



City of Racine

Meeting Agenda - Revised

Common Council

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

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

Wednesday, November 8, 2006

7:00 PM

Room 205, City Hall

AMENDED

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

1. [06-2784](#) **Subject:** Building Report for the month of October, 2006

Refer to Finance and Personnel Committee, by Ald. Spangenberg

2. **06-2744** **Subject:** Communication from the City Attorney submitting the claim of Mya Haessig for consideration.

Staff Recommendation: the claim be denied.

3. **06-2766** **Subject:** communication from the City Attorney submitting the claim of PAMA, LLC for consideration.

Staff recommendation: the claim be paid in the amount of \$7,882.50.

4. [06-2703](#) **Subject:** Home Improvement Loan Program Agreement with the Wisconsin Housing and Economic Development Authority.

5. [06-2729](#) **Subject:** 2007 Operating Plan for Business Improvement district No. 1, Downtown Racine

6. [06-2743](#) **Subject:** Agreement with Southeastern Wisconsin Regional Planning Commission for City of Racine Smart Growth Plan

Also referred to the City Plan Commission

7. [06-2747](#) **Subject:** Communication from Chief of Police Wahlen, requesting to amend the 2006 Asset Forfeiture Spending Plan, as adopted by Council, to include \$20,000 for the purchase of 20 tasers.

Also referred to the Public Safety & Licensing Committee.

8. [06-2748](#) **Subject:** Communication from Chief of Police Wahlen, requesting permission to accept the in-kind donation of decal application services, offered by the Sign Shop, Inc., for the Racine Police Department's marked canine squad car. No matching funds from the City of Racine are required.

Also referred to the Public Safety & Licensing Committee.

9. [06-2769](#) **Subject:** A communication from the Public Health Administrator requesting to apply for funding from the Wisconsin Coastal Management Program for a project titled Determination of Ambient Indicator Levels in Fresh Water Environments by Real-Time PCR.

Also refer to the Board of Health

10. [06-2770](#) **Subject:** A communication from the Public Health Administrator requesting permission to apply for a grant in the amount of \$3,640 from the Children's Hospital of Wisconsin to fund the Children and Youth with Special Healthcare Needs. The contract period is January 1, 2007 to December 31, 2007.

Also refer to Board of Health.

11. [06-2771](#) **Subject:** A communication from the Public Health Administrator requesting permission to apply, accept funding, and for the Mayor and City Clerk to sign a contract with the State of Wisconsin, Department of Health and Family Services for the CDC WIC Childhood Lead Poisoning Prevention Program in the amount of \$1,400.

Also refer to the Board of Health.

12. [06-2773](#) **Subject:** Communication from the Alderman of the 6th District submitting a communication on behalf of Sharon Baldukas, president of the Cemetery Commission, requesting the City have an appraisal of and preserve the City-owned Civil War Cannon located at Mound Cemetery.

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

13. [06-2693](#) **Subject:** Communication from Robert Phillips, 408 Luedtke Avenue, and the Alderman of the 6th District requesting that a light be attached to an existing WE Energies pole in the alley of the 400 block of Luedtke Avenue.
14. [06-2732](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer requesting to discuss a change to the Racine First Program.
15. [06-2733](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer submitting a list of alleys for the 2007 paving program which will require public hearings in 2007.
16. [06-2745](#) **Subject:** Communication from Mrs. Jodi Fidler, 5320 Kinzie Avenue, disputing an assessment for road paving adjacent to her property.
17. [06-2762](#) **Subject:** Communication from a representative of Thoughts for Foods requesting permission to close the 300 block of Hamilton Street on March 3, 2007 for their annual event.
18. [06-2780](#) **Subject:** Communication from Robert Wortock, requesting permission to install banners at Monument Square from December 13, 2006 through January 8, 2007.

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

19. [06-2712](#) **Subject:** Application of Super Taqueria, Jose Roman, Agent, for a "Class C" Wine and Class "B" Retail Fermented Malt Beverage License for 1824 Douglas Avenue. (5th District)
20. [06-2779](#) **Subject:** Request of the Director of Parks, Recreation & Cultural Services to meet with the Public Safety and Licensing Committee to discuss the request of Paul and Shannon Curtin to exercise their option for a five year extension to their contract for concession operation at the North Beach Oasis.
21. [06-2782](#) **Subject:** The application of Lush Life, Inc., Jeannie Dillon, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 550 State Street. (4th District)

22. [06-2783](#) **Subject:** The application of Mike Isaacson & Jason Collum, Jason Collum, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 501 Sixth Street. (1st District)

Refer to Committee on Housing & Neighborhoods, by Ald. Karas

23. [06-2756](#) **Subject:** Communication from the Alderman of the 13th District requesting a meeting with the Committee on Housing and Neighborhoods to discuss problems in the Rubberville area.

Refer to Committee of the Whole, by Ald. Weidner

24. [06-2704](#) **Subject:** Communication from Jay Christie, President and CEO of Racine Zoological Society requesting an audience with the Racine Common Council to present the next phase of development at the Racine Zoological Gardens.

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

25. [06-2700](#) **Subject:** Request of the Director of Parks, Recreation & Cultural Services to meet with the Board of Parks, Recreation & Cultural Services to discuss a proposed addendum to the North Beach Oasis Concession agreement.

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Spangenberg

26. 06-2651 **Subject:** Communication from the City Attorney submitting the claim of Mary Ann Glassen for consideration.

Recommendation of the Finance and Personnel Committee

10/23/06: The claim of Mary Ann Glassen be paid in the amount of \$50,000.00.

Fiscal Note: Funds available in account #101.160.5910 Judgements and Claims.

27. 06-2652 **Subject:** Communication from the City Attorney submitting the claim of Laurence Miller and Cynthia Miller for consideration.

Recommendation of the Finance and Personnel Committee

10/23/06: The claim for Laurence and Cynthia Miller in the amount of \$9,470.00 be denied.

Fiscal Note: None

28. 06-2606 **Subject:** Communication from the City Attorney submitting the claim of WE Energies for consideration.

Recommendation of the Finance and Personnel Committee

10/23/06: That the claim be paid in the amount of \$16,750.36.

29. 06-2607 **Subject:** Communication from the City Attorney requesting authorization to represent various police officers in the case of Antonio Matos v. City of Racine, et al., Case No. 06-C-1011.

Recommendation of the Finance and Personnel Committee

10/23/06: Permission be granted for the City of Racine to represent the police officers.

Fiscal Note: None

30. 06-2633 **Subject:** Communication from the City Attorney submitting the claim of Anthony Segura for consideration.

Recommendation of the Finance and Personnel Committee

10/23/06: The claim in the amount of \$250.00 to Anthony Segura be denied.

Fiscal Note: None

31. 06-2634 **Subject:** Communication from the City Attorney submitting the claim of Tiffany Booker for consideration.

Recommendation of the Finance and Personnel Committee

10/23/06: The claim in the amount of \$1,267.95 to Tiffany Booker be denied.

Fiscal Note: None

32. [06-2632](#) **Subject:** Communication from the Director of City Development to accept the award for 2006 Housing Cost Reduction Initiative (HCRI) funds of \$104,720 and to execute a grant agreement.

Recommendation of the Finance and Personnel Committee

10/23/06: Accept the award for 2006 Housing Cost Reduction Initiative

(HCRI) funds of \$104,720 and to execute a grant agreement.

Fiscal note: No match required

33. [06-2640](#) **Subject:** Communication from the Executive Director of Racine County Convention & Visitors Bureau requesting to submit a plan for the institution of the City of Racine Special Event Fund.

Recommendation of the Finance and Personnel Committee

10/23/06: Authorize the convention and Visitor's Bureau to institute a City of Racine special event fund to grant money to non-profit organizations.

Fiscal Note: None

34. [06-2678](#) **Subject:** Communication from the Public Health Administrator to support the Kenosha county Division of Health in their application for the HUD Lead Demonstration Grant in the amount of up to \$2 million and to allow staff to enter into a subcontract agreement with the Kenosha County Division of Health for the HUD Lead Demonstration Grant.

Recommendation of the Finance and Personnel Committee

10/23/06: Allow City staff to enter into a subcontract agreement with the Kenosha county Division of Health for the HUD Lead Demonstration Grant.

Fiscal Note: A hard match is required and will be fulfilled by the CDBG. Grant Control #2006-046.

Item also referred to Board of Health.

