



City of Racine

Journal of Council Proceedings

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, June 20, 2006

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

B. Pledge of Allegiance To The Flag

Mayor Becker led the Council in the Pledge of Allegiance to the Flag.

C. Approval of Journal of Council Proceedings (Minutes)

Minutes of the previous meeting were approved as printed on motion of Alderman Weidner.

D. Public Comments

*Susan Ness
Megan O'Driscoll
Paul Curtin
Kate Remington
Jim Chambers
Arlene Henning
Richard Hennig
John Sargen
John Mozol Jr.*

E. Communications

Refer to Finance and Personnel Committee

05-1279

Subject: Communication from the City Attorney submitting the claim of Raymond Leitheiser for consideration.

Recommendation: That the claim of Raymond Leitheiser be settled with payment of \$9,988.76 for vehicle repairs and an additional payment of \$18,000 for medical for a total settlement of \$27,988.76.

Fiscal Note: There are sufficient funds available in account

101.160.5910, Judgment and Claims for the settlement.

Referred to Finance and Personnel Committee

05-1260

Subject: Communication from the City Attorney submitting the claim of Jennifer Polzin-Groth for consideration.

Recommendation: That the claim be denied.

Jennifer Polzin-Groth, 1613 Perry Avenue, claims reimbursement in the amount of \$778 for items damaged during the sewer backup in her basement on or about May 8, 2006. The City received a complaint about the sewer system and the garbage blocking the main was cleared. It is impossible to determine who tried to flush the garbage into the sanitary system. The City responded promptly to correct the situation and therefore denies responsibility.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

06-2032

Subject: Communication from the City Attorney submitting the claim of Progressive Insurance for consideration.

Recommendation: That the claim be denied.

Progressive Insurance claims reimbursement in the amount of \$8,633.88 for damages to their insurer's auto, Ryan Smith, which slid on an icy roadway into the rear of a DPW Solid Waste collection truck that was backing into the intersection of Taylor Avenue and Jerome Blvd. The insurance company claims that the City's driver was more negligent by backing up than Mr. Smith was for sliding several car lengths into the back of the truck. The City denies it was more negligent than the other driver.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

06-2031

Subject: Communication from the City Attorney submitting the claim of Megan O'Driscoll for consideration.

Recommendation: That the claim be denied.

Megan O'Driscoll, 406 Main Street, apt. 2, claims reimbursement for damages to her auto after a temporary stop sign at the intersection of State Street and Main Street was blown over by unusually strong winds and struck the hood of her car as it was passing. The City denies any negligence in the maintenance of the stop sign.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

06-2030

Subject: Communication from the City Attorney submitting the claim of Dorothy Miller for consideration.

Recommendation: That the claim be denied.

Dorothy Miller, 309 Oregon Street, claims reimbursement in the amount of \$350 for replacement of a privet hedgerow separating her property from Lockwood Park that was cut down by Parks maintenance crews during the summer of 2005. Ms. Miller claims the privets were destroyed by the Parks crews and must be replaced. The City denies responsibility and the Parks Department says the privet hedgerow will grow back even if the Parks crew did cut them down.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

06-2029

Subject: Communication from the City Attorney submitting the claim of Jimmie & Lois Beaulieu for consideration.

Recommendation: That the claim be denied.

Jimme & Lois Beaulieu, 3312 Victory Ave, claim reimbursement for damages in the amount of \$196.60 arising from an auto striking his fence. The Beaulieus assert the City is liable due to the fact that the car was fleeing police officers. The City denies any negligence in the manner of pursuing the offenders.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

06-2090

Subject: Communication from the Director of City Development requesting approval to apply for the State of Wisconsin Housing Cost Reduction Initiative (HCRI) funding to promote home ownership in targeted areas of Racine.

Recommendation: That the Director of City Development granted permission to apply for the Housing Cost Reduction Initiative (HCRI) grant, in the amount of \$127,000, to be utilized to support home ownership in the north side and south side Weed and Seed areas that will be administered by the Wisconsin Department of Commerce's Bureau of Housing.

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

Referred to Finance and Personnel Committee

06-2091

Subject: Communication from the Housing Department requesting approval to enter into an on-line credit services agreement with Trans Union Residential Credit Solutions to receive credit reports on-line.

