Implement the approved landscaping plan.
7. Install eastern façade "No parking..." signs.
8. Remove the abandoned sign box on the north wall.
9. Install all landscaping as depicted in the approved plan.
10. Installation of safety features at southern overhead door.

h. That, if the improvements required and described in condition "g." are not completed by the time an occupancy permit is requested, then a financial surety shall be provided to the City in an amount equal in value to the required improvements, subject to the following terms:

1. Financial surety documents shall be submitted for the review and approval of the Director of City Development shall be issued in the City's favor, shall be in effect for one year from the date of issuance.

2. The financial surety documents shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial surety.

3. The City is authorized by the Conditional Use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation of work if required improvements are not completed by May 1, 2015, or by an earlier date as may be required. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with applicable statute.

4. By operating under this Conditional Use, the applicant and owner give permission to the City to enter upon the property for the purposes described herein.

i. That no junked or inoperable vehicles be parked at this location.

j. That no junk, debris or scrap materials be stored outdoors at this location.

k. That all trash and recyclables be stored in closed containers and screened from view.

l. That all 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 Conditional Use Permit is subject to review by the Plan Commission for Compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Dennis Wiser

[Res.14-0059](#) Bed and Breakfast at 304 Sixteenth Street

Resolved, that the request of Donald and Beverly Schumacher to

operate a two-room bed and breakfast establishment at 304 Sixteenth Street is approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on January 29, 2014 be approved subject to the conditions contained herein.

b. That all requirements of Section 114-274 (16) regulating Bed and Breakfast establishments, and as summarized herein, be complied with. The requirements as related to this request are as follows:

1. Provides for two or fewer rooms for rent, for no more than six tourists or transients, for no more than 30 days.

2. Provides no meals other than breakfast and provides the breakfast only to guests of the establishment.

3. That the structure was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence.

4. Has had completed, prior to May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation.

5. Shall be the owner's personal residence and is occupied by the owners at the time of rental.

6. Shall provide maid service, linen service, and room upkeep.

7. That only one sign shall be allowed, a maximum of 12 square feet in size and state only the name, address, and proprietors of the establishment.

8. Shall have screened off-street parking provided in the amount of one parking space per room rented plus two spaces for the owners.

9. That all state and local laws be complied with and permits and licenses acquired.

10. That approval shall be subject to any other conditions listed in the conditional use permit approved by the Common Council.

c. That all signs be professionally made, not be internally illuminated, not be located within any vision triangle, and shall be subject to review and approval by the Director of City Development prior to issuance of a building permit.

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

e. 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.

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

Fiscal Note: N/A

Sponsors: Dennis Wiser

Res.14-0060 Office at 1328 Lathrop Avenue

Resolved, that the request from Richard Becker to utilize a portion of the structure at 1328 Lathrop Avenue as an office for the management of rental properties is approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on January 29, 2014 be approved subject to the following conditions contained herein.

b. That all applicable building inspections be performed and required permits obtained from the Building Inspection department for any construction, plumbing, electrical work, and any other required permits or inspections for work done, prior to the issuance of an occupancy permit.

c. That the hours of operation for the office shall be Monday through Friday from 10:00 a.m. - 12:00 p.m.

d. That the garage shall not be used in operation of the business.

e. That no vehicles or machinery involved in property management work shall be allowed at this location.

f. That the applicant shall store all trash and debris indoors until the scheduled pick-up day. Should there continue to be concerns from the Public Works department, or any other department, neighboring property, or individual concerning the amount of and type of trash being generated at this location, the applicant shall make alternative arrangements for trash removal so as to eliminate the adverse impact caused by the handling of the trash. The City Development department shall be notified of any alternative arrangements related to trash pick-up.

g. That signage is not approved with this review. Any requests for

signage shall be reviewed and approved by the Department of City Development prior to issuance of a building permit or sign installation.

h. That the applicant shall be responsible for all site maintenance, including but not limited to lawn care, snow removal, daily removal of trash or debris on the premises, and general building maintenance.

i. 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.

j. That this conditional use is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Dennis Wiser

Res.14-0061 New Garage Structures at 4215 Durand Avenue - Courtyard Apartment Complex