35. [06-2679](#) **Subject:** Communication from the Public Health Administrator requesting permission to enter into a Services Agreement with The Coalition to End Childhood Lead Poisoning, Inc., at a cost of up to \$15,000 in order to provide assistance with the preparation of a 2006 HUD Lead Hazard Demonstration Grant and to enhance the Lead Poisoning Prevention Program.

Recommendation of the Finance and Personnel Committee

10/23/06: Authorize city staff to enter into a services agreement with The Coalition to End Childhood Lead Poisoning, Inc., at a cost of up to \$15,000.

Fiscal Note: Expenditures will be covered by a grant from the U.S. Conference of Mayors Fund 756.

Item also referred to Board of Health.

36. [06-2701](#) **Subject:** (Direct Referral) Submission by the Finance Director of the third quarter 2006 financial report.

Recommendation of the Finance and Personnel Committee

10/23/06: The third quarter 2006 Financial Report be received and filed.

Fiscal Note: None

Public Works and Services Committee Report, by Ald. Hart

37. [06-2412](#) **Subject:** Communication from Nathan Kroes, 2512 Rupert Boulevard, requesting a street light be installed in the 2500 block of Rupert Boulevard.

Recommendation: In accordance with Section 2-94 of the Municipal Code of the general ordinances of the City of Racine, the following street lighting changes be approved: Install one (1) 100-watt high-pressure sodium street light in the 2500 block of Rupert Boulevard.

Fiscal Note: The estimated installation cost of this lighting is \$200.00 and the annual operating cost is \$130.00.

38. [06-2413](#) **Subject:** Communication from the Alderman of the 11th District requesting the installation of street lights in Georgetown.

Recommendation: In accordance with Section 2-94 of the Municipal Code of the general ordinances of the City of Racine, the following street lighting changes be approved: Install 100-watt high-pressure sodium street lights: One (1) on Sovereign Drive, One (1) on Biscayne Avenue and Two (2) on Duchess Drive.

Fiscal Note: The estimated installation cost of this lighting is \$4,000.00 for installation and the annual operating cost is \$130.00 per fixture.

39. [06-2598](#) **Subject:** Communication from Ronald A. Haarsma requesting an honorary street sign be placed along the roadway adjacent to the Ace Stamping property on the Durand Avenue north frontage road (formally Advance Mechanical property).

Recommendation: That an honorary street sign that reads "HAARSMA'S WAY", be placed along the roadway adjacent to the Ace Stamping property on the Durand Avenue north frontage road with the stipulation that the requester pay for all costs including installation and maintenance associated with this sign.

Fiscal Note: It shall be the responsibility of the requester to pay for all costs associated with fabrication, installation and maintenance of this honorary street sign.

40. [06-2601](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer wishing to discuss an oversight that occurred when a portion of Mead Street was renamed South Marquette Street.

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

Further recommends that this item be referred to the City Plan Commission.

Fiscal Note: Not applicable.

41. [06-2610](#) **Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 4 on Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving, Milwaukee General Construction Company, contractor.

Recommendation: The communication be received and filed.

42. [06-2635](#) **Subject:** Communication from the Co-Race Director of the Jingle Bell Run for Arthritis Racine 2006 requesting permission to use City right-of-way on Saturday, December 9, 2006.

Recommendation: Jingle Bell Run for Arthritis be granted permission to close Horlick Drive from Rupert Boulevard to Rickman Court and Domanik Drive from Prospect Street to the Lincoln Park parking lot entrance for the Jingle Bell Run/Walk for Arthritis, to be held on Saturday, December 9, 2006, from 9:00 a.m. to 10:30 a.m., with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a special event fee of \$300.00.

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.

43. [06-2662](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer submitting Change Order No 1. on Contract 36-06 (K-038) Window Replacement at Fire Station #8, Lueck's Inc., contractor.

Recommendation: Change Order No. 1 on Contract 36-06 (K6-038), Window Replacement at Fire Station #8, Lueck's Inc., contractor, as submitted, be approved in the amount of \$1,035.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 986.300.5040, Station 1 Female Locker Room.

Fiscal Note: Funds are available as herein delineated.

44. [06-2719](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 62-05 (K5-071), PS - Sanitary Sewer Lining on Racine Street, Earth Tech, consultant.

Recommendation: The professional services provided by Earth Tech, Inc. under Contract 62-05 (K5-071), Professional Services - Sanitary Sewer Lining on Racine Street, be accepted and final payment authorized for a total contract amount of \$35,452.50, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 6718, dated October 18, 2005.

45. [06-2721](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 29-06 (K6-030), Pavement Repair, Wayside Construction Company, Inc., contractor.

Recommendation: The work done by Wayside Construction Company, Inc., under Contract 29-06 (K6-030), Pavement Repair, be accepted and final payment authorized for a total contract amount of \$169,667.77, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 06-7061, dated June 6, 2006.

46. [06-2722](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 58-05 (K5-066), 2005 CCTV Services and Manhole Inspections, Green Bay Pipe & TV, contractor.

Recommendation: The work done by Green Bay Pipe & TV, under Contract 58-05 (K5-066), 2005 CCTV Services and Manhole Inspections, be accepted and final payment authorized for a total contract amount of \$196,570.46, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 6756, dated November 15, 2005.

47. [06-2727](#) **Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 31-06 (K6-032), Curb and Gutter Repair, D.C. Burbach, Inc., contractor.

Recommendation: Change Order No. 1 on Contract 31-06 (K6-032), Curb and Gutter Repair D.C. Burbach, Inc., contractor, as submitted, be approved in the amount of \$10,213.99.

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

\$ 5,907.33 - Account 985.908.5220, Curb and Gutter Replacement
\$ 4,306.66 - Account 986.908.5220, Curb and Gutter Replacement
\$10,213.99

Fiscal Note: Funds are available as herein delineated.

48. [06-2728](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 31-06 (K6-032), Curb and Gutter Repair, D.C. Burbach, Inc., contractor.

Recommendation: The work done by D.C. Burbach, Inc., under Contract 31-06 (K6-032), Curb and Gutter Repair, be accepted and final payment authorized for a total contract amount of \$102,317.84, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 06-7059, dated June 6, 2006.

49. [06-2730](#) **Subject:** Direct Referral. Communication from the Assistant

Commissioner of Public Works/Engineering submitting Change Order No. 3 on Contract 07-06 (K6-007), 2006 CCTV Services and Manhole Inspections, Green Bay Pipe & TV, Inc., contractor.

Recommendation: Change Order No. 3 on Contract 7-06 (K6-007), 2006 CCTV Services and Manhole Inspection, Green Bay Pipe & TV, contractor, as submitted, be approved in the amount of \$52,174.14.

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

\$24,727.30 - Account 986.907.5310, Sanitary Sewer, Various Locations
\$27,446.84 - Account 104.986.5420, Storm Sewers, Various Locations
\$52,174.14

Fiscal Note: Funds are available as herein delineated.

50. [06-2731](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 2 on Contract 02-06 (K6-002), Racine Street Sanitary Sewer Lining, Visu-Sewer Clean and Seal, Inc., contractor.

Recommendation: Change Order No. 2 on Contract 2-06 (K6-002), Racine Street Sanitary Sewer Lining, Visu-Sewer Clean & Seal, contractor, as submitted, be approved to provide a time extension until November 30, 2006, to complete this contract.

Fiscal Note: There will be no change in contract price as a result of this change order.

51. [06-2735](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 26-05(K5-033), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor.

Recommendation: The work done by LaLonde Contractors, Inc., under Contract 26-05 (K5-033), Concrete Street Reconstruction, be accepted and final payment authorized for a total contract amount of \$1,553,636.18, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 6514, dated June 7, 2005.

52. [06-2736](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No.

2 on Contract 25-06 (K6-026), City Parking Lots, Cicchini Asphalt Contractors, contractor.

Recommendation: Change Order No. 2 on Contract 25-06 (K6-026), City Parking Lots, Cicchini Asphalt Contractors, Inc., contractor, as submitted, be approved in the credit amount of \$8,909.50.

Fiscal Note: This change order will result in a decrease in the contract price.

53. [06-2737](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 3 on Contract 26-05 (K5-033), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor.

Recommendation: Change Order No. 3 on Contract 26-05 (K5-033), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor, as submitted, be approved in the amount of \$3,100.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 986.908.5020, Concrete Street Paving, Miscellaneous Locations.

Fiscal Note: Funds are available as herein delineated.