Recommendation: That the Mayor and City Clerk be authorized and directed to enter into an on-line credit service agreement with Trans Union Residential Credit Solutions to be able to receive credit reports on line for the Housing Department.

Fiscal Note: Fees for credit reporting service are available in Account No. 811.000.5610, Housing Department Professional Services.

Referred to Finance and Personnel Committee

06-2092

Subject: Communication from the City Attorney submitting a letter of resignation due to retirement.

Recommendation: That the item be received and filed.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

06-2103

Subject: Communication from the Public Health Administrator requesting permission to accept funding with the Cities United for Science Progress and the U.S. Conference of Mayors and DuPont in the amount of \$175,000, to be utilized for the elimination of childhood lead poisoning.

Refer to the Board of Health.

Recommendation of the Finance & Personnel Committee 06-26-06:

That the Mayor and City Clerk be authorized and directed to enter into an agreement in the amount of \$175,000, with the Cities United for Science Progress and the U.S. Conference of Mayors and DuPont (Grant Control No. 2006-019) funds to be utilized for the elimination of childhood lead poisoning.

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

Referred to Finance and Personnel Committee

Referred to Board of Health

06-2107

Subject: Communication from the Public Health Administrator requesting permission to accept additional funding in the amount of \$14,521 with the Wisconsin Department of Health and Family Services to be utilized for the Women, Infants and Children Program.

Refer to the Board of Health.

Recommendation of the Finance & Personnel Committee 06-26-06:

That the Mayor and City Clerk be authorized and directed to enter into an amended contract with the Wisconsin Department of Health and Family Services for the Women, Infants and Children Program (Grant Control No. 2005-048).

Fiscal Note: Contract is in the increased amount of \$14,521 with no match required on the part of the City.

Referred to Finance and Personnel Committee

Referred to Board of Health

06-2113

Subject: Communication from the Director of City Development requesting amendments to the agreement for a site assessment grant for the Horlick Malted Milk Company campus.

Recommendation: That the Mayor and City Clerk be authorized and directed to enter into amended contracts with PARSS, Professional Asbestos Removal and Survey Services Corp, and Balestrieri Environmental & Development, Inc. to provide the funding necessary to satisfy the site assessment grant for the Horlick Malted Milk Company campus.

Fiscal Note:**Referred to Finance and Personnel Committee**[06-2121](#)**Subject:** Communication from the Library Board of Trustees requesting the City adopts a resolution to support the libraries in Racine County.**Recommendation:** Adoption of the draft resolution to provide 100% reimbursement for library services provided to Racine County residents.**Fiscal Note:** N/A**Referred to Finance and Personnel Committee**[06-2124](#)**Subject:** Communication from the Public Health Administrator requesting permission to accept funding from the Centers for Disease Control in the amount up to \$106,692 to be utilized for the Lead Poisoning Prevention Program.

Refer to the Board of Health.

Recommendation of the Finance & Personnel Committee 06-26-06:

That the Mayor and City Clerk be authorized and directed to enter into an agreement in the amount up to \$106,692 with the Centers for Disease Control funds to be utilized for the Lead Poisoning Prevention Program (Grant Control No. 2006-010).

Fiscal Note: 50% in-kind soft match required on the part of the City.**Referred to Finance and Personnel Committee****Referred to Board of Health****Refer to Public Works and Services Committee**[06-2088](#)**Subject:** Communication from the Commissioner of Public Works/City Engineer wishing to submit a Green Space and Public Facilities Grant to the Wisconsin Department of Natural Resources.**Referred to Public Works and Services Committee**[06-2095](#)**Subject:** Communication from the owner of Too Good to be Through, 720

High Street, requesting permission to install a projecting sign over the public right-of-way.

Referred to Public Works and Services Committee

[06-2096](#)

Subject: Communication from Rojo's Pub, 1311 Yout Street, requesting permission to close Charles Street between Douglas Avenue and Yout Street for a fundraiser on Saturday, July 29, 2006.

Referred to Public Works and Services Committee

[06-2099](#)

Subject: Communication from the Director of City Development submitting an amendment to the contract with Earth Tech, Inc., for design and engineering of Southside Industrial Park Infrastructure.

