



City of Racine

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

Meeting Agenda - Final Common Council

*Mayor John T. Dickert, Alderman Q.A. Shakoor, II, Alderman Eric Marcus,
Alderman Michael Shields, Alderman Ronald D. Hart, Alderman Jim Kaplan,
Alderman Dennis Wiser, Alderman Aron Wisneski, Alderman Sandy Weidner, Alderman Terry McCarthy, Alderman Raymond DeHahn, Alderman Gregory Holding, Alderman Robert Mozol, Alderman O. Keith Fair, Alderman Melissa Kaprelian-Becker, Alderman James Morgenroth*

Tuesday, September 6, 2011

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. Presentation by Judy Sheahan and Lendel Jones, on behalf of the US Mayors Conference, recognizing the City of Racine Water as having the best tasting tap water in the country. The award check will be presented by Judy Sheahan and Lendel Jones.

Presentation by Kim Weaver on behalf of Constellation Energy donating a "Renewable Energy Certificate" to the City of Racine.

- E. Public Comments
- F. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

- [11-6822](#) **Subject:** communication from the City Attorney submitting the claim of Diane Chernouski for consideration.
- [11-6803](#) **Subject:** communication from the City Attorney submitting the claim of Edwin Hill for consideration.
- [11-6806](#) **Subject:** communication from the City Attorney submitting the claim of American Family Insurance (T. Rivera) for consideration.

- [11-6837](#) **Subject:** communication from the City Attorney submitting the claim of James Billups for consideration.
- [11-6774](#) **Subject:** communication from the City Attorney submitting the claim of Maurice White for consideration.
- [11-6823](#) **Subject:** communication from the City Attorney submitting the claim of Barbara Chernouski for consideration.
- [11-6841](#) **Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to apply for a grant from the Wisconsin Department of Natural Resources in the amount of \$25,000 for Tree Inventory.
- [11-6856](#) **Subject:** Communication from the Finance Director requesting to appear before the Finance & Personnel Committee to discuss refunding the 2011 Capital Project Note anticipation Notes and a portion of the 2003 Taxable Unfunded Pension Liability Bonds.
- [11-6857](#) **Subject:** Communication from the Finance Director wishing to appear before the Finance & Personnel Committee to discuss changing Section 90-26 of the City of Racine Municipal Code relating to due dates on installment tax payments.
- [11-6858](#) **Subject:** Communication from the Finance Director wishing to appear before the Finance & Personnel Committee to discuss the part-time Payroll Technician position in the Finance Department.
- [11-6859](#) **Subject:** Communication from the Finance Director wishing to appear before the Finance & Personnel Committee to discuss the Customer Service Specialist position in the Finance Department.
- [11-6862](#) **Subject:** Communication from the **Assistant** Commissioner of Public Works Operations requesting authorization to apply and accept a Focus on Energy Grant (Grant Control No. 2011-029) for upgrading light fixtures in the Library and **Park / Villa parking lots**.
- [11-6870](#) **Subject:** Communication from the Chief of Police, requesting to authorize fund-raising operations and accept private donation of funds from these operations for the purchase and deployment of an additional K-9 unit.
- [11-6871](#) **Subject:** Communication from the Board of Business Improvement District No. 3 - Uptown requesting approval of its 2012 Operating Plan.

[11-6872](#) **Subject:** Communication from the Board of Business Improvement District No. 4 - Douglas Avenue requesting approval of its 2012 Operating Plan.

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

[11-6848](#) **Subject:** Communication from Derrick Jones (3424 Kentucky St.) requesting permission to replace the blue and green markers by storm drains for an Eagle Scout project.

[11-6860](#) **Subject:** Communication from Downtown Racine Corporation requesting permission to close Main Street from State Street to 7th Street, and 6th Street from Main Street to Grand Avenue for Party on the Pavement on Saturday, October 1, 2011 from 12:00 P.M. - 7:00 P.M.

[11-6861](#) **Subject:** Communication from the Downtown Racine Corporation requesting to use city right-of-way for the annual Holiday Parade on Saturday, November 12, 2011.

11-6873 **Subject:** Communication from the Southeastern Wisconsin Harley Owners Group Racine Chapter #5624 requesting a street closing in the one block of Fifth Street between Main and Wisconsin on 10-1-2011 for the purpose of providing motorcycle only parking for the Party on the Pavement event.

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

[11-6791](#) **Subject:** (New) Application of State Street BP Inc., Satish Bhardwaj, Agent for a Class "A" Fermented Malt Beverage License for 1975 State Street. (9th District)

[11-6792](#) **Subject:** (New) Application of VS Gill LLC, Virinder S Gill, Agent for a Class "A" Fermented Malt Beverage License for 2240 Northwestern Avenue. (6th District)

[11-6821](#) **Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting final payment for preparing plans and specifications for Parks Department Pavement Projects.

[11-6840](#) **Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to present the bids received by the Commissioner of Public Works on August 25, 2011 for Contract 36-11 (K1-038), Island Park Pedestrian Bridge Renovation CDBG.

- [11-6846](#) **Subject:** Communication from the City of Racine Purchasing Agent requesting permission to appear before the Public Safety & Licensing committee to discuss proposals that were taken in response to Official Notice #12, CONCESSION SERVICES FOR NORTH BEACH BATH HOUSE.

Refer to Traffic Commission, by Ald. Weidner

- [11-6842](#) **Subject:** Communication from Brian Hansche (1500 S. Main Street) wishing to discuss traffic issues in the area of 14th Street and S. Main Street.