54. [06-2738](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 3 on Contract 49-05(K5-056), Lake Michigan Pathway, Phase II, Bane-Nelson, Inc., contractor.

Recommendation: Change Order No. 3 on Contract 49-05 (K5-056), Lake Michigan Pathway, Phase II, Bane-Nelson, Inc., contractor, as submitted, be approved in the amount of \$85,731.96.

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

\$25,000.00 - Account 104.986.5420, Storm Sewers, Various Locations

\$15,632.14 - Account 985.913.5090, Goold @ Michigan Slope Stabilization

\$ 6,417.06 - Account 985.913.5010, Environmental Remediation

\$30,848.42 - Account 985.908.5130, Asphalt Resurfacing

\$ 7,834.34 - Account 930.021.5810, CMAQ - Lake Michigan Pathway, Phase II

\$85,731.96

Fiscal Note: Funds are available as herein delineated.

55. [06-2740](#)

Subject: Direct Referral. Communication from the Commission of Public Works/City Engineer submitting bid results on Contract 43-06 (K6-046), Curtain Wall Replacement at Racine Public Library.

Recommendation: Contract 43-06 (K6-046), Curtain Wall Replacement at Racine Public Library, be awarded to J.F. Cook Co., Inc., at their bid price of \$67,754.00, plus Alternate No. 1 in the amount of \$14,289.00, for a total contract amount of \$82,043.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 255.000.5010, Building Improvements.

Fiscal Note: Funds are available as herein delineated.

56. [06-2742](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 2 on Contract 40-06 (K6-042), Professional Services - Marino Park and State Street Storm Sewer, Earth Tech, Inc., consultant.

Recommendation: Amendment No. 2 on Contract 40-06 (K6-042), Professional Services - Marino Park/State Street Storm Sewer, Earth Tech, Inc., consultant, as submitted, be approved in the not-to-exceed amount of \$4,580.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 104.986.5420, Stormwater Sewers - Various Locations.

Fiscal Note: Funds are available as herein delineated.

57. [06-2746](#)

Subject: Direct Referral. Communication from Robert Hartmann requesting a building variance for new signage at 415 Sixth Street.

Recommendation: The property owner of 415 Sixth Street be granted permission to install a stationary, projecting sign, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

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

of Deeds office.

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

Public Safety and Licensing Committee Report, by Ald. Maack

58. [06-2614](#) **Subject: (Direct Referral)** Policy on violations of restrictions by license holders and evaluating license applications.

Recommendation of the Public Safety & Licensing Committee of 10/09/06: That the item be deferred until the October 23, 2006 meeting.

Fiscal Note: N/A

59. [06-2617](#) **Subject: (Direct Referral)** Discussion of alcohol licenses that have not been used for one year.

Recommendation of the Public Safety & Licensing Committee of 10/09/06: That the item be deferred until the October 23, 2006 meeting, and the City Clerk will re-do the form to indicate when the applicants first applied.

Fiscal Note: N/A

60. [Ord.36-06](#) Ordinance No. 36-06

To amend Secs. 66-804 and 66-806 of the Municipal Code of the City of Racine, Wisconsin relating to Truancy.

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

Part 1:

Sec. 66-804 of the Municipal Code of the City of Racine is hereby amended by adding the following at the end of the section:

"(10) Order the person to perform community service."

Part 2:

Sec. 66-806 of the Municipal Code of the City of Racine is hereby amended by adding the following at the end of the section:

"(3) Order the person to perform community service."

Part 3:

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

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Sponsors: David L. Maack

- 61. [06-2644](#) **Subject: (Direct Referral)** Communication from the Purchasing Agent submitting the monthly report for the sale of Abandoned Vehicles, October 9, 2006.

Recommendation of the Public Safety & Licensing of 10/23/06: That the item be received and filed.

Fiscal Note: This will generate \$5,122.03 in revenues.

- 62. [Ord.37-06](#) Ordinance No. 37-06

To repeal and recreate Secs. 66-271, 66-272, 66-273, 66-275 and repeal Sec. 66-274 of the Municipal Code of the City of Racine, Wisconsin relating to Drug Paraphernalia.

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

Part 1:

Section 66-271 of the Municipal Code of the City of Racine is hereby repealed and recreated to read:

“Sec. 66-271. Definitions.

(A) For the purposes of this division, “drug paraphernalia” means all equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog as defined in ch. 961, Wis. Stats., in violation of this division. “Drug paraphernalia” includes, but is not limited to, any of the following:

- (1) Kits used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, or harvesting of any species of plant that is a

controlled substance or from which a controlled substance or controlled substance analog can be derived.

(2) Kits used, designed for use or primarily intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or controlled substance analogs.

(3) Isomerization devices used, designed for use, or primarily intended for use in increasing the potency of any species of plant that is a controlled substance.

(4) Testing equipment used, designed for use, or primarily intended for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances or controlled substance analogs.

(5) Scales and balances used, designed for use, or primarily intended for use in weighing or measuring controlled substances or controlled substance analogs.

(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, designed for use, or primarily intended for use in cutting controlled substances or controlled substance analogs.

(7) Separation gins and sifters used, designed for use, or primarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

(8) Blenders, bowls, containers, spoons, and mixing devices used, designed for use, or primarily intended for use in compounding controlled substances or controlled substance analogs.

(9) Capsules, balloons, envelopes, and other containers used, designed for use, or primarily intended for use in packaging small quantities of controlled substances or controlled substance analogs.

(10) Containers and other objects used, designed for use, or primarily intended for use in storing or concealing controlled substances or controlled substance analogs.

(11) Objects used, designed for use, or primarily intended for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.

b. Water pipes.

c. Carburetion tubes and devices.

d. Smoking and carburetion masks.

e. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.

f. Miniature cocaine spoons and cocaine vials.

g. Chamber pipes.

h. Carburetor pipes.

i. Electric pipes.

j. Air-driven pipes.

k. Chilams.

l. Bongs.

m. Ice pipes or chillers.

(B) "Drug paraphernalia" excludes:

(1) Hypodermic syringes, needles, and other objects used or intended for use in parenterally injecting substances into the human body.

(2) Any items, including pipes, papers, and accessories, that are designed for use or primarily intended for use with tobacco products.

(C) "Primarily" means chiefly or mainly."

Part 2:

Section 66-272 of the Municipal Code of the City of Racine is hereby repealed and recreated to read:

"Sec. 66-272. Determination.

(A) In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other legally relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use.

(2) The proximity of the object, in time and space, to a direct violation of this Article.

(3) The proximity of the object to controlled substances or controlled substance analogs.

- (4) The existence of any residue of controlled substances or controlled substance analogs on the object.
 - (5) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows intend to use the object to facilitate a violation of this division; the innocence of an owner, or of anyone in control of the object, as to a direct violation of ch. 961. Wis. Stats., shall not prevent a finding that the object is designed for use or primarily intended for use as drug paraphernalia.
 - (6) Instructions, oral or written, provided with the object concerning its use.
 - (7) Descriptive materials accompanying the object that explain or depict its use.
 - (8) Local advertising concerning its use.
 - (9) The manner in which the object is displayed for sale.
 - (10) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
 - (11) The existence and scope of legitimate uses for the object in the community.
 - (12) Expert testimony concerning its use.
- (B) In determining under this subchapter whether an item is designed for a particular use, a court or other authority shall consider the objective physical characteristics and design features of the item.
- (C) In determining under this subchapter whether an item is primarily intended for a particular use, a court or other authority shall consider the subjective intent of the defendant.”

Part 3:

Section 66-273 of the Municipal Code of the City of Racine is hereby repealed and recreated to read:

“Sec. 66-273. Prohibited acts.

(A) Possession of drug paraphernalia. No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of ch. 961, Wis. Stats.. Any person who violates

this subsection may be fined not more than \$500 or imprisoned for not more than 30 days or both.

(B) Manufacture or delivery of drug paraphernalia. No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of ch. 961, Wis. Stats.. Any person who violates this subsection may be fined not more than \$1,000 or imprisoned for not more than 90 days or both.

(C) Delivery of drug paraphernalia to a minor. Any person 17 years of age or over who violates subsection (B) by delivering drug paraphernalia to a person 17 years of age or under who is at least 3 years younger than the violator is guilty of a special offense.

(D) Advertisement of drug paraphernalia. No person may place in any newspaper, magazine, handbill, or other publication, or upon any outdoor billboard or sign, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or primarily intended for use as drug paraphernalia in violation of this division.”

