



City of Racine

Meeting Agenda - Final

Common Council

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

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

Tuesday, December 19, 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. Public Hearings

- 1. [ZOrd.0010-06](#) An Ordinance

To rezone 1101 Mound Avenue

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

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

Part 1:

That the parcel of property located at 1101 Mound Avenue, and more particularly described as follows:

“Block 33 of Sage’s Addition being the parts as described in Volume 228 of the Register of Deeds, pages 121 through 123, and Volume 642 of the Register of Deeds, Page 135, except those parts described in Volume 1988, pages 897 through 899 for street right-of-way purposes being East of Mound Avenue and West of Marquette Street. Said land being in the City of Racine, Racine County, Wisconsin”

be rezoned from "I-2" General Industrial District, to "B-5" Central Service District, and designated as Supplement No. _____, which supplement is hereby

made a part of this ordinance.

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

F. Communications

Refer to Finance and Personnel Committee, by Ald. Spangenberg

2. [06-2894](#) **Subject:** Communications from the Fire Chief requesting to transfer funds to cover the replacement of a kitchen appliance at Fire Station 1.

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

3. [06-2956](#) **Subject:** Communicaton from Mr. Frederick Cape requesting permission to install an awning/banner over City right-of-way 302-304 Sixth Street.
4. [06-2989](#) **Subject:** Communication from the Racine County Convention and Visitors Bureau, requesting permission to use two parking lots near Festival Park from Friday, August 17, 2007 thru Sunday, August 19, 2007, and to use city right-of-way for a motorcade or parade on Saturday, August 18, 2007, in conjunction with the Wisconsin State Harley Owners Group Rally.

Also refer to the Transit and Parking Commission.

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

5. [06-2932](#) **Subject:** Application of Uptown Transfer, LLC for a Secondhand Article Dealer License for 1410 Washington Avenue. (**New**) (3rd District)
6. [06-2990](#) **Subject: (Renewal)** Application of Belle City Pawn for a Pawnbroker, Secondhand Jewelry Dealer, and Secondhand Article Dealer's license for 949 Washington Avenue. (1st District)
7. [06-2991](#) **Subject: (Renewal)** Application of Wisconsin Discount for a Secondhand Jewelry Dealer's license for 2724 16th Street. (9th District)
8. [06-2942](#) **Subject: (Change of Agent)** Application of The Warning Track, LLC, Kelly G. Hansen, Agent for a Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1301 Washington Avenue.
9. [06-2998](#) **Subject:** Communication from the Alderman of the 6th District along with the Fourth Fest Committee, requesting to ban the use & sale of silly string on the parade route on the 4th of July, and that pedestrian traffic be limited to parade participants.

Refer to Transit and Parking Commission, by Ald. Sollman

10. [06-2960](#) **Subject:** Communication from the Transit Planner submitting the November 2006 financial and operating report for the Wisconsin Coach Lines, Inc. Kenosha-Racine-Milwaukee intercity bus service.
11. [06-2988](#) **Subject:** Communication from the Transit Planner submitting the October 2006 financial and operating report for the Belle Urban System.

Refer to Wastewater Commission, by Ald Hart

12. [06-2972](#) **Subject:** Communication from Pastor Norris Johnson wishing to discuss possible discrepancies and concerns regarding amount of water bills for Reconciliation Ministries International Church, 2200 Mt. Pleasant Street, Racine.

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

13. [06-2936](#) **Subject:** Communication from Terry McCarthy, requesting the City of Racine to consider clearing the lakefront trails, from Pershing park at the south end all the way to the north end of the zoo.
14. [06-2973](#) **Subject:** Request from University of Wisconsin-Parkside to enter into a partnership with the City of Racine to develop the building located at 1301 - 6th Street into an innovative Root River Environmental Education Community Center.

G. Committee Reports**Finance and Personnel Committee Report, by Ald. Spangenberg**

15. [06-2872](#) **Subject:** Communication from the Fire Chief requesting permission to accept a donation of \$1,500.00 from the Racine Fire Fighters Charities' to the Racine Fire Department's Fire Safety and Public Education Fund.

Also refer to Finance and Personnel Committee.

Recommendation of the Finance & Personnel Committee on

12-11-06: Permission granted for the Fire Chief to accept the \$1,500 donation from the Racine Fire Fighter's Charities to be utilized for the Fire Safety and Public Education Fund and an appropriate letter of thanks be sent.

Recommendation of the Public Safety & Licensing Committee on

12-11-06: Permission granted for the Fire Chief to accept the \$1,500 donation from the Racine Fire Fighter's Charities to be utilized for the Fire Safety and Public Education Fund.

Fiscal Note: \$1,500 will be placed in account 711.000.7970, Fire Department Gifts.

16. [06-2876](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting permission to apply for a \$112,000 grant with the Wisconsin Waterways Commission (Grant Control No. 2006-051) to be utilized for the installation of a floating dock on the north side of the Root River, west of the Main Street Bridge.

Recommendation of the Finance & Personnel Committee on

12-11-06: Permission granted for the Assistant Commissioner of Public

Works/Engineering apply for a \$112,000 grant with the Wisconsin Waterways Commission (Grant Control No. 2006-051) to be utilized for the installation of a floating dock on the north side of the Root River, west of the Main Street Bridge.

Fiscal Note: Total project cost will be \$140,000 with the City's hard cash match at 20% or \$28,000. The City's match will be budgeted for in 2008 Capital Improvements.

17. [06-2877](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering requesting permission to apply for a \$15,000 grant with the Wisconsin Waterways Commission (Grant Control No. 2006-052) to be utilized for the installation of a boat pump-out station on the north side of the Root River, west of the Main Street Bridge.

Recommendation of the Finance & Personnel Committee on

12-11-06: Permission granted for the Assistant Commissioner of Public Works/Engineering apply for a \$15,000 grant with the Wisconsin Waterways Commission (Grant Control No. 2006-052) to be utilized for the installation of a boat pump-out station on the north side of the Root River, west of the Main Street Bridge.

Fiscal Note: Total project cost will be \$20,000 with the City's hard cash match at 25% or \$5,000. The City's match will be budgeted for in the 2008 Capital Improvements.

18. [06-2902](#)

Subject: Communication from the City Assessor wishing to discuss correction to the 2005 and 2006 assessment and tax rolls.

Recommendation of the Finance & Personnel Committee on

12-11-06: Racine County Housing Authority, assessments for 1911 Linden Avenue, Tax No. 09738000 be reduced in 2005 from \$59,000 to \$0 with the resulting credit of \$1,356.58 and in 2006 from \$70,000 to \$0 with the resulting credit of \$1,557.72.

Fiscal Note: There are sufficient funds available for this credit. Other taxing jurisdiction's portions will be charged back to them when appropriate. The credits will be charged against account 101.990-5930, Real Estate and Personal Property taxes cancelled.

19. [06-2909](#)

Subject: Communication from the Human Resource Director requesting to present in closed session a summary of the collective bargaining agreement between the City of Racine and District 1199 with United Professionals For Quality Health Care/SEIU (Nurses), for 2006-2008.

Recommendation of the Finance & Personnel Committee on

12-11-06: The contract with District 1199 with United Professionals for Quality Health Care/SEIU (Nurses) for 2006-2008 be approved.

Fiscal Note: The costs to the City for District 1199 with United Professionals for Quality Health Care/SEIU (Nurses) will be in 2006, \$11,306.38; 2007, \$8,884.53 and 2008, \$14,890.14. Increases do not include potential savings from premium contributions and plan design changes.

20. [06-2910](#)

Subject: Communication from the Human Resource Director requesting an opportunity to discuss updating the City's Wellness Program as it relates to subsidizing health club memberships.

Recommendation of the Finance & Personnel Committee on

12-11-06: Permission granted for the Wellness Committee to implement the items listed below to encourage participation from current City employees and families into the Wellness Program for a trial basis of 1 year to begin in 2007.