Referred to Public Works and Services Committee

[06-2100](#)

Subject: Communication from the Commissioner of Public Works/City Engineer submitting a revised project agreement for Racine Street reconstruction, ID 2350-10-00/20/70.

Referred to Public Works and Services Committee

[06-2102](#)

Subject: Communication from the Commissioner of Public Works/City Engineer requesting to fill a Stationary Engineer position in the Building Complex Division.

Referred to Public Works and Services Committee

[06-2117](#)

Subject: Communication from Claes Wennerth of Alloc Inc., submitting a Supplemental Agreement between the Union Pacific Railroad Company and the City of Racine relating to the Alloc rail spur.

Referred to Public Works and Services Committee

[06-2118](#)

Subject: Communication from James Andrews requesting an ordinance to allow electric energy efficient vehicles on the roads.

Referred to Public Works and Services Committee

Refer to License and Welfare Committee

[06-2089](#)

Subject: The following (renewal) applications for a 2006-2007 "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for:

La Condesa, LLC 1743 State Street
Margarita Vasquez, Agent

Hillside Lanes, Inc. 1400 Thirteenth Street
Richard Wonders, Agent

Referred to License and Welfare Committee[06-2094](#)

Subject: Application of K-ZAG Enterprise, LLC., Jon Keiffer, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1300 N. Main Street.

Referred to License and Welfare Committee[06-2101](#)

Subject: Request permission to enter into an agreement with Industrial Roofing Services, Inc. to prepare plans and specifications for paint removal, masonry restoration and construction management at Mound Cemetery maintenance building.

Referred to License and Welfare Committee[06-2112](#)

Subject: (New) The following Application for a "Class C" & Class "B" Fermented Malt Beverage and Wine License to include Sidewalk Cafe Permit for Javavino, 424 Main Street.

Also refer to City Plan Commission.

Referred to License and Welfare Committee**Referred to City Plan Commission**[06-2119](#)

Subject: (New) Application of Waheguru, LLC, Satinder Singh, Agent, for a Class "A" Retail Fermented Malt Beverage Intoxicating Liquor License for 1720 Douglas Avenue. (4th District)

(Alderman of the 4th District included in reference) (The agent has been requested to appear)

Referred to License and Welfare Committee**Refer to Transit and Parking Commission**[06-2084](#)

Subject: Communication from Family Service of Racine requesting the extension of the trolley service on Sunday, August 6, 2006 to the DeKoven Center at 20th and Wisconsin for the Taste of Racine. **Eric Rautenberg invited to the meeting.**

Referred to Transit and Parking Commission[06-2085](#)

Subject: Communication from the Wisconsin Department of Transportation submitting a 2006 CMAQ marketing contract for the Belle Urban System.

Referred to Transit and Parking Commission[06-2111](#)

Subject: Communication from the Kenosha Racine Bike Club requesting permission for the Belle Urban System to accept a \$1,500 donation for the purchase of bike racks for city buses. **Richard Wadleigh invited to the meeting.**

Referred to Transit and Parking Commission[06-2115](#)

Subject: Communication from the Transit Planner submitting the May 2006 operating and financial report for Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service.

Referred to Transit and Parking Commission**Refer to City Plan Commission**[06-2122](#)

Subject: Compliance review of the conditional use permit for the Journal Times to expand operations at 212 & 300 Fourth Street.

Referred to City Plan Commission**Refer to Community Development Committee**[06-2093](#)

Subject: Project New Life requests an extension to January 1, 2007 of its 2005 Community Development Block Grant for the Nehemiah Place project.

Referred to Community Development Committee[06-2120](#)

Subject: Communication from Mayor Becker wishing to meet with CDBG

committee to discuss the use of HOME funds or CDBG funds to help sponsor a tour of affordable homes, and home buying fair.

Referred to Community Development Committee

F. Committee Reports

Finance and Personnel Committee Report

06-2033 **Subject:** (Direct Referral) Communication from the City Attorney requesting a transfer of funds between accounts for purchase of computer furniture and a new chair for the Deputy City Attorney.