Part 4:

Section 66-274 of the Municipal Code of the City of Racine is hereby repealed.

Part 5:

Section 66-275 of the Municipal Code of the City of Racine is hereby repealed and recreated to read:

“Sec. 66-275. Penalties.

(A) Upon conviction, any person aged 17 or older adjudged to have violated sec. 66-273(A) or (D) shall forfeit not more than \$500, together with the costs of prosecution, and upon default of payment may be imprisoned until paid but for not more than 30 days.

(B) Upon conviction, any person aged 17 or older adjudged to have violated sec. 66-273(B) shall forfeit not more than \$1,000, together with the costs of prosecution, and upon default of payment may be imprisoned until paid but for not more than 90 days.

(C) Upon conviction, any person aged 17 or older adjudged to have violated sec. 66-273(C) shall forfeit not more than \$10,000, together with the costs of prosecution, and upon default of payment may be imprisoned until paid but for not more than 90 days.

(D) If the court finds a person under 17 years of age committed a violation under this division:

(1) The court shall suspend the juvenile's operating privilege, as defined in s. 340.01 (40), Wis. Stats., for not less than 6 months nor more than 5 years and, in addition, shall order one of the following penalties:

(a) For a first violation, a forfeiture of not more than \$50 together with the costs of prosecution or participation in a community service work or both.

(b) For a violation committed within 12 months of a previous violation, a forfeiture of not more than \$100 together with the costs of prosecution or participation in a community service work or both.

(c) For a violation committed within 12 months of 2 previous violation or more, a forfeiture of not more than \$500 together with the costs of prosecution or participation in a community service work or both.

(2) Whenever the court suspends a juvenile's operating privilege under this subsection, the court shall immediately take possession of any suspended license and forward it to the Wisconsin Department of Transportation, together with the notice of suspension stating that the suspension is for a violation of a local ordinance that strictly conforms to secs. 961.573 (2), 961.574 (2), or 961.575 (2), Wis. Stats.

(3) If the juvenile's license or operating privilege is currently suspended or revoked or the juvenile does not currently possess a valid operator's license under ch. 343, Wis. Stats., the suspension under this subsection is effective on the date on which the juvenile is first eligible and applies for issuance or reinstatement of an operator's license under ch. 343, Wis. Stats.

(4) Stay of Order

(a) After ordering a penalty under subsection (D), the court, with the agreement of the juvenile, may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed. The order under this paragraph shall require the juvenile to do any of the following:

1. Submit to an alcohol and other drug abuse assessment that conforms to the criteria under sec. 938.547 (4), Wis. Stats. and that is conducted by an approved treatment facility. The order shall designate an approved treatment facility to conduct the alcohol and other drug abuse assessment and shall specify the date by which the assessment must be completed.

2. Participate in an outpatient alcohol or other drug abuse treatment program at an approved treatment facility, if an alcohol or other drug abuse assessment conducted under 1., above, or sec. 938.295 (1), Wis. Stats., recommends treatment.

3. Participate in a court-approved pupil assistance program provided by the

juvenile's school board or in a court-approved alcohol or other drug abuse education program. The juvenile's participation in a court-approved pupil assistance program under this subdivision is subject to the approval of the juvenile's school board.

4. Participate in a teen court program if all of the following conditions apply:

a. The chief judge of the judicial administrative district has approved a teen court program established in the juvenile's county of residence and the court determines that participation in the teen court program will likely benefit the juvenile and the community.

b. The juvenile admits or pleads no contest in open court, in the presence of the juvenile's parent, guardian or legal custodian, to the allegations that the juvenile committed the violation specified in subsection (D).

c. The juvenile has not successfully completed participation in a teen court program during the 2 years before the date of the alleged violation.

5. Report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the juvenile is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center.

(b) If the approved treatment facility, with the written informed consent of the juvenile or, if the juvenile has not attained the age of 12, the written informed consent of the juvenile's parent, notifies the agency primarily responsible for providing services to the juvenile that the juvenile has submitted to an assessment under par. (a) and that the juvenile does not need treatment, intervention or education, the court shall notify the juvenile of whether or not the penalty will be reinstated.

(c) If the juvenile completes the alcohol or other drug abuse treatment program, court-approved pupil assistance program or court-approved alcohol or other drug abuse education program, the approved treatment facility, court-approved pupil assistance program or court-approved alcohol or other drug abuse education program shall, with the written informed consent of the juvenile or, if the juvenile has not attained the age of 12, the written informed consent of the juvenile's parent, notify the agency primarily responsible for providing services to the juvenile that the juvenile has complied with the order and the court shall notify the juvenile of whether or not the penalty will be reinstated.

(d) If an approved treatment facility, court-approved pupil assistance program, or court-approved alcohol or other drug abuse education program, with the written informed consent of the juvenile or, if the juvenile has not attained the age of 12, the written informed consent of the juvenile's parent, notifies the agency primarily responsible for providing services to the juvenile that a juvenile is not participating, or has not satisfactorily completed, a recommended alcohol or other drug abuse treatment program, a court-approved pupil assistance program, or a court-approved alcohol or other drug abuse education program,

the court shall hold a hearing to determine whether to impose the penalties under subsection (D).

(5) Counting violations. For purposes of subsection (D), all violations arising out of the same incident or occurrence shall be counted as a single violation.”

Part 6:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Sponsors: David L. Maack, Gregory Holding, Tim Hermes, Jim Kaplan , Q.A. Shakoor and II

63. [06-2711](#) **Subject: (Direct Referral)** Change Order #4 on contract 27-05 (K5-034), Monument Square Replacement of one (1) Serviceberry tree damaged during storm.

Recommendation of the Public Safety & Licensing Committee of 10-23-06: That the item be approved.

Fiscal Note: N/A

64. [06-2749](#) **Subject:** Ordinance No. 36-06

To amend Secs. 66-804 and 66-806 of the Municipal Code of the City of Racine, Wisconsin relating to Truancy.

Recommendation of the Public Safety & Licensing Committee of 10/23/06: That Ordinance No. 36-06 be adopted.

Fiscal Note: N/A

65. [06-2750](#) **Subject:** Ordinance No. 37-06

To repeal and recreate Sec. 66-271, 66-272, 66-273, 66-275 and repeal Sec. 66-274 of the Municipal Code of the City of Racine, Wisconsin

relating to Drug Paraphernalia.

Recommendation of the Public Safety & Licensing Committee of 10/23/06:

That Ordinance No. 37-06 be adopted.

Fiscal Note: N/A

Traffic Commission Report, by Ald. Hart

66. [06-2046](#) **Subject:** Communication from the Alderman of the 5th District regarding a 4-way stop sign at 10th Street and Center Street.

Recommendation: The communication be received and filed.

Fiscal Note: N/A

67. [06-2396](#) **Subject:** Communication from the Alderman of the 12th District wishing to discuss the installation of a stop sign at the intersection of Graceland Blvd. and Illinois St.

Recommendation: The communication be received and filed.

Fiscal Note: N/A

68. [06-2585](#) **Subject:** Communication from Charity James regarding concerns about the two-hour parking on Kewaunee between N. Main and N. Wisconsin.

Recommendation: The "Two-hour parking from 7:30 A.M. to 3:00 P.M. on school days" on Kewaunee Street, north side, from North Main Street to North Wisconsin Street be removed.

Fiscal Note: There will be a nominal cost to remove the signs.

69. [06-2590](#) **Subject:** Communication from John Chapman, USPS, requesting to have "No Parking in Front of the Mailboxes" signs installed at 2525, 2627, and 2700 Jacato Drive.

Recommendation: The communication be received and filed.

Fiscal Note: N/A

70. [06-2702](#) **Subject:** In accordance with Section 2-95 of the Municipal Code of the general ordinances of the City of Racine, recommends that the following requests for changes in traffic code be granted:

A. Recommends that Secion 94-143(14) of Schedule G of the Municipal Code of the General Ordinances of the City of Racine relative to "Two-hour parking from 7:30 A.M. to 3:00 P.M. on school days" be amended:

By Deleting:

1. Kewaunee Street, north side, from North Main Street to North Wisconsin Street.

Transit and Parking Commission Report, by Ald. Sollman

71. [06-2511](#) **Subject:** Communication from the Transit Planner submitting the August 2006 operating and financial report for the Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service.
- Recommendation:** The communication be received and filed.
- Fiscal Note:** N/A
72. [06-2630](#) **Subject:** Communication from the Transit Planner submitting the August 2006 financial and operating report for the Belle Urban System.
- Recommendation:** The communication be received and filed.
- Fiscal Note:** N/A
73. [06-2692](#) **Subject:** (Direct Referral) Communication from the Transit Planner submitting the September 2006 financial and operating report for the Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service.
- Recommendation:** The communication be received and filed.
- Fiscal Note:** N/A
74. [06-2734](#) **Subject:** (Direct Referral) Communication from Rosemary Potter, Executive Director of Transit Now, wishing to use the Racine Railroad Depot on Thursday, December 7, 2006 from 4:30 P.M. to 6:30 P.M. for a meeting.
- Recommendation:** The request be granted subject to the execution of a hold harmless agreement with the City, and subject to the understanding that the facility and bathrooms must remain open to the public during the event.