- [11-6845](#) **Subject:** Communication from the Alderman of the 11th District, on behalf of Kathryn McGee (4609 Maryland Ave.), requesting that stop signs be installed at Maryland Avenue and Meachem Road.

- [11-6865](#) **Subject:** Communication from the Alderman of the 5th District, on behalf of Dave Corban - 2300 Erie Street, requesting to get north and south stop signs placed at the intersection of Erie Street and Walton Avenue.

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

- [11-6867](#) **Subject:** Communication from the 9th District Alderman to discuss the possibility of a dog park along the Root River at either Island or Lincoln Park.

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor.

- [11-6773](#) **Subject:** (Direct Referral) Communication from the City Attorney requesting to meet in closed session under Wis. Stat. sec. 19.85(1)(g), concerning strategy and/or possible settlement with respect to litigation in the matter of Donna Atkinson v City of Racine, Racine County Case No. 11-CV-1849.

Recommendation of the Finance & Personnel Committee on 8-22-11: The matter of Donna Atkinson v. City of Racine, Racine County Case No. 11-CV-1849 be settled in the amount of \$6,250.

Fiscal Note: Funding for the settlement is available in Account 101.990.5910, Judgments and Claims.

11-6735

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a professional services proposal from Arnold & O'Sheridan, Inc. for review of the parking deck at the Safety Building. (Resolution No. 11-2707)

Recommendation of the Public Works and Services Committee on 8-9-11: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Arnold & O'Sheridan, Inc. for a condition evaluation of the parking deck at the Safety building, in the not-to-exceed amount of \$3,200.00.

Further recommends that the item be referred to the Finance and Personnel Committee for funding

Fiscal Note: Funding to be determined.

Recommendation of the Finance & Personnel Committee on 8-22-11: Transfer \$3,200 from Account 990.410.5010, Solid Waste Garage Tuck Pointing to Account 990.210.5030 Safety Building Structural Repair to fund a professional service agreement with Arnold & O'Sherida, Inc. for a condition evaluation of the parking deck of the Safety Building.

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

11-6746

Subject: Communication from the Fire Chief requesting permission to modify Section 38 of the City Ordinances related to Emergency Services.

Recommendation of the Finance & Personnel Committee on 8-22-11: Recommend that Section 38 of the Municipal Code relating to Emergency Services be modified to define Ambulance and Fire Department services, codify the fee structure for ambulance billings, codify the fee structure for motor vehicle accidents, define and codify the fee structure for specialty emergency responses and codify a fee structure for FEMA reimbursement during major disasters.

Fiscal Note: N/A

11-6763

Subject: Communication from the Assistant Finance Director requesting to appear before the Finance & Personnel Committee to discuss the 2010 Financial Statements of the City of Racine.

Recommendation of the Finance & Personnel Committee on 8-22-11: Item to be received and filed.

Fiscal Note: N/A

Public Works and Services Committee Report, by Ald. Weidner.

[11-6744](#)

Subject: Communication from Jerrlyn Bradley (1967 Taylor Ave.) requesting a public hearing for paving of the alley bounded by Jerome Blvd. to 20th St.; Taylor Ave. to Kearney Ave.

Recommendation of the Public Works and Services Committee on 8-30-11: That the prayer of the petitioner be granted and that a preliminary resolution be introduced for the paving of the alley bounded by Jerome Boulevard, 20th Street, Taylor Avenue and Kearney Avenue.

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

[11-6764](#)

Subject: Communication from St. Edward's Parish requesting to close 15th Street between West Boulevard and Grove Avenue for their church festival on Saturday, September 24, 2011.

Recommendation of the Public Works and Services Committee on 8-30-11: That St. Edward Parish be granted permission to close 15th Street and the alley bounded by 15th Street, 16th Street, West Boulevard and Grove Avenue, from 3:00 p.m. Friday, September 23, 2011, through Sunday, September 25, 2011, for a Fall Fun Festival.

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 to various City departments, on a regular shift basis, to assist in implementing this event.

[11-6790](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations, requesting to waive formal

bidding for two-way radio upgrades.

Recommendation of the Public Works and Services Committee on 8-30-11: That the request of the Purchasing Agent to waive formal bidding procedures be approved in accordance with State Statutes that allow for the waiving of public bids for the purpose of maintaining uniformity of equipment and services.

Further recommends that the Mayor and City Clerk be authorized and directed to enter into an agreement with Milwaukee 2-Way, Inc., West Allis, WI, to upgrade two-way radios to meet the new FCC narrow-banding radio requirements, for the not-to-exceed price of \$9,000.00.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 991.630.5020, Street Maintenance Radio Repeater.

Fiscal Note: Funds are available as herein delineated.

[11-6804](#)

Subject: ((Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No.1 on Contract 24-11 (K1-024), Spring Street Bridge Restoration, Lunda Construction Company, contractor.

Recommendation of the Public Works and Services Committee on 8-30-11: That Change Order No. 1 on Contract 24-11 (K1-024), Spring Street Bridge Restoration, Lunda Construction Company, contractor, be approved in the amount of \$98,855.40.

Further recommends that funding to defray the cost of this change order be appropriated from the following Account 991.520.5010, Spring Street Bridge Mill/Overlay.

Fiscal Note: Funds are available as herein delineated.

[11-6839](#)

Subject: (Direct Referral) Communication from the Transit and Parking Manager requesting permission to apply for a Congestion Mitigation Air Quality (CMAQ) Grant for the replacement of 1997 Transit Vehicles.