Resolved, that the request from Thomas M. Wood of Harris & Associates seeking an amendment to a planned unit development to construct new garage structures at the Courtyard Apartment Complex at 4215 Durand Avenue is approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on January 29, 2014 be approved subject to the following conditions contained herein.

b. That the residential planned unit development living unit count is now amended and approved at 48 units.

c. That all applicable building inspections be performed and required permits obtained from the Building Inspection department for any construction, plumbing, electrical work, and any other required permits or inspections for work done, prior to the issuance of an occupancy permit.

d. That the garages shall not be used in the operation of any business.

e. That the garages are for the sole use of residents of the apartment facility.

f. That prior to the issuance of a building permit, the following shall be

addressed:

1. Resolution of building code and grading and drainage issues as identified by the Building Inspection and City Engineering Departments.
2. Submittal of samples of the brick wainscoting, trim work, siding and lighting specification sheets as described in the plans for the review and approval by the Director of City Development.
3. Submit specifications sheets and a revised site plan and illustrating the placement of bollards or other suitable protective measure at the garage entrances.

g. That prior to the issuance of occupancy permits for the garages, the following shall be accomplished:

1. Resolution of building code and grading and drainage issues as identified by the Building Inspection and City Engineering Departments.
2. Installation of site landscaping including trees shrubs, foundation plantings and grass.
3. Installation of garage entrance protective measures as approved by the Director of City Development.
4. Completion of the installation of siding, brickwork and trim work as approved by the Director of City Development.

h. That, if the improvements required and described in condition "g." are not completed by the time an occupancy permit is requested, then a financial surety shall be provided to the City in an amount equal in value to the required improvements, subject to the following terms:

1. Financial surety documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance.
2. Financial surety documents shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial surety.
3. The City is authorized by the Conditional Use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation of work if required improvements are not completed by May 1, 2015, or by an earlier date as may be required. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with applicable statute.
4. By operating under this Conditional Use, the applicant and owner give permission to the City to enter upon the property for the purposes described herein.

i. That any requests for signage shall be reviewed and approved by the Director of City Development prior to issuance of a building permit or sign installation.

j. That the applicant provide a statement as to the responsible party for all site maintenance, including but not limited to lawn care, snow removal, daily removal of trash or debris on the premises, and general building maintenance.

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 conditional use is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Dennis Wisner

I. Ordinances

Ord.02-14

Ordinance 02-14

To create Sec. 66-139. School Property in the Municipal Code of Racine, Wisconsin.

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

Part 1: To create Sec. 66-139. School Property in the Municipal Code of Racine, Wisconsin as follows:

“Sec. 66-139. School Property.

(a) It shall be unlawful for any person to go upon the grounds of any school in the district for the purposes of engaging in conduct which is disorderly, disruptive or otherwise detrimental to the orderly conduct of school affairs.

(b) It shall be unlawful for any person:

(1) Not engaged in legitimate school-related business to be present upon school grounds without express permission from the school principal or his/her designee;

(2) To remain upon the grounds of any school upon being requested to leave by any school district official, employee or law enforcement officer;

(3) After having been requested to leave the grounds, to return to the grounds of a school without the specific permission of a school district official, employee or law enforcement officer.

(4) To be upon the grounds of any school between the hours of 11:00 p.m. and 5:00 a.m. without the express permission of the principal or his/her designee.

Part 2: Sections 66-140 - 66-141 of the Municipal Code of the City of Racine are hereby reserved.

Part 3: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Dennis Wiser

Ord.03-14

Ordinance 03-14

To repeal and recreate Division I Generally, Section 2-166. Vacating office due to nonattendance of meetings of the Municipal Code of Racine, Wisconsin.

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

Part 1: Repeal Sec. 2-166. Vacating office due to nonattendance of meetings in the Municipal Code of Racine, Wisconsin and recreate it as follows:

“The office of any individual, except aldermen, appointed to any special

committee, board, or commission of the city, who, for any reason, fails to attend three meetings in any term year (May 1 until April 30th), shall be automatically vacated.”

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

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Edward E. Diehl PhD

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.