1.) The City will reimburse active, full-time employees up to 50% of annual membership costs for local health club or organizations up to a City maximum contribution of \$200 per employee/family.

2.) Payment to active, full-time employees shall be made upon presentation of a paid receipt or letter from a health organization of choice showing the employee has registered and has paid.

3.) Membership will expand to include approved listed organizations.

Fiscal Note: There are sufficient funds available in the Health Insurance Fund (405) for this program.

Public Works and Services Committee Report, by Ald. Hart

21. [06-1822](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal from Arnold and O'Sheridan for professional services for Railing Replacement at Memorial Hall and the Safety Building.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into an agreement with Arnold & O'Sheridan, Inc. for professional services for Railing Replacement at Memorial Hall and the Safety Building at a price not-to-exceed \$9,400.00.

Further recommends that funds to defray the cost of these professional services are available in the following accounts:

\$5,000.00 - Account 986.300.5020, Fire Station 1 Replace Railing

\$4,400.00 - Account 108.986.5510, Memorial Hall Railing Replacement

\$9,400.00

Fiscal Note: Funds are available as herein delineated.

22. [06-2796](#)

Subject: Communication from Commissioner of Public Works/City Engineer informing the Council that the City of Racine has been awarded a Brownfield Green Space and Public Facilities Grant for the Pointe Blue development.

Recommendation: The Commissioner of Public Works/City Engineer be authorized and directed to sign a Brownfield Green Space and Public Facilities Grant agreement, on behalf of the City of Racine, in the amount of \$200,000.00, with the Wisconsin Department of Natural Resources for the Pointe Blue development.

Fiscal Note: The local share of the cost is 50% of the grant amount and will be paid for by the T.I.D.

23. [06-2875](#)

Subject: Communication from George Popoff requesting permission to close the 300 block of Hamilton Street on July 1, 2007 for the 2nd Annual Eagle's Club/George's Tavern Classic Car Show.

Recommendation: The owners of The Eagle's Club and George's Tavern be granted permission to close Hamilton Street from Main Street to Chatham Street, on Sunday, July 1, 2007, from 12:00 p.m. to 6:00 p.m., in conjunction with the 2nd Annual Eagle's Club/George's Tavern Classic Car Show to benefit the Racine County Food Bank, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way;
- F. The sponsor shall be responsible for all detour signage during the event;
- and
- G. The sponsor shall pay a \$250.00 special event fee.

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

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

24. [06-2913](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 1 for State Project ID: 2703-03-05, Ohio Street, 16th Street to 21st Street.

Recommendation: Amendment No. 1 on the three-party contract between the State of Wisconsin, City of Racine, and Clark-Dietz, Inc. for the preparation of plans and specifications for the reconstruction of Ohio Street from 16th Street to 21st Street, State Project ID #2703-03-05, be approved as submitted.

Fiscal Note: This amendment is for a change in the subconsultant with no change in the amount of the contract.

25. [06-2924](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 46-06 (K6-049), City Hall Data Center Improvements.

Recommendation: Contract 46-06 (K6-049), City Hall Data Center Improvements, be awarded to Ricchio, Inc., Gurnee, IL, at their bid price of \$399,700.00, they being the lowest responsible bidder.

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

\$205,000.00 - Account 403.986.5010, Computer Room Remodel
\$ 81,866.46 - Account 984.120.5030, MIS Room Remodel
\$112,833.54 - Account 987.100.5030, City Hall-IS Computer Room HVAC
\$399,700.00 - Total

Fiscal Note: Funds are available as herein delineated.

26. [06-2928](#)

Subject: Direct Referral. Presentation by the Commissioner of Public Works/City Engineer entitled "Public Works, the Heart of the Community".

Recommendation: The item be received and filed.

Fiscal Note: Not applicable.

27. [06-2929](#) **Subject:** Ordinance No. 45-06, to amend Sec. 46-41(d) of the Municipal Code of the City of Racine, Wisconsin relating to Finance - Racine First Program.

Recommendation: Ordinance No. 45-06, to amend Sec. 46-41(d) of the Municipal Code of the City of Racine, Wisconsin relating to Finance - Racine First Program, be adopted.

Fiscal Note: Not applicable.

28. [06-2930](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a proposal for professional engineering services to study and detail structural deficiencies in the railroad bridges located at 6th Street, Mound Avenue and 9th Street.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into an agreement with HNTB Corporation for professional engineering services to study and detail structural deficiencies in the railroad bridges located at 6th Street, Mound Avenue and 9th Street at a price not-to-exceed \$17,100.00 plus reimbursable expenses in the amount of \$500.00.

Further recommends that funds to defray the cost of these professional services are available in Account 985.913.5050, Metra Study.

Fiscal Note: Funds are available as herein delineated.

29. [06-2931](#) **Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal for professional engineering services to determine the extent of defective conditions and develop a repair strategy for elements of the Central Heating Plant.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into an agreement with HNTB Corporation for professional engineering services to determine the extent of defective conditions and develop a repair strategy for elements of the Central Heating Plant at a price not-to-exceed \$32,500.00.

Further recommends that funds to defray the cost of these professional services are available in Account 987.210.5030, Central Heating Plant Structural Repairs.

Fiscal Note: Funds are available as herein delineated.

30. [06-2955](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 36-06 (K6-038), Window Replacement at Fire Station No. 8.
- Recommendation:** The work done by Lueck's, Inc., under Contract 36-06 (K6-038), Window Replacement at Fire Station No. 8, be accepted and final payment authorized for a total contract amount of \$31,912.00, from funds heretofore appropriated.
- Fiscal Note:** This contract was approved by Resolution 06-7175, dated August 15, 2006.
31. [06-2959](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 17-06 (K6-018), Asphalt Paving, C.D.B.G., Payne & Dolan, Inc., contractor.
- Recommendation:** The work done by Payne & Dolan, Inc., under Contract 17-06 (K6-018), Asphalt Paving, C.D.B.G., be accepted and final payment authorized for a total contract amount of \$312,813.17, from funds heretofore appropriated.
- Fiscal Note:** This contract was approved by Resolution 06-7058, dated June 6, 2006.
32. [06-2977](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 13-06 (K6-014), Construction Inspection Services for Lake Michigan Pathway, Phase II, Earth Tech, Inc., consultant.
- Recommendation:** The professional services provided by Earth Tech, Inc. under Contract 13-06 (K6-014), Construction Inspection Services for Lake Michigan Pathway, Phase II, be accepted and final payment authorized for a total contract amount of \$20,144.16, from funds heretofore appropriated.
- Fiscal Note:** This contract was approved by Resolution 6884, dated February 7, 2006.
33. [06-2978](#) **Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a proposal from Earth Tech, Inc. for 2007 Sewer Asset Management Services.
- Recommendation:** The Mayor and City Clerk be authorized and directed to enter into an agreement with Earth Tech, Inc. for 2007 Sewer Asset

Management Services at a price not-to-exceed \$99,125.00.

Further recommends that funds to defray the cost of these professional services are available in the following accounts:

\$49,562.50 - Account 104.986.5420, Storm Sewers
&49,562.50 - Account 986.907.5320, Sanitary Sewers
\$99,125.00 - Total

Fiscal Note: Funds are available as herein delineated.

Public Safety and Licensing Committee Report, by Ald. Maack

34. [06-2839](#) **Subject: (New)** Application of J & A, LLC, Jason Boesel, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1300 N. Main Street. (4th District)

Recommendation of the Public Safety & Licensing of 11-27-06: That the item be deferred until the December 11, 2006 meeting.

Recommendation of the Public Safety & Licensing of 12-11-06: That the license be granted.