Recommendation of the Public Works and Services Committee on 8-30-11: That the Parking and Transit System Manager be authorized and directed to submit a grant application to the State of Wisconsin Congestion Mitigation/Air Quality (CMAQ) funding program for the replacement of 1997 Transit Vehicles.

Fiscal Note: Estimated cost is \$5,950,000.00 with minimum amount of 80% up to 100% to be funded by the State of Wisconsin and the

maximum local share being \$1,190,000.00.

Public Safety and Licensing Committee Report, by Ald. Wisneski

[11-6700](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to waive bidding relative to the purchase and installation of playground equipment, and instruct the Purchasing Agent to obtain from Miller & Associates.

Recommendation of the Public Safety and Licensing Committee on 8-22-11: That formal bidding be waived and the Purchasing Agent work with Miller and Associates for the purchase and installation of playground equipment.

Fiscal Note: Funds are available in the following accounts: 891.030.5770, Roosevelt Park Play Equipment and 891.030.5760, Franklin Park Play Equipment.

[11-6718](#)

Subject: Communication from the President of the Common Council wishing to discuss City of Racine policy with respect to firearms in light of 2011 Wisconsin Act 35.

Recommendation of the Public Safety and Licensing Committee on 8-22-11: That the item be **referred to the Committee of the Whole** with the Recommendation that the Common Council not prohibit carrying of legally permitted concealed weapons in Municipal Buildings with the exception of Community Centers.

Fiscal Note: N/A

[11-6722](#)

Subject: (New) Application of Roberts Roost LLC, Edward Scharding, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 600 Sixth Street. (1st District)

Recommendation of the Public Safety and Licensing Committee on 8-22-11: That the Application of Roberts Roost LLC, Edward Scharding, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 600 Sixth Street be approved pending submission of an amendment to the hours of operation to the City Clerk's Office.

Fiscal Note: N/A

[11-6724](#)

Subject: (Direct Referral) Sale of Abandoned Vehicles 07-28-11

Recommendation of the Public Safety and Licensing Committee on**8-22-11:** That the Sale of Abandoned Vehicles 07-28-11 be received and filed.**Fiscal Note:** This will generate \$13,788.02 in revenue.[11-6767](#)**Subject:** [Direct Referral] Communication from the Director of Parks, Recreation and Cultural Services requesting to rescind the request that Coca-Cola, Inc. be the exclusive provider of beverages at the community centers; further request the Mayor and City Clerk enter into an agreement with Pepsi-Cola General Bottlers, Inc., a wholly owned subsidiary of Pepsi Beverages Company, to be the exclusive provider of beverages at the community centers.**Recommendation of the Public Safety and Licensing Committee on****8-22-11:** To rescind the request to enter into an agreement with Coca-Cola, Inc. and enter into an agreement with Pepsi-Cola General Bottlers, Inc. to be the exclusive provider of beverages at the community centers.**Fiscal Note:** Approximately \$41,000.00 over five years.[11-6807](#)**Subject:** Ordinance No. 7-11

To amend Article IV. - Operator's License by removing all references to provisional licenses, Code of the City of Racine, Wisconsin relating to Alcoholic Beverages.

Recommendation of the Public Safety and Licensing Committee on**8-22-11:** That Ordinance 7-11 be adopted.**Fiscal Note:** N/A**Transit and Parking Commission Report, by Ald. DeHahn**[11-6569](#)**Subject:** Communication from Lee Jaramillo requesting reduced pricing on the 24/7 rental of eight (8) parking spaces in the Park & Recreation parking lot (418 Water St.)**Recommendation of the Transit and Parking Commission on****06-29-11:** Defer**Recommendation of the Transit and Parking Commission on****07-31-11:** Receive and file.

Fiscal Note: N/A

[11-6747](#)

Subject: Communication from the Transit and Parking System Manager requesting to discuss Uptown parking issues.

Recommendation of the Transit and Parking Commission on 07-31-11: The communication from Kristen Niemiec be received and filed and the request to post "Tow-Away Zone" signs on the posts adjacent to the five monthly rental spaces in the City parking lot behind 1505 Washington Avenue be honored. Although it was assumed that existing parking enforcement ordinances would be sufficient to enforce "Tow-Aways" for those spaces, any required ordinance changes would also be recommended.

Fiscal Note: N/A

[11-6749](#)

Subject: Communication from the Transit and Parking System Manager requesting the review of the 2012 Racine Parking Utility budget.

Recommendation of the Transit and Parking Commission on 07-31-11: Approve the 2012 Racine Parking Utility budget.

Fiscal Note: Parking Utility Capital Improvement funds dedicated to an accelerated parking ramp preventative maintenance program as recommended by the City's engineering consultant will have no impact on the property tax levy.

[11-6750](#)

Subject: Communication from the Transit and Parking System Manager requesting the review of the 2011 and previous years' Wisconsin Coach Lines Racine Commuter Operating agreements.

Recommendation of the Transit and Parking Commission on 07-31-11: Approval of the 2011 and previous years' contracts for 2009 and 2010 with the understanding that beginning in 2012 this contract is to be competitively bid.

Fiscal Note: N/A

[11-6751](#)

Subject: Communication from the Transit and Parking System Manager requesting the review of the 2011 WisDOT Mass Transit Operating Grant Agreement for the Belle Urban System (BUS).

Recommendation of the Transit and Parking Commission on 07-31-11: The Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine.