Fiscal Note: N/A

City Plan Commission Report, by Ald. Holding

75. [06-2567](#) **Subject:** (Direct Referral). Request by Dan Carmichael of Great Lakes Specialty Finance, Inc. seeking a conditional use permit to locate a Check n Go facility at 2308 South Green Bay Road.

Recommendation: That the request by Dan Carmichael of Great Lakes Specialty Finance, Inc. seeking a conditional use permit to locate a Check 'N Go facility at 2308 South Green Bay Road be approved, subject to the following conditions:

- a. That the plans stamped "Received September 11, 2006" and presented to the Plan Commission on September 27, 2006 be approved, subject to the following conditions.
- b. That an occupancy permit and all other applicable permits be requested from the Building Department.
- c. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.
- d. That the maximum hours of operation be Monday through Thursday from 10:00 a.m. to 6:00 p.m., Friday from 10:00 a.m. to 7:00 p.m., Saturday from 10:00 a.m. to 3:00 p.m., and no hours on Sunday.
- e. That all trash, recyclables and dumpsters be stored in stored closed containers and screened from view.
- f. That all signs be professionally made and comply with the plans, as submitted with the conditions that the sign total no more than 35 square feet, and the sign raceway be painted to match the surface that it is to be mounted to.
- g. That all codes and ordinances be complied with and required permits acquired.
- h. 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.

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

Fiscal Note: N/A

76. [06-2592](#)

Subject: Communication from Frank Tingle, member of "Friends of DeKoven Woods", requesting the City create a Conservancy Zone as outlined in the report "Park and Open Space Plan for the City of Racine" passed by the Common Council on 7-15-2003.

Recommendation: That the communication be received and filed.

Fiscal Note: N/A

77. [06-2706](#)

Subject: Request by Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 2020 Oakes Road.

Recommendation: That the request by Crispell-Snyder, Inc. representing the village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 2020 Oakes Road be approved subject to the following:

- a. That the certified survey map presented to the Plan Commission on October 25, 2006 is approved, subject to the conditions contained herein.
- b. That a 55 foot right-of way reservation for the future extension of 16th Street be extended along the north line of Lot 1.
- c. That rights of access to Lot 1 be described on the face of the CSM.
- d. That full tax key numbers be illustrated on the Lots.
- e. That technical discrepancies as identified by City Staff be addressed.
- f. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

78. [06-2707](#)

Subject: Request by Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 2140

Oakes Road.

Recommendation: That the request by Crispell-Snyder, Inc. representing the village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 2140 Oakes Road be approved subject to the following:

- a. That the certified survey map presented to the Plan Commission on October 25, 2006 is approved, subject to the conditions contained herein.
- b. That rights of access to Lot 1 be described on the face of the CSM.
- c. That full tax key numbers be illustrated on the Lots.
- d. That technical discrepancies as identified by City Staff be addressed.
- e. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

79. [06-2708](#)

Subject: Request by Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 1610 Oakes Road.

Recommendation: That the request by Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 1610 Oakes Road be approved subject to the following:

- a. That the certified survey map presented to the Plan Commission on October 25, 2006 is approved, subject to the conditions contained herein.
- b. That a 55 foot right-of way reservation for the future extension of 16th Street be illustrated along the north line of Lots 1 & 2..
- c. That rights of access to Lot 1 be described on the face of the CSM.
- d. That full tax key numbers be illustrated on the Lots.
- e. That technical discrepancies as identified by City Staff be addressed.

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

Fiscal Note: N/A

80. 06-2709 **Subject:** Request by Nielsen, Madsen & Barber, S.C., representing Richard G. Jensen, seeking approval of a four-lot Certified Survey Map at 1518 Layard Avenue.

Recommendation: That the request be received and filed.

Fiscal Note: N/A

81. 06-2710 **Subject:** (Direct Referral). Request by Gregg Thompson of Bukacek Construction, representing Badger Plaza, seeking an amendment to a conditional use permit for a facade remodeling project for a shopping center at 4004 Durand Avenue.

Recommendation: That the request by Gregg Thompson of Bukacek Construction, representing Badger Plaza, seeking an amendment to a conditional use permit for a facade remodeling project for a shopping center at 4004 Durand Avenue be approved, subject to the following conditions:

- a. That the plans stamped "Received October 17, 2006" and presented to the Plan Commission on October 25, 2006 be approved subject to the conditions contained herein.
- b. That all applicable permits be requested from the Building Department.
- c. That by June 1, 2007 all walls of the south and east buildings within the center be painted in a uniform fashion and all graffiti painted over.
- d. That prior to December 31, 2006, a revised landscape plan addressing the frontage of Badger Plaza on Durand Avenue be submitted to the Director of City Development for review and approval.
- e. That prior to December 31, 2006, a detailed uniform sign policy be submitted for the review and approval of the Director of City Development that, at a minimum, describes the equitable distribution of the signage budget, the method of construction and illumination of the signage, sign colors to be allowed, and the policy regarding corporate logos and symbols. The policy

shall establish consistency in signage between the east-west and north-south portions of Badger Plaza.

- f. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.
- g. That all signs be professionally made and comply with zoning ordinance requirements.
- h. That all codes and ordinances be complied with and required permits acquired.
- 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 permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Office of the Mayor Report, by Ald. Weidner

82. [06-2753](#) **Subject:** Communication from Mayor Becker nominating the following appointments/reappointments to the following Boards and Commissions for the City of Racine.

West Racine Bid Board:

Appoint Alderman Aron Wisneski for a one-year term ending in December 2007.

Appoint James Spangenberg, 3219 Washington Avenue, for a term ending in December 2007.

Appoint Frank Smith, 3308 Washington Avenue, for a term ending in December 2008.

Appoint Jeff Nelson, 3223 Washington Avenue, for a term ending in December 2009.

Appoint Richard Hinsman, 1242 West Boulevard, for a term ending in December 2009.

Wastewater Commission:

Reappoint John Hewitt, 11219 Louis Sorenson, as a Mount Pleasant representative, for a four-year term ending in October 2010.

Reappoint Michael Andreasen, 6126 Durand Avenue, as a Mount Pleasant representative, for a four-year term ending in October 2010.

Access Corridor Development Review Committee:

Appoint Alderman Tom Sollman, to represent the Douglas Avenue Corridor, for a one-year term ending in December 2007.

Appoint Mitch Wemmert, to represent the Douglas Avenue Corridor, for a three-year term ending in December 2009.

WasteWater Committee Report, by Ald Hart

83. [06-2550](#) **Subject:** Submittal of 2007 Sewer Service Rates

Recommendation: Adopt. Refer to the Committee of the Whole for approval.

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

84. [06-2594](#) **Subject: Direct Referral:** Christian Symbolism on Monument Square in Downtown Racine during the Christmas Season 2006 and each year thereafter as outlined in letter.

Recommend the request be approved.

Fiscal note: \$25.00 processing fee to the City & \$300.00 deposit to be returned.

Civic Centre Commission Report, by Ald. Spangenberg

85. [06-2723](#) **Subject:**(Direct Referral) The Director of the Civic Centre wishing to discuss the August 2006 Financial Report and the Previous Year Comparison.

Recommendation of the Civic Centre Commission 10/25/06: Item to be received and filed.

Fiscal Note: N/A

Cemetery Commission Report, by Ald Weidner

86. [06-2638](#) **Grief Warehouse**
Subject: Grief Warehouse requesting use of Mound Cemetery Chapel on December 10, 2006 at 6:30 p.m., letter regarding request (received by mail) to be handed out.

Recommendation: The Cemetery Commission approve the request of the Compassionate Friends for use of the Chapel on December 10, 2006 and further recommend that it be referred to Finance and Personnel for consideration of waiving the fee.