Fiscal Note: N/A

35. [06-2861](#) **Subject: (New)** Application of Priya Corp., Kavita Khullar, Agent, for a Class "A" Retail Fermented Malt Beverage License and Gasoline Station Owner's for 3818 Durand Avenue. (11th District)

Recommendation of the Public Safety & Licensing Committee 12-11-06: That the licensed be granted.

Fiscal Note: N/A

36. [06-2870](#) **Subject:** Communication from Deputy Chief of Police Hurley requesting to appear before the appropriate committee to discuss an annual exemption to use City vehicles.

Recommendation of the Finance & Personnel Committee on 12-11-06: Permission granted for the Explorer Scouts, Emergency Government and off-duty police officers to utilize City of Racine vehicle's during police related events with a signed hold-harmless agreement, driver licenses check and vehicle insurance.

Recommendation of the Public Safety & Licensing Committee of

12-11-06: That permission be granted for the Explorer Scouts, Emergency Government and off-duty police officers to utilize City of Racine vehicle's during police related events with a signed hold-harmless agreement in place.

Fiscal Note: N/A

37. [06-2892](#) **Subject:** Communication from Police Chief Whalen requesting to add a position of sergeant beginning in the fiscal year 2007, which will subsequently reduce the number of patrol officers by one position.

Recommendation of the Finance & Personnel Committee on

12-11-06: Permission be granted for the Police Chief to eliminate one patrol officer's position and create one sergeant's position.

Recommendation of the Public Safety & Licensing Committee of

12-11-06: That permission be granted for the Police Chief to eliminate one patrol officer's position and the creation of one Sergeant's position.

Fiscal Note: There are sufficient funds available in the salaries budget to account for the increase in salary.

38. [06-2923](#) **Subject: (New) (Direct Referral)** Application of 3EMINEE, LLC., Michael T. McDermott, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License to include a Sidewalk Cafe w/o alcohol for 501 Sixth Street. (1st District)

Recommendation of the Public Safety & Licensing Committee of

12-11-06: That the license be granted, pending their site plan/building layout.

Fiscal Note: N/A

39. [06-2925](#) **Subject: (New)** Application of Evelyn's Club Main, Evelyn Scheibner, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 331 Main Street. (1st District)

Recommendation of Public Safety & Licensing Committee of

12-11-06: That the license be granted.

Fiscal Note: N/A

40. [06-2926](#) **Subject: (New)** Application of Chef Lory, LLC., Joan L. Stepanski, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 600 Sixth Street. (1st District)

Recommendation of the Public Safety & Licensing Committee of**12-11-06:** That the license be granted, pending their business plan.

Fiscal Note: N/A

41. [06-2933](#) **Subject: (Direct Referral)** Communication from the Purchasing Agent submitting the monthly report for the sale of Abandoned Vehicles, December 5, 2006.

Recommendation of the Public Safety & Licensing Committee of**12-11-06:** That the item be received and filed.

Fiscal Note: This will generate 6,654.01 in revenues.

42. [06-2938](#) **Subject: (Renewal) (Direct Referral)** Application of Timothy Campeau, Sr., for a Public Passenger Driver's License.

Recommendation of the Public Safety & Licensing Committee of**12-11-06:** That the license be denied.

Fiscal Note: N/A

43. [06-2939](#) **Subject: (New) (Direct Referral)** Application of Jack Rudolph for a Public Passenger Driver's License.

Recommendation of the Public Safety & Licensing Committee of**12-11-06:** That the license be granted.

Fiscal Note: N/A

44. [06-2949](#) **Subject: (New) (Direct Referral)** Application of Tavares Davis for a Public Passenger Driver's License.

Recommendation of the Public Safety & Licensing Committee of**12-11-06:** That the license be granted, pending the records check.

Fiscal Note: N/A

45. [06-2950](#) **Subject:(Renewal) (Direct Referral)** Application of Tavares Davis for a Public Passenger Driver's License.

Recommendation of the Public Safety & Licensing Committee of**12-11-06:** That the license be granted, pending the records check.

Fiscal Note: N/A

46. [06-2992](#) **Subject: (Direct Referral)** Recommendation from the Public Safety and Licensing Committee to refer the matter of Central Foods, 1003 Center Street, to a due process hearing to determine whether the license should be revoked or suspended.
47. [06-2993](#) **Subject: (Direct Referral)** Recommendation from the Public Safety and Licensing Committee to refer the matter of Cackle Jack's, 3620 Northwestern Avenue, to a due process hearing to determine whether the license should be revoked or suspended.
48. [06-2976](#) **Subject: (Direct Referral)** Recommendation from the Special Public Safety & Licensing Committee Meeting, to discuss the settlement proposal regarding Shocker's due process proceedings.

Recommendation of the Special Public Safety & Licensing Committee of 12-14-06: To approve the settlement agreement regarding Shocker's due process proceedings.

Fiscal note: N/A

Sponsors: David L. Maack

49. [06-2994](#) **Subject:** 1. Due Process Hearing on Item 06-2648 of December 14, 2006, being the recommendation of the Public Safety and Licensing Committee to consider revocation or suspension of the "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 262 Lounge, 1846 Mead Street (2nd District).

CLOSED SESSION

At the conclusion of the hearing, it is intended that the Committee will convene in closed session pursuant to Section 19.85(1)(a) of the Wisconsin Statutes to deliberate concerning the quasi-judicial hearing regarding 262 Lounge, 1846 Mead Street, and the Committee will reconvene in open session to announce its findings and recommendation.

OPEN SESSION

2. Announcement of committee finds and recommendation.

Recommendation of the Special Public Safety & Licensing Committee: That the matter of the 262 Lounge, 1846 Mead Street, Melvin T. Bumpus, Jr., Agent, the license be revoked.

Fiscal Note: The approximate cost is \$8,000.00.

DUE PROCESS HEARING RECOMMENDATION (12-14-06):

**IN THE MATTER OF: Hearing on the License of Melvin Bumpus for
 "Class B" Intoxicating Liquor and Fermented
 Malt Beverage License for 1846 Mead Street,
 Racine, Wisconsin.**

FINDINGS OF FACT

1. That Melvin Bumpus holds a "Class B" intoxicating liquors and fermented malt beverages license for 1846 Mead Street, Racine, Wisconsin, which authorized the sale of intoxicating liquors and fermented malt beverages for the current license year of 2005 - 2006.
2. Melvin Bumpus has held such license for 1846 Mead Street since June 30, 2006.
3. Notice of Hearing to Suspend or Revoke the "Class B" License held by Melvin Bumpus signed by the Deputy City Clerk on November 29, 2006 and a Complaint signed by a member of the Public Safety and Licensing Committee on December 4, 2006, was served on Melvin Bumpus on December 5, 2006 with said documents notifying Melvin Bumpus that the City intended to consider suspension or revocation of said license.
4. On December 14, 2006, at a special meeting of the Public Safety and Licensing Committee, Mr. Bumpus appeared without counsel, and the City appeared by special counsel Ken Rusch, and the Committee held a due process hearing at which time the City presented evidence, and examined witnesses under oath, with the proceedings being recorded by a court reporter.
5. During a closed session following hearing, the Committee members deliberated with regard to the allegations contained in the Notice of Hearing regarding the License for 1846 Mead Street, and the Committee hereby makes the following findings, conclusions and recommendations:
 - a) The allegation as set forth in ¶ 6 of the Complaint (contained in Hearing Ex. 12) that a shooting and homicide did occur in the premises of "262 Lounge" located at 1846 Mead St., Racine, WI, on May 19, 2006, as set forth more particularly in Hearing Ex. 3, is sustained.
 - b) The allegation as set forth in ¶ 7 of the Complaint that a fight and a

large disorderly, disruptive civil disturbance occurred in and adjacent to the "262 Lounge" on October 8, 2006, as set forth more particularly in Hearing Ex. 4, is sustained.