Fiscal Note: City of Racine to receive \$2,384,486 in Federal funding and \$2,049,453 in State funding in support of Belle Urban System and comparable para-transit 2011 operations.

[11-6752](#)

Subject: Communication from the Transit and Parking System Manager requesting the review of the 2011 WisDOT Mass Transit Operating Grant Agreement for Racine Commuter.

Recommendation of the Transit and Parking Commission on

07-31-11: The Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine.

Fiscal Note: A total of \$714,497 in 2011 State mass transit operating assistance will be "passed through" the Belle Urban System budget to support the operations of commuter bus service operating between Milwaukee, Racine and Kenosha.

[11-6753](#)

Subject: Communication from the BUS Transit Manager submitting the July BUS Monthly Operating Report.

Recommendation of the Transit and Parking Commission on

07-31-11: Receive and file.

Fiscal Note: N/A

[11-6754](#)

Subject: Communication from the BUS Transit Manager wishing to discuss a proposed BUS management reorganization plan.

Recommendation of the Transit and Parking Commission on

07-31-11: Receive and file.

Fiscal Note: N/A

[11-6755](#)

Subject: Communication from the Transit and Parking System Manager requesting to review the proposed 2012 BUS budget.

Recommendation of the Transit and Parking Commission on

07-31-11: Tentatively approve the 2012 BUS budget.

Fiscal Note: 2012 City of Racine projected local share to be \$1,120,269.

[11-6756](#)

Subject: Communication from the Transit and Parking System Manager requesting to review the 2011 Belle Urban System Town of Yorkville operating agreement.

Recommendation of the Transit and Parking Commission on

07-31-11: The Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine.

Fiscal Note: The Town of Yorkville will pay up to \$6,637 for 2011 transit service provided in the town.

[11-6838](#)

Subject: (Direct Referral) Communication from the Transit and Parking System Manager requesting authorization to pursue a CMAQ grant to replace 1997 vintage transit vehicles.

Recommendation of the Transit and Parking Commission on

07-31-11: Approve the request to pursue a CMAQ grant to replace 1997 vintage transit vehicles.

Fiscal Note: Actual award of the grant as presented will require action to amend the City's Capital Improvements Program budget for 2014. Amount to be determined by grant award.

City Plan Commission Report, by Ald. Wisneski.

[11-6737](#)

Subject: (Direct Referral) Consideration of a request from Scott Alan Williams seeking a Conditional Use Permit at 1910 Edgewood Drive for the operation of a recycling facility for all metals. (PC-11)

Recommendation of the City Plan Commission on 8-31-11: That the item be Received and Filed.

Fiscal Note: N/A

[11-6762](#)

Subject: Communication from Douglas Hudson of Norwood Commercial Contractors, Inc. requesting to purchase 1846 Racine Street.

Recommendation of the Public Works and Services Committee on 8-30-11: Recieve and File.

Recommendation of the City Plan Commission on 8-31-11: That the item be received and filed.

Fiscal Note: N/A

[11-6824](#)

Subject: (Direct Referral) Request for clarification or reconsideration of certain conditions of approval related to Common Council Res. 11-2689

for an automobile repair facility at 2835 Lathrop Avenue. (PC-11)

Recommendation of the City Plan Commission on 8-31-11: That a new Resolution be created to reflect the following amendments:

[Bracketed text for reference only and will not appear in the amending resolution.]

That the text of condition “c” be deleted

[Existing text: c. That a minimum 6’ tall cedar (or similar wood) fence be installed from the point of the front of the building, along the southern property line to the rear of the property prior to issuance of an occupancy permit.]

That the text of condition “d” be deleted and recreated as follows:

[Existing text: d. That the entire drive aisle be re-surfaced with asphalt and the area adjacent to the building be striped accordingly for six parallel parking spaces prior to issuance of an occupancy permit.]

d. That the area currently paved be resealed and that the area adjacent to the building be striped for six parallel parking spaces prior to issuance of an occupancy permit.

That the text of condition “e” be deleted and recreated as follows:

[Existing text: e. That all parking spaces shall be paved and wheel stops installed.]

e. That wheel stops be installed at all perpendicular parking spaces.

That the text of condition “h” be deleted and recreated as follows:

[Existing text: h. That if the required improvements are not completed at the time of occupancy, a financial security shall be provided to the City in an amount equal in value to the required improvements.]

h. That if the improvements required by conditions d, e, f, and g are not completed at the time of occupancy, a financial security shall be provided to the city in an amount equal in value to the required improvements.

Fiscal Note: N/A

[11-6827](#)

Subject: (Direct Referral) Consideration of a request from John Kayser of Heartland Food Corporation, representing Burger King, for consideration of a Conditional Use Permit to modify the building, materials, colors, and signage for the Burger King located at 5400 Durand Avenue. (PC-11)

Recommendation of the City Plan Commission on 8-31-11: That the item be approved subject to conditions.

Fiscal Note: N/A

[11-6828](#)

Subject: (Direct Referral) Consideration of a request from HALO, the Homeless Assistance Leadership Organization, Inc., for a Conditional Use amendment to allow its childcare program at 2000 DeKoven Avenue to offer services to the general public. (PC-11)

Recommendation of the City Plan Commission on 8-31-11: That the item be approved subject to conditions.

Fiscal Note: N/A

[11-6829](#)

Subject: (Direct Referral) Consideration of a request from Sharif Malik, representing Dasada Property Management, LLC, for a new gas station and convenience store at 600 Three Mile Road. (PC-11)

Recommendation of the City Plan Commission on 8-31-11: That the item be approved subject to conditions.