Recommendation: That \$1,500 be transferred from account 101.160.5010, Salaries and placed in account 101.160.5430, Furniture & Equipment Under \$5,000 to be utilized for the purchase of computer furniture and chair for the Deputy City Attorney.

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

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

06-1941 **Subject:** Communication from the Interim Finance Director requesting to appear before the committee to discuss filling a part-time payroll technician position.

Recommendation: That the position of part-time payroll technician in the Finance Department be filled.

Fiscal Note: Funding for this position is provided for in the 2006 budget.

Received and Filed as Reported

06-1977 **Subject:** Communication from the Director of Human Resources requesting, in closed session, to discuss a summary of the collective bargaining agreement between the City of Racine and the Racine Police Staff Officers' Association for 2005-2006 and 2007-2008.

Recommendation: That the collective bargaining agreement between the

City of Racine and the Racine Police Staff Officers' Association for 2005-2006 and 2007-2008 be approved.

Fiscal Note: That the cost to the City will be in 2006, \$40,507.63 and 2007, \$34,527.99, minus potential savings due to \$10 physician visit charge and \$100 emergency room visit charge.

Received and Filed as Reported

[COrd.0002-06](#) CHARTER ORDINANCE - To amend Sec. 4-31(d) of the Charter Ordinances relating to Budget - Date of adoption.

To amend Sec. 4-31(d) of the Charter Ordinances of the Municipal Code of the City of Racine, Wisconsin relating to Budget - Date of adoption.

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

Part 1:

Sec. 4-31(d) of the Charter Ordinances of the Municipal Code of the City of Racine is hereby amended by deleting the phrase ", on or before November 20" and inserting "at its second regular meeting of November" in its place.

Part 2:

This ordinance shall take effect 60 days after passage and publication, subject to Wis. Stat. s. 66.0101(5).

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Recommendation: That Charter Ordinance 0002-06 be adopted.

FISCAL NOTE: N/A

Adopted

Ord.24-06

Ordinance No. 24-06 to amend Sec. 2-453 of the Municipal Code relating to City Clerk - presenting communications.

ORDINANCE NO. 24-06

To amend Sec. 2-453 of the Municipal Code of the City of Racine, Wisconsin relating to Administration - City Clerk; Presenting communications.

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

Part 1:

Sec. 2-453 of the Municipal Code of the City of Racine is hereby amended by deleting the phrase "5:00 p.m. of the day" and inserting "noon on the Friday" in its place.

Part 2:

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

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Recommendation: That Ordinance 24-06 be adopted.

FISCAL NOTE: N/A

Adopted

06-2051

Subject: Communication from the Human Resource Director requesting to, in closed session, discuss collective bargaining agreement between the City of Racine and the International Association of Fire Fighters, Local No. 321, AFL-CIO for 2006-2008.

Recommendation: That **the** collective bargaining agreement between the City of Racine and the International Association of Fire Fighters, Local No. 321, AFL-CIO for 2006-2008 be approved.

Fiscal Note: That the costs to the City will be in 2006, \$236,682.20; 2007, \$378,511.98; and 2008, \$348,420.46. Increases do not include potential savings from premium contributions and plan design changes.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

06-2062

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting to apply for a one-year grant from Target Corp. (Grant Control No. 2006-029) in the amount of \$2,500.00 for the Mayor's Back to School - Stay in School program.

Recommendation: That permission granted for the Director of Parks, Recreation and Cultural Services to apply for the one-year grant from Target Corporation (Grant Control No. 2006-029) in the amount of \$2,500 to be utilized for the Mayor's Back to School/Stay in School program.

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

A motion was made by Alderman Spangenberg to Adopt the Report. Adopted by the following vote:

AYES: Fair, Anderson, Hermes, Kaplan, Maack, Weidner, Dehahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Public Works and Services Committee Report

06-1742

Subject: Communication from Mayor Becker wishing to meet with the appropriate committees to discuss the selling of an excess parking lot on Villa Street between 7th & 8th Streets.

Transit & Parking Recommendation: The Villa Street half of the Park-Villa Parking Lot be declared surplus and that the matter be referred to the Public Works and Services Committee for disposal of the surplus property.

Fiscal Note: The Parking System will generate an unknown amount of revenue from the sale of this parking lot.