H. Resolutions

87. [Res.06-7275](#) City Attorney's Office to represent police officers

Resolved, that the City Attorney's Office be authorized and directed to represent police officers in the case entitled Antonio Matos v. City of Racine, et al., Case No. 06-C-1011, U. S. District Court.

Fiscal Note: N/A

Sponsors: James T. Spangenberg

88. [Res.06-7276](#) Settlement of Claim

Resolved, that the claim of Mary Ann Glassen relating to a fall in the crosswalk at the intersection of 15th Street and Grove Avenue be settled in the amount of \$50,000.

Fiscal Note: There are sufficient funds available in Account 101.160.5910, Judgment and Claims, to cover the cost of this settlement.

Sponsors: James T. Spangenberg

89. [Res.06-7277](#) Settlement of Claim of WE Energies

Resolved, that the claim of WE Energies for a damaged utility pole be settled in the amount of \$16,750.36.

Fiscal Note: Funds to cover the cost of the settlement are available in Account 101.160.5910, Claims.

Sponsors: James T. Spangenberg

90. [Res.06-7278](#) Accept 2006 Housing Cost Reduction Initiative Grant

Resolved, that the Director of City Development be granted permission to accept the 2006 Housing Cost Reduction Initiative (HCRI) funds grant in the amount of \$104,720 and that the Mayor and the City Clerk execute all necessary documents.

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

Sponsors: James T. Spangenberg

91. [Res.06-7279](#) Conditional Use Permit for 2308 South Green Bay Road

Resolved, that the request of Dan Carmichael of Great Lakes Specialty

Finance, Inc. seeking a conditional use permit to locate a Check 'N Go facility at 2308 South Green Bay Road be approved, subject to the following conditions:

- a. a. That the plans stamped "Received September 11, 2006" and presented to the Plan Commission on September 27, 2006 be approved, subject to the following conditions.
- b. b. That an occupancy permit and all other applicable permits be requested from the Building Department.
- c. c. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.
- d. d. That the maximum hours of operation be Monday through Thursday from 10:00 a.m. to 6:00 p.m., Friday from 10:00 a.m. to 7:00 p.m., Saturday from 10:00 a.m. to 3:00 p.m., and no hours on Sunday.
- e. e. That all trash, recyclables and dumpsters be stored in closed containers and screened from view.
- f. f. That all signs be professionally made and comply with the plans, as submitted with the conditions that the sign total no more than 35 square feet, and the sign raceway be painted to match the surface that it is to be mounted to.
- g. g. That all codes and ordinances be complied with and required permits acquired.
- h. h. 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.
- i. i. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

92. [Res.06-7280](#) Approval of Certified Survey Map for 2020 Oakes Road

Resolved, that the request of Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 2020 Oakes Road, be approved subject to the following:

- a. That the certified survey map presented to the Plan Commission on October 25, 2006 is approved, subject to the conditions contained herein.
- b. That a 55 foot right-of way reservation for the future extension of 16th Street be extended along the north line of Lot 1.

- c. That rights of access to Lot 1 be described on the face of the CSM.
- d. That full tax key numbers be illustrated on the Lots.
- e. That technical discrepancies as identified by City Staff be addressed.
- f. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

93. [Res.06-7281](#) Approval of Certified Survey Map for 2140 Oakes Road

Resolved, that the request of Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 2140 Oakes Road be approved subject to the following:

- a. That the certified survey map presented to the Plan Commission on October 25, 2006 is approved, subject to the conditions contained herein.
- b. That rights of access to Lot 1 be described on the face of the CSM.
- c. That full tax key numbers be illustrated on the Lots.
- d. That technical discrepancies as identified by City Staff be addressed.
- e. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

94. [Res.06-7282](#) Approval of Certified Survey Map for 1610 Oakes Road

Resolved, that the request of Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 1610 Oakes Road, be approved subject to the following:

- a. That the certified survey map presented to the Plan Commission on October 25, 2006 is approved, subject to the conditions contained herein.
- b. That a 55 foot right-of way reservation for the future extension of 16th Street be illustrated along the north line of Lots 1 & 2..
- c. That rights of access to Lot 1 be described on the face of the CSM.
- d. That full tax key numbers be illustrated on the Lots.

- e. That technical discrepancies as identified by City Staff be addressed.
- f. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

95. [Res.06-7283](#) Conditional Use Permit for 4004 Durand Avenue

Resolved, that the request of Gregg Thompson of Bukacek Construction, representing Badger Plaza, seeking an amendment to a conditional use permit for a facade remodeling project for a shopping center at 4004 Durand Avenue be approved, subject to the following conditions:

- a. That the plans stamped "Received October 17, 2006" and presented to the Plan Commission on October 25, 2006 be approved subject to the conditions contained herein.
- b. That all applicable permits be requested from the Building Department.
- c. That by June 1, 2007 all walls of the south and east buildings within the center be painted in a uniform fashion and all graffiti painted over.
- d. That prior to December 31, 2006, a revised landscape plan addressing the frontage of Badger Plaza on Durand Avenue be submitted to the Director of City Development for review and approval.
- e. That prior to December 31, 2006, a detailed uniform sign policy be submitted for the review and approval of the Director of City Development that, at a minimum, describes the equitable distribution of the signage budget, the method of construction and illumination of the signage, sign colors to be allowed, and the policy regarding corporate logos and symbols. The policy shall establish consistency in signage between the east-west and north-south portions of Badger Plaza.
- f. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.
- g. That all signs be professionally made and comply with zoning ordinance requirements.
- h. That all codes and ordinances be complied with and required permits acquired.
- 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 permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

96. [Res.06-7284](#) Change Order on Contract 27-05 (K5-034)

Resolved, that Change Order No. 4 on Contract 27-05 (K5-034), Monument Square Site and Landscape Improvements, Bane-Nelson, Inc., contractor, be approved in the increase amount of \$548.05, for the replacement of a Serviceberry tree damaged during a storm.

Fiscal Note: The contract was approved by Resolution 6515 of June 7, 2005.

Sponsors: David L. Maack

97. [Res.06-7285](#) Permission for Transit Now to use Racine Railroad Depot

Resolved, that Transit Now be granted permission to use the Racine Railroad Depot on Thursday, December 2, 2006 from 4:30 p.m. to 6:30 p.m. for an event subject to the execution of a hold harmless agreement and subject to the understanding that the facility and bathrooms remain open to the public during the event.

Fiscal Note: N/A

Sponsors: Thomas M. Sollman

98. [Res.06-7286](#) Permission for Jingle Bell Run to close City streets

Resolved, that Jingle Bell Run for Arthritis be granted permission to close Horlick Drive from Rupert Boulevard to Rickman Court and Domanik Drive from Prospect Street to the Lincoln Park parking lot entrance for the Jingle Bell Run/Walk for Arthritis, to be held on Saturday, December 9, 2006, from 9:00 a.m. to 10:30 a.m., with the following stipulations:

- A. A hold harmless agreement be executed.
- B. Proof of liability insurance be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a special event fee of \$300.00.

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: Ronald D. Hart

99. [Res.06-7287](#) Hold Harmless Agreement for 415 Sixth Street, installation of stationary sign

Resolved, that the property owner of 415 Sixth Street be granted permission to install a stationary, projecting sign, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.

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

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

Sponsors: Ronald D. Hart

100. [Res.06-7288](#) Contract for Racine Public Library curtain wall replacement

Resolved, that Contract 43-06 (K6-046), Curtain Wall Replacement at Racine Public Library, be awarded to J.F. Cook Co., Inc., at their bid price of \$67,754.00, plus Alternate No. 1 in the amount of \$14,289.00, for a total contract amount of \$82,043.00, they being the lowest responsible bidder.

Further Resolved, that funding to defray the cost of this public works project be appropriated from Account 255.000.5010, Building Improvements.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

101. [Res.06-7289](#) Change Order for window replacement at Fire Station #8

Resolved, that Change Order No. 1 on Contract 36-06 (K6-038), Window Replacement at Fire Station #8, Lueck's Inc., contractor, as submitted, be approved in the amount of \$1,035.00.

Further Resolved, that funding to defray the cost of this change order be appropriated from Account 986.300.5040, Station 1 Female Locker Room.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

102. [Res.06-7290](#) Change Order for Concrete Street Reconstruction Contract 26-05 (K5-033)

Resolved, that Change Order No. 3 on Contract 26-05 (K5-033), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor, as submitted, be approved in the amount of \$3,100.00.