Fiscal Note: N/A

Office of the Mayor Report, by Ald. Holding.

[11-6854](#)

Subject: Communication from Mayor Dickert nominating appointments/reappointments to the following committees, boards and/or commissions:

Appoint Tom Rosholt 445 William St. Racine, 53402 to the Board of Parks, Recreation and Cultural Services for a 3 year term expiring April 1, 2014

Appoint Dustin VanPeurse 555 Main St Racine, 53403 to the Racine Economic Development Committee to fill the current vacancy expiring June 1, 2013

Appoint Linda Rosenthal 3201 Washington Ave Racine, 53405 to the Racine Economic Development Committee to a 3 year term expiring June 1, 2014

Appoint John Becker 822 Wisconsin Ave Racine, 53403 to the Racine Economic Development Committee to a 3 year term expiring June 1, 2014

Appoint Ray Leffler 1020 West Blvd Racine, 53405 to the Racine Economic Development Committee to a 3 year term expiring June 1,

2014

Appoint Debbie Davidson 1001 Main St. Racine, 53403 to the Racine Economic Development Committee to a 3 year term expiring June 1, 2014

Reappoint Alderman Dennis Wiser 2517 Pinehurst Ave Racine, 53403 to the Library Board to a 1 year term expiring June 1, 2012

[11-6849](#)

Subject: Mayor's Veto

1. To the Common Council of the City of Racine, Wisconsin
Re: Veto of item 11-6716 of the Racine Common Council Meeting of August 16, 2011.

Ladies and Gentlemen:

Pursuant to the authority granted to me under Wisconsin Statute 62.09(8)(c), I hereby object to and veto the Common Council action recommending that the candy store at 1132 S. Memorial Dr. be given an exemption on the mandate to remove the bars from the outside to the inside of the building.

My reasons for filing this objection are as follows:

1. The City has set a confusing precedent for the business community by allowing one establishment to have bars on their windows when we have consistently required new applicants to take them down or not put them in place.
2. I believe there is a safety issue with regard to anyone caught in the building if there is a fire. If there is a fire, the bars on the outside of the windows would make it impossible to escape.

Water Works Committee Report, by Ald Hart

[11-6815](#)

Subject: Presentation from R.W. Baird on Status of 2011-2012 Capital Borrowing for the Water Utility - Brad Viegut Invited to the Meeting

Recommendation of the Water Utility on 8/30/11: Waterworks Commission approved and further recommends to refer to the Finance and Personnel Committee for approval

Fiscal Note: Costs would be passed through to the end users.

Cemetery Commission Report, by Ald Weidner

[11-6438](#)

Subject: [Direct Referral] Review and Discussion of Cemetery Audit by Public Administration Associates, LLC

Recommendation of the Board of Cemetery Commissioners on June 27, 2011: That this matter be deferred.

Fiscal Note: N/A

Recommendation of the Board of Cemetery Commissioners on July 18, 2011: That this matter be deferred.

Fiscal Note: N/A

Recommendation of the Board of Cemetery Commissioners on August 15, 2011: To Receive and File the Cemetery Audit by Public Administration Associates, LLC, pending the change to Page 27.

Fiscal Note: Price of the Audit was \$12,800.00, plus a not to exceed amount of \$1,000.00 for incidental costs. Funds are available in Account 207.000.5610.

Redistricting Committee by Alderman Holding

[11-6847](#)

Subject: (Direct Referral) Consideration of modifications of 2011 Ward plans with adjustments for newly introduced State of Wisconsin Assembly lines.

Recommendation of the redistricting Committee on 08-29-11: That the Redistricting Committee recommendations with consideration for adjustments made by Racine County Supervisor areas be approved.

Fiscal Note: N/A

H. Consent Agenda

[Res.11-2707](#)

Submission of a professional services proposal from Arnold & O'Sheridan, Inc. for review of the parking deck at the Safety Building.

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Arnold & O'Sheridan, Inc. for a condition evaluation of the parking deck at the Safety Building, in the not-to-exceed amount of \$3,200.00.

Further resolved, that \$3,200 be transferred from Account 990.410.5010, Solid Waste Garage Tuckpointing to Account 990.210.5030 Safety Building, Structural Repair.

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

Sponsors: Q.A. Shakoor, II

Res.11-2708 Request to meet in closed session under Wis. Stat. sec. 19.85(1)(g), in the matter of Donna Atkinson v City of Racine.

Resolved, that the matter of Donna Atkinson vs City of Racine, Racine County Case No. 11-CV-1849 be settled in the amount of \$6,250.

Fiscal Note: Funding for the settlement is available in Account 101.990.5910, Judgments and Claims.

Sponsors: Q.A. Shakoor, II

Res.11-2709 Request permission to amend the Women, Infants and Children (WIC) Contract for the fiscal period January 1, 2011 through December 31, 2011.

Resolved, that the Public Health Administrator be permitted to amend the WIC contract for the fiscal period January 1, 2011 through December 31, 2011. (Grant control #2010-46).

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

Sponsors: Q.A. Shakoor, II

Res.11-2710 Transit and Parking Manager requesting permission to apply for a Congestion Mitigation Air Quality (CMAQ) Grant for the replacement of 1997 Transit Vehicles.

Resolved, that the Parking and Transit System Manager be authorized and directed to submit a grant application to the State of Wisconsin Congestion Mitigation/Air Quality (CMAQ) funding program for the replacement of 1997 Transit Vehicles.