- c) The allegation as set forth in ¶ 8 of the Complaint that a serious assault had occurred on October 13, 2006 in the "262 Lounge" as set forth more particularly in Hearing Ex. 5 (Ex. E attached to the Complaint) and photographic Hearing Exhibits 6 through 9 is sustained. The Committee members find that Mutale Chisela was beaten by at least one of Melvin Bumpus' employees. The Committee also finds that the allegation as set forth in ¶ 8 of the Complaint that there was a shooting on October 13, 2006 in or near the "262 Lounge" is not sustained.
- d) The committee finds, based on the testimony elicited from City of Racine police officers at the hearing of Dec. 14, 2006, that Melvin Bumpus has been evasive and uncooperative with Racine police officers who were investigating the incidents of October 8 and October 13, 2006.
- e) Melvin Bumpus is operating said premises as a disorderly, riotous, indecent or improper house within the meaning of Section 125.12(2) (ag)2 of the Wisconsin Statutes and Section 6-12 of the City of Racine Municipal Code of Ordinances.

CONCLUSIONS OF LAW

The above findings constitute violations of City of Racine Municipal Code and Wisconsin Statutes relating to premises that are licensed for the sale of alcohol beverages.

RECOMMENDATION

That the "Class B" Intoxicating Liquor and Fermented Malt Beverage License, for The Cruise Inn at 1846 Mead Street, Racine, Wisconsin, be revoked.

Dated this 15th day of December, 2006.

Public Safety and Licensing Committee

Alderman David L. Maack, Chairman

Alderman Q.A. Shakoor, II

Alderman Gregory T. Holding

Alderman Tim Hermes

Alderman Jim Kaplan

City Plan Commission Report, by Ald. Holding

50. [06-2856](#) **Subject:**(Direct Referral). Request by Rhonda Nicholson seeking a Conditional Use Permit for a tattoo and body piercing establishment in Regency Mall, 5502 Durand Avenue, Suite 400.

Recommendation of the City Plan Commission on 11-29-06:
Deferred.

Recommendation of the City Plan Commission on 12-13-06: That a request from Rhonda Nicholson seeking a conditional use permit to locate a tattoo and body piercing establishment in Regency Mall, 5502 Durand Avenue, Suite 400 be approved, subject to the following conditions:

- a. That the plans stamped "Received November 16, 2006" and presented to the Plan Commission on November 29, 2006 be approved subject to the conditions contained herein.
- b. That an occupancy permit and all other applicable permits be obtained from the Building Inspection Department.
- c. That all requirements of the State Department of Health and Family Services be complied with.
- d. That all trash and recyclables be kept in closed containers and stored in the building until pick up.
- e. That no loitering be allowed in or around the business, and that signs be posted in public view stating such a message.
- f. That tattoo and body piercing stations be screened from view from mall common areas.
- g. That the establishment's hours open to the general public extend no longer than from 10:00 a.m. to 9:00 p.m. Monday through Friday; 10:00 a.m. to 8:00 p.m. on Saturday; and 11:00 a.m. to 6:00 p.m. on Sundays. Client services shall cease one hour after closing or earlier if so directed by mall management.
- h. That the sale of food or drink shall not be allowed; including the use of vending machines.

- i. That all signs be professionally made.
- j. That the interior remodeling and subsequent daily maintenance of the establishment be performed in a professional/workmen like manner.
- k. That all codes and ordinances be complied with and required permits acquired.
- l. 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.
- m. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

51. [06-2895](#)

Subject: Request for adoption of a public participation policy for the preparation of the multi-jurisdictional Smart Growth plan.

Recommendation of City Plan Commission on 12-13-06: That the document titled "Public Participation Plan for the Racine County Multi-Jurisdictional Comprehensive Plan as adopted by the Racine County Board on November 9, 2006, be hereby adopted by the City of Racine.

Fiscal Note: N/A

52. [06-2896](#)

Subject: Request for endorsement of a Transit-Oriented Development Portfolio, Racine, Wisconsin.

Recommendation of City Plan Commission on 12-13-06: That a resolution supporting the Kenosha, Racine and Milwaukee (KRM) Commuter Link Station Area Planning Program in Racine, Wisconsin be adopted.

Fiscal Note: N/A

53. [06-2903](#)

Subject: Communication from the Director of City Development requesting an amendment to the Project Plan for Tax Increment District No. 2 to allow for continued increment sharing.

Recommendation of the Finance & Personnel Committee on 12-11-06: Permission granted to amend the Project Plan for Tax

Increment District No. 2 to allow for continued increment sharing.

Fiscal Note: N/A

Recommendation of the City Plan Commission on 12-13-06: That the proposed Second Amendment to the Project Plan for Tax Increment District Number Two, City of Racine, as presented to the Plan Commission on December 13, 2006, is found feasible and in conformity with the master plan of the City of Racine.

Further that the Second Amendment to the Project Plan for Tax Incremental District Number Two, City of Racine, be adopted.

Fiscal Note: N/A

54. [06-2927](#)

Subject: (Direct Referral) Request by Stan Postorino for a Conditional Use Permit for ground-floor residential units in a multi-use facility at 1101 Mound Avenue.

Recommendation of City Plan Commission on 12-13-06: That the request by Stan Postorino seeking a conditional use permit associated with a mixed use development for 1101 Mound Avenue to allow up to twelve residential units, including ground floor residential units, be approved subject to the following conditions:

- a. That the plans stamped "Received, November 29, 2006" and presented to the Plan Commission on December 13, 2006 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That all conditions of approval as contained in Common Council Resolution No. 6647 of September 6, 2005 relating to a conditional use permit for warehouse and office facilities be complied with, unless modified herein.
- d. That an off-street parking plan and associated landscaping plan be provided that adequately accommodates all planned uses in this multi-use facility. Said plans shall be submitted to the Director of City Development for review and approval prior to the issuance of building permits for residential units above the Mound Avenue level, and implement prior to the issuance of occupancy permits for residential units above the Mound Avenue level.

- e. That if occupancy is requested prior to the installation of parking and landscaping then a letter of credit equal to the value of the parking and landscape plan shall be submitted for the review and approval of the Director of City Development.
- f. That all trash and recyclables be stored in closed containers and screened from view.
- g. That all codes and ordinance 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 Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

55. [06-2987](#) **Subject:** ZOrd.0010-06 to rezone 1101 Mound Avenue from I-2 General Industrial to B-5 Central Business.

Recommendation of the City Plan Commission on 12-13-06: That the ordinance be adopted.

Fiscal Note: N/A

Economic Development Committee Report, by Ald. Weidner

56. [06-2886](#) **Subject:** 2007-2008 Strategic Economic Development plan

Recommendation: the 2007-2008 Strategic Economic Development plan be approved.

Fiscal Note: N/A

57. [06-2888](#) **Subject:** Approval of the 2005-2006 Industrial/Commercial Building Revolving Loan Fund (I/CB-RLF) Plan Certification.

Recommendation: the I/CB-RLF Plan Certification be approved.

Fiscal Note: N/A

58. [06-2873](#) **Subject:** The Racine County Economic Development Corporation proposal for the re-capitalization of the City of Racine Industrial/Commercial Building- Revolving Loan Fund for approval. This proposal seeks City approval for a multi-bank line of credit that can be drawn upon for making new loans from this fund.

Recommendation: the City of Racine Industrial/Commercial Building- Revolving Loan Fund multi-bank line of credit be approved.

Fiscal Note: The existing fund has used almost all of its capital for loans to Racine companies. The recapitalization will allow continuation of the program by providing a \$1.0 million line of credit at below prime interest rates for loans to Racine companies.

59. [06-2898](#) **Subject:** Amendment to the boundary of the Development Zone in the City of Racine.

Recommendation: the Amendment to the boundary of the Development Zone in the City of Racine be approved.

Fiscal Note: N/A

Committee on Housing & Neighborhoods Report, by Ald. Karas

60. [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.