Further Resolved, that funding to defray the cost of this change order be appropriated from Account 986.908.5020, Concrete Street Paving, Miscellaneous Locations.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

103. [Res.06-7291](#) Final payment for Concrete Street Reconstruction Contract 26-05 (K5-033)

Resolved, that the work done by LaLonde Contractors, Inc., under Contract 26-05 (K5-033), Concrete Street Reconstruction, be accepted and final payment authorized for a total contract amount of \$1,553,636.18, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 6514, dated June 7, 2005.

Sponsors: Ronald D. Hart

104. [Res.06-7292](#) Final payment on 2005 CCTV Services Contract 58-05 (K5-066)

Resolved, that the work done by Green Bay Pipe & TV, under Contract 58-05 (K5-066), 2005 CCTV Services and Manhole Inspections, be accepted and final payment authorized for a total contract amount of \$196,570.46, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 6756, dated November 15, 2005.

Sponsors: Ronald D. Hart

105. [Res.06-7293](#) Final payment Sanitary Sewer Lining on Racine Street

Resolved, that the professional services provided by Earth Tech, Inc. under Contract 62-05 (K5-071), Professional Services - Sanitary Sewer Lining on Racine Street, be accepted and final payment authorized for a total contract amount of \$35,452.50, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 6718, dated October 18, 2005.

Sponsors: Ronald D. Hart

106. [Res.06-7294](#) Final payment Pavement Repair, Contract 29-06 (K6-030)

Resolved, that the work done by Wayside Construction Company, Inc., under Contract 29-06 (K6-030), Pavement Repair, be accepted and final payment authorized for a total contract amount of \$169,667.77, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 06-7061, dated June 6, 2006.

Sponsors: Ronald D. Hart

107. [Res.06-7295](#) Change Order Curb and Gutter Repair, Contract 31-06-(K6-032)

Resolved, that Change Order No. 1 on Contract 31-06 (K6-032), Curb and Gutter Repair D.C. Burbach, Inc., contractor, as submitted, be approved in the amount of \$10,213.99.

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

\$ 5,907.33 - Account 985.908.5220, Curb and Gutter Replacement
\$ 4,306.66 - Account 986.908.5220, Curb and Gutter Replacement
\$10,213.99

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

108. [Res.06-7296](#) Final Payment Curb and Gutter Repair, Contract 31-06 (K6-032)

Resolved, that the work done by D.C. Burbach, Inc., under Contract 31-06 (K6-032), Curb and Gutter Repair, be accepted and final payment authorized for a total contract amount of \$102,317.84, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 06-7059, dated June 6, 2006.

Sponsors: Ronald D. Hart

109. [Res.06-7297](#) Change Order Lake Michigan Pathway, Phase II

Resolved, that Change Order No. 3 on Contract 49-05 (K5-056), Lake Michigan Pathway, Phase II, Bane-Nelson, Inc., contractor, as submitted, be approved in the amount of \$85,731.96.

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

\$25,000.00 - Account 104.986.5420, Storm Sewers, Various Locations
\$15,632.14 - Account 985.913.5090, Goold @ Michigan Slope Stabilization
\$ 6,417.06 - Account 985.913.5010, Environmental Remediation
\$30,848.42 - Account 985.908.5130, Asphalt Resurfacing
\$ 7,834.34 - Account 930.021.5810, CMAQ - Lake Michigan Pathway, Phase II
\$85,731.96

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

110. [Res.06-7298](#) Change Order, Racine Street Sanitary Sewer Lining

Resolved, that Change Order No. 2 on Contract 2-06 (K6-002), Racine Street Sanitary Sewer Lining, Visu-Sewer Clean & Seal, contractor, as submitted, be approved to provide a time extension until November 30, 2006, to complete this contract.

Fiscal Note: There will be no change in contract price as a result of this change order.

Sponsors: Ronald D. Hart

111. [Res.06-7299](#) Change Order for 2006 CCTV Services and Manhole Inspections contract

Resolved, that Change Order No. 3 on Contract 7-06 (K6-007), 2006 CCTV Services and Manhole Inspection, Green Bay Pipe & TV, contractor, as submitted, be approved in the amount of \$52,174.14.

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

\$24,727.30 - Account 986.907.5310, Sanitary Sewer, Various Locations
\$27,446.84 - Account 104.986.5420, Storm Sewers, Various Locations
\$52,174.14

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

112. [Res.06-7300](#) Change Order on Paving City Parking Lots contract

Resolved, that Change Order No. 2 on Contract 25-06 (K6-026), City Parking Lots, Cicchini Asphalt Contractors, Inc., contractor, as submitted, be approved in the credit amount of \$8,909.50.

Fiscal Note: This change order will result in a decrease in the contract price.

Sponsors: Ronald D. Hart

113. [Res.06-7301](#) Amendment for Marino Park and State Street Storm Sewer contract

Resolved, that Amendment No. 2 on Contract 40-06 (K6-042), Professional Services - Marino Park/State Street Storm Sewer, Earth Tech, Inc., consultant, as submitted, be approved in the not-to-exceed amount of \$4,580.00.

Further Resolved, that funding to defray the cost of these professional services be appropriated from Account 104.986.5420, Stormwater Sewers - Various Locations.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

I. Ordinances

114. [Ord.38-06](#) Ordinance No. 38-06

To repeal and recreate Chapter 114, Article VIII, of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Flood Regulations.

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

Part 1:

That Chapter 114, Article VIII be repealed and recreated with the document titled "ARTICLE VIII. FLOOD REGULATIONS", as recommended for adoption by the City Plan Commission on November 29, 2006, incorporated as though set forth in full herein, a copy of which is available for public inspection in the office of the Director of City Development, and is hereby adopted.

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

115. [Ord.39-06](#) Ordinance No. 39-06

To create Secs. 50-65 and 50-66 of the Municipal Code of the City of Racine, Wisconsin relating to Annual fire prevention inspection fees.

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

Part 1:

Secs. 50-65 and 50-66 of the Municipal Code of the City of Racine are hereby created to read as follows:

"Sec. 50-65. Annual fire prevention inspection.

The officers of the bureau of fire prevention shall conduct annual fire prevention inspections for each building, structure, and premises in the City of Racine and charge the property owner a fee based on occupancy classification. This fee shall apply to taxable and tax exempt property alike.

Sec. 50-66. Fire prevention inspection fee schedule and provisions.

(a) Fees, based on occupancy classification:

- (1) Public Assembly \$125
- (2) Educational Institutions \$125
- (3) Institutional \$250
- (4) Residential Multi-Family (3 units up) \$125
- (5) Stores, Office \$100
- (6) Basic Industry, Utility, Defense \$125
- (7) Manufacturing \$225
- (8) Storage, Warehouse \$100
- (9) Special, not classified \$75
- (10) Compliance Inspections for Wisconsin Health and Social Services
 - Community Based Residential Facilities (CBRF)
 - Single Family Home \$50
 - Multi-Family Homes \$100

(b) The annual fire prevention inspection fee shall constitute a special charge against the property under Wis. Stat. § 66.601(16), and shall be placed on the annual tax roll for collection as a special charge. All proceedings related to the collection of real estate taxes shall apply.

(c) Five percent of the total annual fire prevention inspection fees collected shall be used exclusively for the Fire Safety and Education programs.

(d) All buildings, structures, and premises owned by the State of Wisconsin, and the United States Government shall be exempt from the annual fire prevention inspection fee.”

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: David L. Maack

116. [Ord.40-06](#) Ordinance No. 40-06

To amend Sec. 6-137 of the Municipal Code of the City of Racine, Wisconsin

relating to Alcoholic Beverages - Nonrenewal, suspension and revocation.

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

Part 1:

Section 6-137(b) of the Municipal Code of the City of Racine is hereby amended by deleting in the second sentence, "and no other license issued under this article may be granted within 12 months of the date of revocation to the person whose license was revoked."; and by adding a period after the word "clerk" in the second sentence; by adding the following third sentence: "No license shall be issued for any premises if a license has been revoked (or voluntarily surrendered after the common council has voted to pursue a due process hearing) within 6 months prior to application."; and by adding a fourth sentence: "No license shall be issued to any person who has had a license issued pursuant to this article revoked within 12 months prior to application."

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: David L. Maack

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

Ordinance No. 41-06

To create Section 6-19 of the Municipal Code of the City of Racine, Wisconsin relating to Alcohol beverages - licensee responsibility for the control of patrons on the licensee's building lot and parking lot.