CPC 4-26-06

Recommendation: Adopt, as proposal is consistent with City plans and

programs.

Fiscal Note: N/A

Recommendation of the Public Works and Services Committee

(6-13-06): That Lot 7 and the north 40' of Lot 10 of Block 6, School Section, a recorded plat in the City of Racine, Racine County, Wisconsin, be donated to the Habitat for Humanity with the following stipulations:

A. Habitat for Humanity pay all costs associated with the transfer of this property.

B. Habitat for Humanity be required to build upon this property within two (2) years from the date of closure with the stipulation that if they fail to do so, the property reverts back to City ownership.

C. Habitat for Humanity submit design drawings for any structures to be placed on this property to the Director of City Development for his review and approval.

Fiscal Note: The City Assessor has estimated the value of this property to be from \$36,000.00 to \$40,000.00.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[06-1899](#)

Subject: Communication from Godske Awnings & Textiles, Inc. requesting permission to put awnings on the property at 440 Main Street.

Recommendation: The property owner of 440 Main Street be granted permission to install stationary, projecting awnings, 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.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[06-1973](#)

Subject: Communication from the Caledonia Historical Society requesting to obtain the flagpole from the former Walker Manufacturing site.

Recommendation: Permission be granted to the Caledonia Historical

Society to remove the flagpole from the former Walker Manufacturing site contingent upon a Hold Harmless Agreement being executed and a Certificate of Insurance being provided to the City of Racine.

Fiscal Note: Not applicable.

A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.

06-1981

Subject: Communication from Chief of Police David H. Spenner, requesting reserved parking spaces for civilian employees, who arrive and leave work during hours of darkness, in the Annex Parking Lot.

Recommendation: The request of the Chief of Police to reserve 10 parking spaces for civilian employees be approved.

Fiscal Note: There will be nominal costs to provide the necessary signage to reserve these spaces.

A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.

06-1995

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a proposal from HNTB for professional engineering services to investigate a structural problem at the Main Street Bridge.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into a professional services contract with HNTB to provide professional engineering services to investigate a structural problem at the Main Street Bridge at a cost not-to-exceed \$25,500.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 101.520.5500, Repairs and Maintenance. Any costs associated with these repairs are reimbursable by the State of Wisconsin.

Fiscal Note: Funds are available as herein delineated.

A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.

06-2021

Subject: Communication from the YMCA, 725 Lake Avenue, requesting to renew the lease for the parking lot adjacent to their property.

Recommendation: The communication be received and filed.

Fiscal Note: Not applicable.

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2047

Subject: Communication from Godske Awnings & Textiles, Inc. requesting permission to install awnings on the property at 2355 Meachem Street.

Recommendation: The property owner of 2355 Meachem Street be granted permission to install stationary, projecting awnings, 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.

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2053

Subject: Communication from the Commissioner of Public Works/City Engineer submitting a Relocation Plat for the acquisition of land necessary for the extension of Oakes Road between 16th Street south to the city limits.

Recommendation: The Relocation Plat for the acquisition of land necessary for the extension of Oakes Road from 16th Street south to the city limits be approved.

Further recommends that the City Attorney be authorized and directed to take the necessary steps for the acquisition of land for this project.

Fiscal Note: Funds to defray the cost of land acquisition will be provided from sewer revenue dollars.

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2064

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 11-05 (K5-016), 2005 Pavement Inspections, Earth Tech, Inc., contractor.

Recommendation: The work of Earth Tech, Inc., under Contract 11-05 (K5-016), 2005 Pavement Inspections, be accepted and final payment authorized for a total contract amount of \$82,615.58.

Fiscal Note: Contract was authorized under Resolution No. 6404 of March 1, 2005.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

06-2065

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 30-05 (K5-037), Street Paving, LaLonde Contractor's, Inc., contractor.

Recommendation: The work of LaLonde Contractors, Inc., under Contract 30-05 (K5-037), Street Paving, be accepted and final payment authorized for a total contract amount of \$1,009,415.47.

Fiscal Note: Contract was authorized under Resolution No. 6536 of June 21, 2005.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

06-2068

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 07-06 (K6-007), 2006 CCTV Services and Manhole Inspection, Green Bay Pipe & TV, LLC, contractor.