Recommendation of Committee on Housing & Neighborhoods 11-9-2006: Deferred.

Recommendation of Committee on Housing & Neighborhoods 12-7-2006: Received and Filed.

Housing Loan Board Report, by Ald. Weidner

61. [06-2833](#) **Subject:** Request of the Racine Safe Neighborhood Alliance to extend the boundaries of the Down Payment Assistance program.

Recommendation: That participants in the IDA program be allowed to participate in the City Downpayment Program. (The current City Downpayment Area will not be extended.)

Fiscal Note: N/A

Redevelopment Authority of the City of Racine Report, by Ald. Spangenberg

62. [06-2904](#) **Subject:** (Direct Referral) Request that the City of Racine and the Redevelopment Authority enter into a memorandum of agreement regarding general cooperation and coordination.
- Recommendation of Redevelopment Authority on 12-06-2006:** That the Authority and the City of Racine enter into the proposed agreement. To adopt Resolution 06-23.
- Further recommends that this matter be referred to the Finance and Personnel Committee.**
- Fiscal Note:** NA. The proposed agreement only formalizes existing relationships.

63. [06-2919](#) **Subject:** (Direct Referral) Request of the Executive Director that the Authority certify the Redevelopment Plan for the Racine Steel Castings Industrial Area to the Common Council.
- Recommendation of Redevelopment Authority 12-6-06:** That the Common Council is requested to adopt the restrictions provided for in Section 66.1333 (6) (e), Wisconsin Statutes, for the land and buildings within the Racine Steel Castings Industrial Area.
- Fiscal Note:** NA. The control of development in the redevelopment area will be handled by the existing conditional use permit process.

Board of Health Report, by Ald. DeHahn

64. [06-2618](#) **Subject:** Communication from the City Administrator requesting to present the Health Department's audit.
- Recommendation of the Board of Health on 11/14/2006:** The Board of Health will hold a special meeting on November 21 to discuss the audit and Virchow Krause and Company will present the audit on December 5 to the Committee of the Whole and the Board of Health.
- Item also referred to Committee of the Whole.**
- Recommendation of the Committee of the Whole on 12/05/2006:** The Item be received and filed.

65. [06-2845](#) **Subject:** Communication from the Public Health Administrator requesting permission to accept funding and for the Mayor and City Clerk to sign an amended contract with the State of Wisconsin Department of Health and Family Services for the Women, Infants and Children Program. The revised funding amount for the second year of a four year contract (2007) is \$199,346.

The contract has been reviewed and approved by Terry Maier in the Finance Department. The grant control number is 2006-049.

Recommendation of the Finance & Personnel Committee 11-27-06:

The Mayor and City Clerk be authorized and directed to enter into an amended contract with the State of Wisconsin Department of Health and family Services for the Women, Infants and Children Program (Grant Control Number 2006-049) for a revised amount of \$199,346 in the second year (2007) of a four year contact.

Recommendation of the Board of Health on Dec. 12, 2006: The Mayor and City Clerk be authorized and directed to enter into an amended contract with the State of Wisconsin Department of Health and family Services for the Women, Infants and Children Program (Grant Control Number 2006-049) for a revised amount of \$199,346 in the second year (2007) of a five year contact.

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

66. [06-2846](#) **Subject:** Communication from the Public Health Administrator requesting permission for the Mayor and City Clerk to sign an amended contract with the United Way of Racine County, Inc. The original contract (resolution number 6663) covered the period January 1, 2006 through December 31, 2006. The amended contract covers the period through June 30, 2007. The amount funded is \$34,000.

Recommendation of the Finance & Personnel Committee on

11-27-06: The Mayor and City Clerk be authorized and directed to enter into an amended contract with United way of Racine County, Inc. for an extension of the project from January 1, 2007 through June 30, 2007 with additional funding of \$34,000.

Recommendation of the Board of Health on Dec. 12, 2006: The Mayor and City Clerk be authorized to enter into an amended contract with United way of Racine County, Inc. for an extension of the project from January 1, 2007 through June 30, 2007 with additional funding of \$34,000.

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

67. [06-2879](#)

Subject: Communication from the Public Health Administrator requesting permission to 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 Consolidated Grant. Funding is for the period of January 1, 2007-December 31, 2007, and is for the amount of \$322,654.

Recommendation of the Finance & Personnel Committee on

12-11-06: The Mayor and City Clerk be authorized and directed to enter into a \$322,654 agreement with the State of Wisconsin, Department of Health and Family Services (Grant Control No. 2006-053) to be utilized for the Emergency Planning, Lead, Well Women Program, Immunizations and Maternal Child Health.

Recommendation of the Board of Health on Dec. 12, 2006: The Mayor and City Clerk be authorized and directed to enter into a \$322,654 agreement with the State of Wisconsin, Department of Health and Family Services (Grant Control No. 2006-053) for the Consolidated Grant.

Fiscal Note: There is an in-kind soft match of \$60,548 on the part of the City.

68. [06-2880](#)

Subject: Communication from the Public Health Administrator requesting permission to accept funding and for the Mayor and City Clerk to sign a contract with the State of Wisconsin Department of Health and Family Services. The contract is for the Tobacco Prevention Control Program for the period of January 1, 2007-December 31, 2007, and is for the amount of \$57,998.

Recommendation of the Finance & Personnel Committee on

12-11-06: The Mayor and City Clerk be authorized and directed to enter into a \$57,998 agreement with the State of Wisconsin, Department of Health and Family Services (Grant Control No. 2006-055) to be utilized for the Tobacco Prevention Control Program.

Recommendation of the Board of Health on Dec. 12, 2006: The Mayor and City Clerk be authorized and directed to enter into a \$57,998 agreement with the State of Wisconsin, Department of Health and Family Services (Grant Control No. 2006-055) to be utilized for the Tobacco Prevention Control Program.

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

69. [06-2881](#) **Subject:** Communication from the Public Health Administrator requesting permission to accept funding and for the Mayor and City Clerk to sign a contract with the State of Wisconsin Department of Health and Family Services. The contract is for Preparedness-City Readiness and Pandemic Influenza for the period January 1, 2007-December 31, 2007, and is for the amount of \$70,307.

Recommendation of the Finance & Personnel Committee on

12-11-06: The Mayor and City Clerk be authorized and directed to enter into a \$70,307 agreement with the State of Wisconsin, Department of Health and Family Services (Grant Control No. 2006-054) to be utilized for Preparedness - City Readiness and Pandemic Influenza.

Recommendation of the Board of Health on Dec. 12, 2006: The Mayor and City Clerk be authorized and directed to enter into a \$70,307 agreement with the State of Wisconsin, Department of Health and Family Services (Grant Control No. 2006-054) to be utilized for Preparedness - City Readiness and Pandemic Influenza.

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

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

70. [06-2645](#) **Subject:** Discussion of 2007 Operating Budget and Fees & Charges.

Defer to the next meeting.

Recommendation of the Board of Parks, Recreation & Cultural Services 11-14-06: that the report be approved.

Fiscal note: N/A

71. [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.

Recommendation of the Board of Parks, Recreation & Cultural Services 12-13-06: to approve the proposed addendum to the North Beach Concession Agreement and recommend to the Common Council to approve as well.

Fiscal Note: N/A

72. [06-2832](#) **Subject:** Communication from Jay Christie, President and CEO of Racine Zoological Society, requesting permission to meet with the Board of Parks, Recreation and Cultural Services to discuss the possibility of utilizing existing parkland at Lakeview Park to create a parking lot for the zoo.

Recommendation of the Board of Parks, Recreation & Cultural Services 12-13-06: that the request be approved in principle and staff work to meet the proposals of the Board to maximize green space with camouflage of site.

Fiscal note: N.A.

73. [06-2847](#) **Subject:** Request of First Choice Pre-Apprenticeship Training Program for the use of Captain's Cove - 6th Street Facility for training of participants in basic construction skills for employment opportunities.