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

Part 1:

Section 6-19 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Sec. 6-19. Off-licensed premises conduct of patrons and persons as a basis for disciplinary actions.

A. Purpose.

The purpose of this ordinance is to protect the peace, tranquility and property values of the neighborhood in which a Class "A", "Class A", Class "B", "Class B", or "Class C" (if available) premise licensed under this ordinance is located.

B. Responsibility of licensee.

Over and above the other provisions of this chapter and chapter 125, Wis. Stat., every Class "A", "Class A", Class "B", "Class B", or "Class C" (if available) licensee licensed under this chapter shall, during hours of operation of the licensed premises, be responsible for the conduct of patrons and persons who are not on the licensed premises, but are present on the following described off-licensed premises' property:

1. Parking lot owned or operated by licensee which serves the licensed premises;
2. The lot upon which the building being the subject of the license or parking lot serving the licensed premises is situated;

Examples of conduct which could form the basis for an order hereunder include, but are not limited to:

3. Loitering where accompanied by loud noise, threats, fighting, open intoxicants, consumption of intoxicants, weapons use or display, illegal drug use or sale, urination, or otherwise disturbing, disorderly, or illegal conduct;
4. Loitering of persons under the influence of alcohol beverage or drugs.

The licensee shall be responsible to monitor off-licensed premises property for compliance with this ordinance. The licensee shall have a duty to direct patrons or persons engaged in loitering to immediately leave property. The licensee is not to use physical force to remove any such person or patron. Should notified persons and patrons fail to comply, licensee shall have an obligation to call the city police department for assistance. The licensee may elect to first call the police department if the licensee has concern for their safety.

"Licensee" shall mean and include any person having control of the operation of the licensed premises.

C. Complaints.

Complaints may be made by the mayor, common council, committee, State of Wisconsin, an alderperson, police chief, city attorney, and any resident of the City of Racine.

Complaints shall be made in writing and filed with the city clerk. The city clerk

shall direct the complaint to the chair of the Public Safety and Licensing Committee. With respect to complaints of illegal drug use or sale, the city clerk shall not direct the complaint to the committee until first consulting with the police department and receiving a determination that the review of the complaint by the committee will not interfere with a law enforcement investigation. The chair shall review the complaint and any other documentation available to the chair, including, but not limited to, police reports and statements of the complainant, licensee, or others, to determine whether the complaint has sufficient merit to be placed on the committee agenda.

D. Committee action on complaint.

The committee shall order the licensee to appear before it to discuss the complaint and potential remedies. After hearing from the complainant, licensee and all interested parties, and reviewing all applicable reports, statements and documentation, the committee shall have four (4) options:

1. No action taken. No action shall be taken on the complaint if it is unfounded, without merit, or if the alleged conduct is outside of the effective control of the licensee.

2. Oral recommendations. Oral recommendations may be given from the committee to the licensee on how the licensee could address the issues raised in the complaint.

3. Written recommendations. If the committee finds that the complaint has merit and that a reasonable remedy exists, the committee may cause a written recommendation be sent to licensee through the U.S. mail, first class, postage prepaid. The written recommendation shall include the committee's finding on the complaint, the remedies, the timetable and/or deadlines for compliance, and an order to appear back before the committee on a specific date or dates to determine compliance with directives. The only portion of the written recommendation which would subject the licensee to discipline for noncompliance is that portion ordering the licensee to appear before the committee.

4. Orders. If the committee finds the complaint has merit, and that a reasonable remedy exists, and that written recommendations are inappropriate or ineffective, the committee may recommend to the common council that formal orders be issued by the common council. Unless otherwise stated, orders are permanent, unless rescinded, as long as the licensee maintains the same type of license at the location being the subject of the complaint. Orders may include, but are not limited to, the following remedial actions.

1. Reduction in hours of operation of licensed premises;
2. Prohibition of the sale of carryout alcohol beverages;
3. Establishment of specified security measures;
4. Prohibition of loitering.

E. Common Council action on complaint. Upon recommendation by the

committee for written orders as provided herein, the common council shall order the licensee to appear before the common council. After meaningful opportunity for the licensee to be heard, the common council shall issue the order that it deems appropriate. Orders from the common council will be sent to the licensee at the address of the licensed premises by first class mail, postage prepaid.

F. Committee review. After orders issued by the common council, the committee shall conduct such reviews as it deems necessary and sufficient in order to monitor compliance by licensee with the orders. If at any review it appears to the committee that the licensee is materially noncompliant, it may require the city attorney to commence formal disciplinary proceedings for violation of the orders.

G. Violations. Violations of a final order of the common council, regardless of subsequent remedial measures, shall constitute grounds for disciplinary action, including a ten (10) day suspension per violation of noncompliance.”

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest: _____
City Clerk

Fiscal Note: N/A

Sponsors: David L. Maack

118. [Ord.42-06](#)

Ordinance No. 42-06

To create Sec. 6-59 of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic beverages - Grant of conditional license.

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

Part 1:

Section 6-59 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Sec. 6-59. Grant of conditional license.

(a) Notwithstanding the time limits set forth herein, whenever the proposed

licensed premises is a building to be newly constructed or an existing building upon which major alteration, addition, renovation or other similar work is required in order to bring the premises in conformity with the representations made to the common council as part of the application and consideration of the application, the common council, upon recommendation of the Public Safety and Licensing Committee, may grant a license conditional upon the satisfactory completion of such construction, alteration, addition, renovation or other work, or such annexation.

(b) The Common Council, in making such a conditional grant of a license, may direct the city clerk to withhold the issuance of the license for such time, not to exceed nine (9) months, as the common council deems a reasonable period for completion of such work in conformity with all such representations made to the common council, and/or completion of the annexation. Upon request of the applicant, this period may be extended for an additional period not to exceed six (6) months, and the license may be renewed one time with issuance withheld, but no such extension shall be granted unless the applicant has already completed a substantial portion of the construction or renovation of the premises with the original time set by the common council for withholding of the issuance of the license pending completion of the work. The common council may further require the applicant to notify the city clerk upon completion of the work, after which the common council shall cause such inspection of the premises as it deems appropriate to ascertain that the premises is in conformity with all material representations made to the common council at the time of the granting of the license. Upon satisfactory completion of the work, the common council may direct the city clerk to issue the license.

(c) Any material failure to conform with all such representations made to the Common Council as to the proposed licensed premises within the time set for completion of such work and any extensions of such time shall render the decision to grant the license void, and shall be deemed a denial of the application by the common council as of the expiration of the time or extended time for completion of construction.

(d) In any case where there is a conditional grant of license, and the license is ordered withheld for a time period or periods to allow for construction, and the applicant subsequently fails to satisfy the conditions of the grant of the license by satisfactory completion of such construction within the allotted time, the entirety of the license fee shall be non-refundable.”

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest: _____
City Clerk

Fiscal Note: N/A

Sponsors: David L. Maack

119. [Ord.43-06](#)

Ordinance No. 43-06

To amend Sec. 6-54 of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic beverages - Licensing.

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

Part 1:

Sec. 6-54 of the Municipal Code of the City of Racine is hereby amended by deleting the period at the end of the first sentence and adding the words "at least two weeks prior to the city clerk's submission of the application to the common council."; and by deleting the second sentence; by adding the words, "and contact phone numbers" after the word "address" in the fourth sentence; by adding "(s)" to the word "person" in the fourth sentence; by adding the following sixth sentence to the section: "At the time the application for a new or changed license is submitted, the applicant shall also submit the answers to a written questionnaire and provide a written business plan which conforms to an outline available in the city clerk's office."

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest: _____

City Clerk

Fiscal Note: N/A

Sponsors: David L. Maack

120. [Ord.44-06](#)

Ordinance No. 44-06

To amend Secs. 6-51 and 22-477 of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic Beverages - Limitations on issuance of

licenses.

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

Part 1:

Sections 6-51 and 22-477 of the Municipal Code of the City of Racine are hereby amended by adding the following sentence at the end of each referenced section: "The city will not renew an existing "Class A" liquor license or Class "A" beer license for a gasoline service station, a boat and marine retail store or a convenience store whose premises are less than 3,000 square feet if application is not made within 30 days of the expiration of said license."

Part 2:

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

Passed by the Common Council

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A
Sponsors: David L. Maack

J. Miscellaneous Business

K. 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.