Fiscal Note: Estimated cost is \$5,950,000.00 with minimum amount of 80% up to 100% to be funded by the State of Wisconsin and the maximum local share being \$1,190,000.00.

Sponsors: Sandy Weidner

Res.11-2711 Request of St. Edward's Parish to close 15th Street between West Boulevard and Grove Avenue for their church festival on Saturday, September 24, 2011.

Resolved, that St. Edward Parish be granted permission to close 15th Street and the alley bounded by 15th Street, 16th Street, West Boulevard and Grove Avenue, from 3:00 p.m. Friday, September 23, 2011, through Sunday, September 25, 2011, for a Fall Fun Festival.

Further resolved, 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.
- F. A \$50 processing fee be paid.

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

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

Sponsors: Sandy Weidner

Res.11-2713 Assistant Commissioner of Public Works/Operations requesting to waive formal bidding for two-way radio upgrades.

Resolved, that the request of the Purchasing Agent to waive formal bidding procedures be approved in accordance with State Statutes that allow for the waiving of public bids for the purpose of maintaining uniformity of equipment and services.

Further resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Milwaukee 2-Way, Inc., West Allis, WI, to upgrade two-way radios to meet the new FCC narrowbanding radio requirements, for the not-to-exceed price of \$9,000.00.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 991.630.5020, Street Maintenance Radio Repeater.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

Res.11-2714 Assistant Commissioner of Public Works/Engineering submitting Change Order No.1 on Contract 24-11 (K1-024), Spring Street Bridge Restoration, Lunda Construction Company, contractor.

Resolved, that Change Order No. 1 on Contract 24-11 (K1-024), Spring Street Bridge Restoration, Lunda Construction Company, contractor, be

approved in the amount of \$98,855.40.

Further resolved, that funding to defray the cost of this change order be appropriated from the following Account 991.520.5010, Spring Street Bridge Mill/Overlay.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

Res.11-2715 Request permission to waive bidding relative to the purchase and installation of playground equipment.

Resolved, that formal bidding be waived and the Purchasing Agent work with Miller and Associates for the purchase and installation of playground equipment.

Fiscal Note: Funds are available in the following accounts: 891.030.5770, Roosevelt Park Play Equipment and 891.030.5760, Franklin Park Play Equipment.

Sponsors: Aron Wisneski

Res.11-2716 Request to rescind the request that Coca-Cola, Inc. be the exclusive provider of beverages at the community centers.

Resolved, that permission be granted to rescind the request to enter into an agreement with Coca-Cola, Inc. and enter into an agreement with Pepsi-Cola General Bottlers, Inc. to be the exclusive provider of beverages at the community centers.

Further resolved, that the Mayor and City Clerk be authorized to enter into an agreement with Pepsi-cola General Bottlers, Inc., a wholly owned subsidiary of Pepsi Beverages Company, to be the exclusive provider of beverages at the community centers.

Fiscal Note: Approximately \$41,000.00 over five years.

Sponsors: Aron Wisneski

Res.11-2717 Transit and Parking System Manager request to review the 2012 Racine Parking Utility budget.

Resolved, that the 2012 Racine Parking Utility budget be approved.

Fiscal Note: Parking Utility Capital Improvement funds dedicated to an accelerated parking ramp preventative maintenance program as recommended by the City's engineering consultant will have no impact on the property tax levy.

Sponsors: Raymond DeHahn

[Res.11-2718](#) Transit and Parking System Manager requesting authorization to pursue a CMAQ grant to replace 1997 vintage transit vehicles.

Resolved, that the request to pursue a CMAQ grant to replace 1997 vintage transit vehicles be approved.

Fiscal Note: Actual award of the grant as presented will require action to amend the City's Capital Improvements Program budget for 2014. Amount to be determined by grant award.

Sponsors: Raymond DeHahn

[Res.11-2719](#) Transit and Parking System Manager request to review the 2011 WisDOT Mass Transit Operating Grant Agreement for the Belle Urban System (BUS).

Resolved, that the Mayor and City Clerk be authorized and directed to execute the 2011 WisDOT Mass Transit Operating Grant Agreement for the Belle Urban System (BUS) on behalf of the City of Racine.

Fiscal Note: City of Racine to receive \$2,384,486 in Federal funding and \$2,049,453 in State funding in support of Belle Urban System and comparable para-transit 2011 operations.

Sponsors: Raymond DeHahn

[Res.11-2720](#) Transit and Parking System Manager request to review the 2011 WisDOT Mass Transit Operating Grant Agreement for Racine Commuter.

Resolved, that the Mayor and City Clerk be authorized and directed to execute the 2011 WisDOT Mass Transit Operating Grant Agreement for Racine Commuter on behalf of the City of Racine.

Fiscal Note: A total of \$714,497 in 2011 State mass transit operating assistance will be "passed through" the Belle Urban System budget to support the operations of commuter bus service operating between Milwaukee, Racine and Kenosha.

Sponsors: Raymond DeHahn

[Res.11-2721](#) Transit and Parking System Manager request to review the 2011 and previous years' Wisconsin Coach Lines Racine Commuter Operating agreements.

Resolved, that 2011 and previous years' contracts for 2009 and 2010 be approved with the understanding that beginning in 2012 this contract is to be competitively bid

Fiscal Note: N/A

Sponsors: Raymond DeHahn

[Res.11-2722](#) Transit and Parking System Manager request to review the 2011 Belle Urban System Town of Yorkville operating agreement.