Staff recommendation: No recommendation at this time.

Recommendation of the Board of Parks, Recreation & Cultural Services 12-13-06: that the communication be received and filed.

Fiscal note: N/A

74. [06-2874](#) **Subject:** Request from Leadership Racine group to meet with the Board of Parks, Recreation & Cultural Services to place public art and additional signage on the Lake Michigan and Root River pathways.

Recommendation of the Board of Parks, Recreation & Cultural Services 12-13-06: that the request be approved in concept and the Downtown 7 group work with staff.

Fiscal note: N/A

Standing Joint Review Board Report, by Ald. Weidner

75. [06-2458](#) **Subject:** Direct Referral. A request from the Director of City Development requesting the establishment of a tax increment district for the Pointe Blue redevelopment project.

Recommendaton: Reports, pursuant to sec. 66.1105 (4m) (b), Wisconsin Statutes, that the Joint Review Board met on August 30, 2006 and approved the creation of Tax Increment District No. 14 as described in your Resolution No. 06-7184, and affirms that the development proposed in the project plan for the district would not

occur without the creation of the district, and

Tthat the item be received and filed because the district is now established.

Fiscal Note: This "pay as you go" TID has an estimated cost of \$22,464,467.00.

76. [06-2454](#) **Subject:** Direct Referral. Request from the Executive Director of Neighborhood Housing Services requesting the creation of a tax increment financing district to assist in the redevelopment at 1014 Martin Luther King, Jr. Drive.

Recommendation: Reports, pursuant to sec. 66.1105 (4m) (b), Wisconsin Statutes, that the Joint Review Board met on August 30, 2006 and approved the creation of Tax Increment District No. 15 as described in your Resolution No. 06-7185, and affirms that the development proposed in the project plan for the district would not occur without the creation of the district, and

Recommends that the item be received and filed because the district is now established.

Fiscal Note: This "pay as you go" TID has an estimated cost of \$191,700.00.

H. Resolutions

77. [Res.06-7354](#) Permission to close Hamilton Street for Car Show in July 2007

Resolved, that the owners of The Eagle's Club and George's Tavern be granted permission to close Hamilton Street from Main Street to Chatham Street, on Sunday, July 1, 2007, from 12:00 p.m. to 6:00 p.m., in conjunction with the 2nd Annual Eagle's Club/George's Tavern Classic Car Show to benefit the Racine County Food Bank, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way;
- F. The sponsor shall be responsible for all detour signage during the event; and
- G. The sponsor shall pay a \$250.00 special event fee.

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

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

Sponsors: Ronald D. Hart

78. [Res.06-7355](#) Brownfield Green Space and Public Facilities Grants

Resolved, that the Commissioner of Public Works/City Engineer be authorized and directed to sign a Brownfield Green Space and Public Facilities Grant agreement, on behalf of the City of Racine, in the amount of \$200,000.00, with the Wisconsin Department of Natural Resources for the Pointe Blue development.

Fiscal Note: The local share of the cost is 50% of the grant amount and will be paid for by the T.I.D.

Sponsors: Ronald D. Hart

79. [Res.06-7356](#) Contract 46-06 (K6-049), City Hall Data Center Improvements

Resolved, that Contract 46-06 (K6-049), City Hall Data Center Improvements, be awarded to Ricchio, Inc., Gurnee, IL, at their bid price of \$399,700.00, it being the lowest responsible bidder.

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

\$205,000.00 - Account 403.986.5010, Computer Room Remodel
\$ 81,866.46 - Account 984.120.5030, MIS Room Remodel
\$112,833.54 - Account 987.100.5030, City Hall-IS Computer Room HVAC
\$399,700.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

80. [Res.06-7357](#) Agreement for Study of Structural Deficiencies in Railroad Bridges

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with HNTB Corporation for professional engineering services to study and detail structural deficiencies in the railroad bridges located at 6th

Street, Mound Avenue and 9th Street at a price not-to-exceed \$17,100.00 plus reimbursable expenses in the amount of \$500.00.

Further resolved, that funds to defray the cost of these professional services are available in Account 985.913.5050, Metra Study.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

81. [Res.06-7358](#) Agreement for Repair Strategy of the Central Heating Plant

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with HNTB Corporation for professional engineering services to determine the extent of defective conditions and develop a repair strategy for elements of the Central Heating Plant at a price not-to-exceed \$32,500.00.

Further resolved, that funds to defray the cost of these professional services are available in Account 987.210.5030, Central Heating Plant Structural Repairs.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

82. [Res.06-7359](#) Agreement fo Railing Replacement at Memorial Hall and the Safety Building

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Arnold & O'Sheridan, Inc. for professional services for Railing Replacement at Memorial Hall and the Safety Building at a price not-to-exceed \$9,400.00.

Further resolved, that funds to defray the cost of these professional services are available in the following accounts:

\$5,000.00 - Account 986.300.5020, Fire Station 1 Replace Railing

\$4,400.00 - Account 108.986.5510, Memorial Hall Railing Replacement

\$9,400.00

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

83. [Res.06-7360](#) Amendment for State Project ID: 2703-03-05

Resolved, that Amendment No. 1 to the three-party contract between the State of Wisconsin, City of Racine, and Clark-Dietz, Inc. for the preparation of plans and specifications for the reconstruction of Ohio Street from 16th Street to 21st Street, State Project ID #2703-03-05, be approved as submitted.

Fiscal Note: This amendment is for a change in the subconsultant with no change in the amount of the contract.

Sponsors: Ronald D. Hart

84. [Res.06-7361](#) Final Payment on Contract 36-06 (K6-038)

Resolved, that the work done by Lueck's, Inc., under Contract 36-06 (K6-038), Window Replacement at Fire Station No. 8, be accepted and final payment authorized for a total contract amount of \$31,912.00, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 06-7175, dated August 15, 2006.

Sponsors: Ronald D. Hart

85. [Res.06-7362](#) Final Payment on Contract 17-06 (K6-018)

Resolved, that the work done by Payne & Dolan, Inc., under Contract 17-06 (K6-018), Asphalt Paving, C.D.B.G., be accepted and final payment authorized for a total contract amount of \$312,813.17, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 06-7058, dated June 6, 2006.

Sponsors: Ronald D. Hart

86. [Res.06-7363](#) Final Payment on Contract 13-06 (K6-014)

Resolved, that the professional services provided by Earth Tech, Inc. under Contract 13-06 (K6-014), Construction Inspection Services for Lake Michigan Pathway, Phase II, be accepted and final payment authorized for a total contract amount of \$20,144.16, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 6884, dated February 7, 2006.

Sponsors: Ronald D. Hart

87. [Res.06-7364](#) 2007 Sewer Asset Management Services

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Earth Tech, Inc. for 2007 Sewer Asset Management

Services at a price not-to-exceed \$99,125.00.

Further resolved, that funds to defray the cost of these professional services are available in the following accounts:

\$49,562.50 - Account 104.986.5420, Storm Sewers
&49,562.50 - Account 986.907.5320, Sanitary Sewers
\$99,125.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

88. [Res.06-7365](#) Women, Infants, and Children Program's Amended Contract

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an amended contract with the State of Wisconsin Department of Health and Family Services for the Women, Infants, and Children Program (Grant Control Number 2006-049) for a revised amount of \$199,346 in the second year (2007) of a five year contact.

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

Sponsors: Raymond DeHahn and James T. Spangenberg

89. [Res.06-7366](#) Amended Contract with United Way

Resolved, that the Mayor and City Clerk be authorized to enter into an amended contract with United Way of Racine County, Inc. for an extension of the project from January 1, 2007 through June 30, 2007 with additional funding of \$34,000.

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

Sponsors: Raymond DeHahn and James T. Spangenberg

90. [Res.06-7367](#) Contract for Consolidated Grant

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a \$322,654 agreement with the State of Wisconsin, Department of Health and Family Services (Grant Control No. 2006-053) to be utilized for the Emergency Planning, Lead, Well Women Program, Immunizations, and Maternal Child Health.

Fiscal Note: There is an in-kind soft match of \$60,548 on the part of the City.

Sponsors: Raymond DeHahn and James T. Spangenberg

91. [Res.06-7368](#) Tobacco Prevention Control Program Contract

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a \$57,998 agreement with the State of Wisconsin, Department of Health and Family Services (Grant Control No. 2006-055) to be utilized for the Tobacco Prevention Control Program.

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

Sponsors: Raymond DeHahn and James T. Spangenberg

92. [Res.06-7369](#) Preparedness-City Readiness and Pandemic Influenza Contract

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a \$70,307 agreement with the State of Wisconsin, Department of Health and Family Services (Grant Control No. 2006-054) to be utilized for Preparedness - City Readiness and Pandemic Influenza.

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

Sponsors: Raymond DeHahn and James T. Spangenberg

93. [Res.06-7370](#) Boundary Extension of Down Payment Assistance Program

Resolved, that participants in the Individual Development Account (IDA) program be allowed to participate in the City Down Payment Program.

Fiscal Note: N/A

Sponsors: Sandy Weidner

94. [Res.06-7371](#) Certification of the Redevelopment Plan for Racine Steel Castings

Whereas, on December 6, 2006 the Redevelopment Authority of the City of Racine certified the Redevelopment Plan for the Racine Steel Castings Industrial Area to the Common Council; and

Whereas, section 66.1333 (6) (e), Wisconsin Statutes, provides that, following certification of a redevelopment plan to the Common Council, the Council "shall ...direct that no new construction be permitted ...including substantial remodeling or conversion or rebuilding, enlargement, or extension or major structural improvements on existing buildings..." unless authorized by the Common Council.

Resolved, that the Common Council adopts the restrictions provided for in

Section 66.1333 (6) (e), Wisconsin Statutes, for the land and buildings within the Racine Steel Castings Industrial Area.

Further resolved, that any party seeking a building permit for a property within the Racine Steel Castings Industrial Area shall first comply with the provisions of Chapter 114, Article III ("Conditional Uses"), Division 2 of the Municipal Code as the procedure for requesting Common Council authorization for new construction, alterations or improvements to property within the area.

Fiscal Note: The control of development in the redevelopment area will be handled by the existing conditional use permit process.

Sponsors: James T. Spangenberg

95. [Res.06-7372](#) Correction to 2005 and 2006 Assessment and Tax Rolls

Resolved, that Racine County Housing Authority assessments for 1911 Linden Avenue, Tax No. 09738000 be reduced in 2005 from \$59,000 to \$0 with the resulting credit of \$1,356.58, and in 2006 from \$70,000 to \$0, with the resulting credit of \$1,557.72.

Fiscal Note: There are sufficient funds available for this credit. Other taxing jurisdictions portions will be charged back to them when appropriate. The credits will be charged against account 101.990-5930, Real Estate and Personal Property taxes cancelled.

Sponsors: James T. Spangenberg

96. [Res.06-7373](#) Amendment to Project Plan for Tax Increment District No. 2

Whereas, the City of Racine created Tax Incremental District Number Two (TID No. 2) and approved a project plan for the District on June 24, 1983; and

Whereas, in October 2001, the City of Racine amended the project plan for TID No. 2 to allocate positive tax increments generated by TID No. 2 to other districts for a five year period; and

Whereas, Section 66.1105 (6) (f) Wisconsin Statutes allows for the project plan to be amended to provide for continued allocation of positive tax increments for an additional three years, which is the maximum statutory life of the District, if certain conditions are met.

Resolved, that the Common Council of the City of Racine finds as follows:

1. That the donor District, TID No. 2, and the recipient Districts, TIDs Nos. 3, 6 and 8, have the same overlying taxing jurisdictions.
2. That the proposed allocation of tax increments has been submitted to the Standing Joint Review Board for approval.

3. That the recipient Districts were created upon the findings that not less than 50 percent, by area, of the real property within each district was blighted or in need of rehabilitation.
4. That TID #2, the donor District, has satisfied all of its debt service and project cost obligations.
5. That the amendment does not extend the life of the donor District beyond its maximum period; TID No. 2 must close in 2009.

Further resolved, that the Second Amendment to the Project Plan for Tax Incremental District Number Two, City of Racine, as approved by the City Plan Commission on December 13, 2006, is hereby adopted.

Fiscal Note: N/A

Sponsors: James T. Spangenberg and Gregory Holding

97. [Res.06-7374](#) Permission to Apply for Grant with Wisconsin Waterways Commission

Resolved, that permission be granted for the Assistant Commissioner of Public Works/Engineering to apply for a \$112,000 grant with the Wisconsin Waterways Commission (Grant Control No. 2006-051) to be utilized for the installation of a floating dock on the north side of the Root River west of the Main Street Bridge.

Fiscal Note: Total project cost will be \$140,000 with the City's hard cash match at 20% or \$28,000. The City's match will be budgeted for in 2008 Capital Improvements.

Sponsors: James T. Spangenberg

98. [Res.06-7375](#) Permission to Apply for Grant with Wisconsin Waterways Commission

Resolved, that permission be granted for the Assistant Commissioner of Public Works/Engineering to apply for a \$15,000 grant with the Wisconsin Waterways Commission (Grant Control No. 2006-052) to be utilized for the installation of a boat pump-out station on the north side of the Root River west of the Main Street Bridge.

Fiscal Note: Total project cost will be \$20,000 with the City's hard cash match at 25% or \$5,000. The City's match will be budgeted for in the 2008 Capital Improvements.

Sponsors: James T. Spangenberg

99. [Res.06-7376](#) City's Wellness Program

Resolved, that permission be granted for the Wellness Committee to implement the items listed below to encourage participation from current City employees and families into the Wellness Program for a trial basis of 1 year to begin in 2007.

- 1.) The City will reimburse active, full-time employees up to 50% of annual membership costs for local health club or organizations up to a City maximum contribution of \$200 per employee/family.
- 2.) Payment to active, full-time employees shall be made upon presentation of a paid receipt or letter from a health organization of choice showing the employee has registered and has paid.
- 3.) Membership will expand to include approved listed organizations.

Fiscal Note: There are sufficient funds available in the Health Insurance Fund (405) for this program.

Sponsors: James T. Spangenberg

100. [Res.06-7377](#) Approve Collective Bargaining Agreement District 1199

Resolved, that the collective bargaining agreement between the City of Racine and District 1199, United Professionals for Quality Health Care/SEIU (Nurses) for 2006-2008, be approved.

Fiscal Note: The costs to the City for District 1199, United Professionals for Quality Health Care/SEIU (Nurses) will be in 2006, \$11,306.38; 2007, \$8,884.52; and 2008, \$14,890.14. Increases do not include potential savings from premium contributions and plan design changes.

Sponsors: James T. Spangenberg

101. [Res.06-7378](#) Annual Exemption to Use City Vehicles

Resolved, that permission be granted for the Explorer Scouts, Emergency Government, and off-duty police officers to utilize City of Racine vehicles during police related events contingent upon a signed hold harmless agreement, driver license checks, and vehicle insurance.

Fiscal Note: N/A

Sponsors: David L. Maack and James T. Spangenberg

102. [Res.06-7379](#) Execute Settlement Agreement for Cruise Inn

Resolved, that the proposed settlement agreement arising from the due process proceeding held on December 6, 2006 involving Cruise Inn be

approved and that the City Attorney be authorized and directed to execute all necessary documents.