Resolved, that the Mayor and City Clerk be authorized and directed to execute the 2011 Belle Urban System Town of Yorkville Operating Agreement on behalf of the City of Racine.

Fiscal Note: The Town of Yorkville will pay up to \$6,637 for 2011 transit service provided in the town.

Sponsors: Raymond DeHahn

[Res.11-2723](#) Transit and Parking System Manager request to review the proposed 2012 BUS budget.

Resolved, that the 2012 BUS budget tentatively be approved.

Fiscal Note: 2012 City of Racine projected local share to be \$1,120,269.

Sponsors: Raymond DeHahn

[Res.11-2724](#) Request from Richard Scheel seeking a Conditional Use Permit to operate an automobile repair facility at 2835 Lathrop Avenue.

Resolved, that the request from RichardScheel seeking a conditional Use Permit to operate an automobile repair facility at 2835 Lathrop Avenue be approved, subject to the following conditions:

A. That the plan submitted to the Plan Commission on July 27, 2011, be approved subject to the conditions contained herein.

B. That all applicable permits be obtained from the Building Inspection Department.

C. ***Deleted***

D. That the area currently paved be resealed and that the area adjacent to the building be striped for six parallel parking spaces prior to issuance of an occupancy permit.

E. That wheel stops be installed at all perpendicular parking spaces.

F. That the 20' ingress/egress easement mentioned in various documents be recorded for the property at 2835 Lathrop Avenue prior to issuance of an occupancy permit.

G. That all weeds and debris, particularly along the rear of the building and along property lines, be cleared and maintained prior to issuance of an occupancy permit.

H. That if the improvements required by conditions d, e, f. and g are not completed at the time of occupancy, a financial security shall be provided to the city in an amount equal in value to the required improvements.

The financial security 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, 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 security.

The City is authorized by this Conditional Use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not completed by September 1, 2011. 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 the applicable statute.

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 all trash, debris, tires, equipment, or any other items related to the business be stored inside the building and trash and debris removed on a weekly basis.

J. That there be no painting or bodywork allowed at this site, and that all repair work be done inside the building.

K. That there be no outside storage of junk vehicles, tires, pallets, vehicle parts, or other similar items be allowed, and that no outdoor displays be allowed (such as tires, vending, sale items, etc.).

L. That the hours of operation be Monday through Friday, 8:00 a.m. - 6:00 p.m., and Saturdays from 8:00 a.m. - 3:00 p.m.

M. That all signage be professionally made, comply with all zoning ordinance requirements, and be submitted to the Director of City Development for review and approval prior to installation.

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

O. 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: Aron Wisneski

Res.11-2725 Request of John Kayser of Heartland Food Corporation for a Conditional Use Permit for the Burger King Restaurant at 5400 Durand Avenue.

Resolved, that a Conditional Use Permit for the Burger King Restaurant at 5400 Durand Avenue to modify the building, materials, colors, and signage be approved, subject to the following conditions:

1. That the plans presented to the Plan Commission on August 31, 2011 be approved, subject to the conditions contained herein.
2. That all codes and ordinances shall be complied with and required permits acquired.
3. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
4. That the hours of operation be from 6:00 a.m. - 1:00 a.m. (5:00 a.m. - 2:00 a.m. for employees), seven days a week.
5. That signage is approved with this submittal, and all proposed signage and changes to existing signage shall receive all necessary permits from the Building Department prior to installation.
6. That all construction and demolition shall comply with the plans submitted, including colors, materials, and design.
7. That NO PARKING signage shall be posted in front of the trash enclosure and the cardboard recycling enclosure.
8. That wheel stops shall be installed on all parking spaces located along the periphery of the lot.
9. That this permit is subject to Plan Commission review for compliance

with the listed conditions

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

Fiscal Note: N/A

Sponsors: Aron Wisneski

[Res.11-2726](#) Request from Stephanie Kober seeking an amendment to a conditional use permit for HALO.

Resolved, that the request of HALO, the Homeless Assistance Leadership Organization, Inc., for a Conditional Use amendment to allow its childcare program at 2000 DeKoven Avenue to offer services to the general public, be approved subject to the following conditions:

- A. That the plans presented to the Plan Commission on August 31, 2011 be approved subject to the conditions contained herein.
- B. That all codes and ordinances be complied with and that all required permits be obtained.
- C. That the number of children enrolled in the childcare center be provided to city Staff for their records. This number shall not exceed 22 at any one time.
- D. That there be adequate staff, as dictated by State licensing requirements, present at all times for childcare services.
- E. That all staff members providing childcare services be properly trained and licensed as required by the State of Wisconsin.
- F. That all grounds, including the outdoor play area, be maintained on a daily basis.
- G. That the hours of operation for the childcare services may be 24 hours a day, 7 days a week, 365 days a year.
- H. That the loading and unloading of children shall not block any driveways or parking areas within the site, including access to any of the other buildings.
- I. That any proposed signage shall be submitted for review and approval and any required permits pulled prior to installation.

J. 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.

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

Fiscal Note: N/A

Sponsors: Aron Wisneski

Res.11-2727 Request from Sharif Malik, representing Dasada Property Management, LLC, for a new gas station and convenience store at 600 Three Mile Road. be approved.

Resolved, that the request of Sharif Malik, representing Dasada Property Management, LLC, for a new gas station and convenience store at 600 Thre Mile Road, be approved, subject to the following conditions.