Fiscal Note: N/A

Sponsors: David L. Maack

103. [Res.06-7380](#) Support of the Kenosha, Racine, and Milwaukee (KRM) Commuter Link Station Area Planning Program in Racine, Wisconsin

Whereas, the Counties and Cities of Milwaukee, Racine, and Kenosha, in cooperation with the Wisconsin Department of Transportation, are sponsoring a Transit Alternatives Analysis Corridor Study/Draft Environmental Impact Study for enhanced public transit service; and

Whereas, the project purpose and need is to provide high quality transit service connecting Kenosha, Racine, and Milwaukee Counties (KRM) with each other and with Northeastern Illinois thereby improving access to jobs and labor force, encouraging high density mixed use and more efficient land development around stations, and attracting increased transit ridership potentially reducing highway traffic volumes and congestion and attendant air pollutant emissions; and

Whereas, the KRM project seeks to meet the requirements of the Federal Transit Administration's (FTA) New Starts program in order for the project to be eligible for discretionary capital funding; and

Whereas, among other criteria, the FTA places importance on transit supportive land-use planning and development in transit station areas, as a means of building ridership to support proposed projects; and

Whereas, preliminary station area development plans for the Racine commuter rail station on the Union Pacific Railroad line at State Street have been developed and included as part of the *KRM Commuter Link Transit Supportive Land-Use Plans and Policies Portfolio*; and

Whereas, the City of Racine has reviewed the preliminary transit supportive land use plans and policies.

Now, therefore, be it resolved, by the Common Council of the City of Racine, that the City of Racine will benefit from the proposed expanded transit service connecting Kenosha, Milwaukee, and Racine Counties with each other and with Northeastern Illinois and also from the transit oriented development around its proposed commuter rail station.

Further resolved, that the station area plan developed as part of the *KRM Commuter Link* study for the City of Racine and included in the *Transit Supportive Land-Use Plans and Policies Portfolio* is consistent with the goals and objectives of the City of Racine's land use and comprehensive plans.

Further Resolved, that the City of Racine endorses the station area plan and policies and will take appropriate steps toward implementation as recommended as part of the *Transit Supportive Land-Use Plans and Policies Portfolio* if commuter rail is chosen for implementation.

Further Resolved, that the City of Racine urges FTA acceptance and endorsement of the complete *KRM Commuter Link Transit Supportive Land-Use Plans and Policies Portfolio*.

Fiscal Note: N/A

Sponsors: Gregory Holding

104. [Res.06-7381](#) Conditional Use Permit for 5502 Durand Avenue

Resolved, that the request from Rhonda Nicholson seeking a conditional use permit to locate a tattoo and body piercing establishment in Regency Mall, 5502 Durand Avenue, Suite 400 be approved, subject to the following conditions:

- a. That the plans stamped "Received November 16, 2006" and presented to the Plan Commission on November 29, 2006 be approved subject to the conditions contained herein.
- b. That an occupancy permit and all other applicable permits be obtained from the Building Inspection Department.
- c. That all requirements of the State Department of Health and Family Services be complied with.
- d. That all trash and recyclables be kept in closed containers and stored in the building until pick up.
- e. That no loitering be allowed in or around the business and that signs be posted in public view stating such a message.
- f. That tattoo and body piercing stations be screened from view from mall common areas.
- g. That the establishment's hours open to the general public extend no longer than from 10:00 a.m. to 9:00 p.m. Monday through Friday; 10:00 a.m. to 8:00 p.m. on Saturday; and 11:00 a.m. to 6:00 p.m. on Sundays. Client services shall cease one hour after closing or earlier if so directed by mall management.
- h. That the sale of food or drink shall not be allowed including the use of vending machines.
- i. That all signs be professionally made.
- j. That the interior remodeling and subsequent daily maintenance of the establishment be performed in a professional/workmen like manner.

- k. That all codes and ordinances be complied with and required permits acquired.
- l. 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.
- m. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

105. [Res.06-7382](#) Conditional Use Permit for 1101 Mound Avenue

Resolved, that the request of Stan Postorino seeking a conditional use permit associated with a mixed use development for 1101 Mound Avenue to allow up to 12 residential units, including ground floor residential units, be approved subject to the following conditions:

- a. That the plans stamped "Received, November 29, 2006" and presented to the Plan Commission on December 13, 2006 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That all conditions of approval as contained in Common Council Resolution No. 6647 of September 6, 2005 relating to a conditional use permit for warehouse and office facilities be complied with, unless modified herein.
- d. That an off-street parking plan and associated landscaping plan be provided that adequately accommodates all planned uses in this multi-use facility. Said plans shall be submitted to the Director of City Development for review and approval prior to the issuance of building permits for residential units above the Mound Avenue level and implement prior to the issuance of occupancy permits for residential units above the Mound Avenue level.
- e. That if occupancy is requested prior to the installation of parking and landscaping then a letter of credit equal to the value of the parking and landscape plan shall be submitted for the review and approval of the Director of City Development.
- f. That all trash and recyclables be stored in closed containers and screened from view.
- g. That all codes and ordinance 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 Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

106. [Res.06-7383](#) 2005-2006 Industrial/Commercial Building Revolving Loan Fund Plan Certification

Resolved, by the Common Council of the City of Racine, that the 2005 and 2006 Industrial/Commercial Building Revolving Loan Fund Plan Certifications are hereby approved.

Further resolved, that the Executive Director of the Racine County Economic Development Corporation is authorized and directed to transmit the certifications to the Economic Development Administration of the U.S. Department of Commerce.

Fiscal Note: N/A

Sponsors: James T. Spangenberg

107. [Res.06-7384](#) Approve Update of Racine County Strategic Economic Development Plan 3.0

Resolved, that the update of the Racine County Economic Development Plan 3.0, dated November 15, 2005, be approved.

Fiscal Note: N/A

Sponsors: James T. Spangenberg

108. [Res.06-7385](#) Agreement with Racine County Economic Development Corporation for Economic Development Assistance

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement between the City of Racine and the Racine County Economic Development Corporation (RCEDC) to provide economic development assistance to the City, commencing on February 1, 2007 and ending January 31, 2008, in the amount of \$65,682.00.

Fiscal Note: Funds are available in the 2007 Operating Budget.

Sponsors: James T. Spangenberg

109. [Res.06-7386](#) Agreement for City of Racine Industrial/Commercial Building - Revolving Loan Fund

Resolved, by the Common Council of the City of Racine, that the Mayor and City Clerk are authorized and directed to enter into an agreement or agreements for the re-capitalization of the City of Racine Industrial/Commercial Building - Revolving Loan Fund consistent with the terms and conditions set forth in the December 11, 2006 memorandum from the Racine County Economic Development Corporation to the Common Council. (06-2873)

Further resolved, that the City consents to the assignment of the existing loan portfolio and loan fund as collateral for a line of credit for the recapitalized fund.

Further resolved, that the City consents to the subordination of its position on the loans in the portfolio to the lender or lenders in the recapitalized fund.

Fiscal Note: The existing fund has used almost all of its capital for loans to Racine companies. The recapitalization will allow continuation of the program by providing a \$1.0 million line of credit at below prime interest rates for loans to Racine companies.

Sponsors: James T. Spangenberg

110. [Res.06-7387](#) Amendment to Boundary of the Development Zone in the City of Racine

Resolved, that the amendment to the boundary of the Development Zones in the City of Racine, dated December 6, 2006, is hereby approved.

Further resolved, that the Mayor be authorized and directed to submit the amended boundary to the Wisconsin Department of Commerce for its approval.

Fiscal Note: N/A

Sponsors: James T. Spangenberg

111. [Res.06-7388](#) Accept Proposed Settlement Agreement for Shocker's

Resolved, that the proposed settlement agreement arising from the due process proceeding held on December 14, 2006 for Shocker's be approved and that the City Attorney be authorized and directed to execute all necessary documents.

Fiscal Note: N/A

Sponsors: David L. Maack

I. **Miscellaneous Business**

J. **Adjourn**