A. That the plans presented to the Plan Commission on August 31, 2011 be approved, subject to the following conditions:

B. That all applicable building and occupancy permits be applied for.

C. That the maximum hours of operations be 5:00 a.m. to 11:00 p.m. daily. These maximum hours shall also apply to the operation of any ATM, vacuum, and fuel pumps.

D. That there shall be no outside storage or display of products, equipment or materials.

E. That prior to the issuance of a building permit, the property owner shall submit the following detailed plans to the Director of City Development for review and approval:

1. Landscaping: Said plan shall also include a landscaping maintenance plan.

2. Exterior lighting: Said plan shall indicating fixtures to be used on the building, canopy and pole lights. All light fixtures shall be flush mounted and/or provide no side casting of light.

3. Signage: No box-type signs shall be permitted on the building or canopy. Internal or halo/back-lighted channels letters, or routed opaque panels are preferred signage types. All signage shall be professionally made and conform to zoning ordinance allowances for size, number and placement as permitted for this location.

4. Rooftop mechanicals screening.

5. Dumpster enclosure: Indicate at a minimum, the height of the enclosure walls and the composition of the gate. A concrete dumpster approach and pad is preferred.

F. That if the applicant desires occupancy prior to fully implementing all improvement required by this approval, the applicant or owner shall provide the City with a letter of credit, bond, or other financial security found to be acceptable by the City, equal in value to the required improvements, and subject to the following terms and conditions:

1. The financial security 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, 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 security.

2. The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by August 1, 2012. 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 the applicable statute.

3. By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for purpose hereby described.

G. That all trash and recyclables be stored in closed containers and screen from view.

H. That all loose trash garbage and debris be picked up and properly disposed of on a daily basis.

I. That the building, grounds and landscaping be maintained in a professional manner and on a daily basis.

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 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 approval is subject to Plan Commission review for

compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Aron Wisneski

Res.11-2728 WHEREAS, Section 5.15 of the Wisconsin Statutes, requires every City, Village, or Town over 1,000 in population, to be divided into wards, according to the final published results of the most recent federal census, and;

WHEREAS, city staff has divided the City into wards making a good faith effort to accommodate the "Tentative Supervisory District Plan" and creating a plan that permits the creation of lawful county supervisory districts and municipal aldermanic districts.

WHEREAS, City of Racine Wards 1, 2 and 3 will be part of Racine County Supervisory District 1;
City of Racine Wards 4, 6, 21 and 30 will be part of Racine County Supervisory District 2;
City of Racine Wards 10, 12, 16, 34 and 35 will be part of Racine County Supervisory District 3;
City of Racine Wards 8, 9, 11 and 17 will be part of Racine County Supervisory District 4;
City of Racine Wards 13 and 15 will be part of Racine County Supervisory District 5;
City of Racine Wards 5, 7, 14, 18 and 19 will be part of Racine County Supervisory District 6;
City of Racine Wards 22, 23 and 24 will be part of Racine County Supervisory District 7;
City of Racine Wards 25, 26, 29, 32 and 33 will be part of Racine County Supervisory District 8;
City of Racine Wards 20, 27, 28 and 31 will be part of Racine County Supervisory District 9;
City of Racine Ward 36 will be part of Racine County Supervisory District 10.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Racine, Racine County, Wisconsin, that the division of the City into 36 wards, as shown on the Official Ward Map of the City of Racine, describing the boundaries of each ward, which map is attached hereto and incorporated herein by reference, is hereby approved.

BE IT FURTHER RESOLVED that this resolution shall be filed with the City Clerk, who shall transmit a copy to the County Clerk and the

Legislative Reference Bureau within five days of adoption.

ADOPTED _____, 2011

Janice M. Johnson-Martin, City Clerk

APPROVED _____, 2011

John T. Dickert, Mayor

I. Resolutions

[Res.11-2712](#) PRELIMINARY RESOLUTION FOR PAVING ALLEY BETWEEN JEROME BLVD. TO 10TH ST; TAYLOR AVE. TO KEARNEY AVE (W) (Resolution No. 11-2712)

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 alley:

All property fronting upon both sides of the alley between Jerome Blvd. to 20th St.; Taylor Ave. to Kearney Ave. (W).

2. Said public improvement shall consist of Portland Cement 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 taken or damaged.

- (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 on 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 sec. 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 sec. 66.0703(7)(a), Wisconsin Statutes.

Fiscal Note: N/A

Sponsors: Sandy Weidner

L. Ordinances

Ord.8-11

Ordinance No. 08-11

To create Sec. 6-87 - Social Host Ordinance, Code of the City of Racine, Wisconsin relating to alcoholic beverages.

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

Part 1:

Section 6-87 is created to read as follows:

"Sec. 6-87 - Social Host Ordinance

- (1) This ordinance may be referred to as the Social Host Ordinance.
- (2) The purpose of this ordinance is to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and to hold any person who hosts an event or gathering where persons under 21 years of age possess or consume alcohol responsible regardless of whether the person hosting the event or gathering supplied the alcohol.

Definitions For purposes of this section, the following terms have the following meanings:

"Allow" or "host" means to aid, conduct, entertain, organize, supervise,

control, or permit an event or gathering.

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

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

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

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

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

“Present” means at hand or in attendance.

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

“Underage person” is any individual under 21 years of age.

Prohibited Acts

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

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

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

Exceptions

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

(b) This ordinance does not apply to legally protected religious observances.

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

Penalties

(a) A person will, upon conviction for a violation of any provision of this ordinance, forfeit not less than \$1,000 nor more than \$5,000 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution.

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

Part 2:

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

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Sponsors: Gregory Holding

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.