Recommendation: Change Order No. 1 on Contract 7-06 (K6-007), 2006 CCTV Services and Manhole Inspection, Green Bay Pipe & TV, LLC, contractor, as submitted, be approved in the amount of \$11,825.00.

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

\$ 5,912.50 - Account 986.907.5310, Sanitary Sewers, Var. Locations

\$ 5,912.50 - Account 1s

\$11,825.00 - Total

Fiscal Note: Funds are available as herein delineated.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

06-2070

Subject: Ordinance 22-06 to amend Sec. 2-291 of the Municipal Code relating to Administration - Transit and Parking Commission.

Recommendation: Ordinance 22-06 to amend Sec. 2-291 of the Municipal Code relating to Administration - Transit and Parking Commission, be adopted.

Fiscal Note: Not applicable.

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2071

Subject: Ordinance 23-06 - To create 94-166 of the Municipal Code relating to Traffic and Vehicles - Area privilege fees at all times.

Recommendation: Ordinance 22-06 to amend Sec. 2-291 of the Municipal Code relating to Administration - Transit and Parking Commission, be adopted.

Fiscal Note: Not applicable.

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2087

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering, submitting Change Order No. 2 on Contract 58-05 (K5-066), 2005 CCTV Services and Manhole Inspections, Green Bay Pipe & TV, contractor.

Recommendation: Change Order No. 2 on Contract 58-05 (K5-066), 2005 CCTV Services and Manhole Inspections, Green Bay Pipe & TV, LLC, contractor, as submitted, be approved in the amount of \$450.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 104.985.5420, Storm Sewer, Various Locations.

Fiscal Note: Funds are available as herein delineated.

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2097

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitted a request for final payment on Contract 54-05 (K5-061), Razing of 1750 Phillips Avenue, Walter's Wrecking, Inc., contractor.

Recommendation: The work of Walter's Wrecking, Inc., under Contract 54-05 (K5-061), Razing of 1750 Phillips Avenue, be accepted and final payment authorized for a total contract amount of \$255,214.03.

Fiscal Note: Contract was authorized under Resolution No. 6642 of September 6, 2005.

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2098

Subject: Direct Referral. Communication from the Asst. Commissioner of Public Works/Engineering, submitting Change Order No. 1 on Contract 02-06 (K6-002), Racine Street Sanitary Sewer Lining, Visu-Sewer Clean & Seal, contractor.

Recommendation: Change Order No. 1 on Contract 2-06 (K6-002), Racine Street Sanitary Sewer Lining, Visu-Sewer Clean & Seal, contractor, as submitted, be approved in the amount of \$5,407.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 986.907.5610, Sanitary Sewer Construction, Various Locations.

Further recommends that a time extension, until October 31, 2006, be approved.

Fiscal Note: Funds are available as herein delineated.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

Council Action

A motion was made by Alderman Hart to Adopt the Report. Adopted by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

License and Welfare Committee Report06-1982

Subject: Communication from the Police Chief requesting permission to enter into the 2006 Municipal Reimbursement Agreement for the Milwaukee High Intensity Drug Trafficking Area program (H.I.D.T.A.), with Racine County Sheriff's Department, Grant Control No. 2006-028.

Item also referred to License & Welfare Committee.

Recommendation of the Finance & Personnel Committee 06-12-06:

That the Mayor and City Clerk be authorized and directed to enter into an agreement for reimbursement of overtime costs with Racine County for the Milwaukee High Intensity Drug Trafficking Area program (Grant Control No. 2006-028).

Recommendation of the License & Welfare Committee 06-12-06:

That the Mayor and City Clerk be authorized and directed to enter into an agreement for reimbursement of overtime costs with Racine County for the Milwaukee High Intensity Drug Trafficking Area program (Grant Control No.

2006-028).

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

Received and Filed as Reported

[06-1984](#)

Subject: Communication from the Police Chief requesting permission to enter into the 2006 Metro Drug Unit Operations contract, in the amount of \$25,000, with Racine County Sheriff's Department, Grant Control No. 2006-027.

Item also referred to License & Welfare Committee.

Recommendation from the Finance & Personnel Committee

06-12-06: That the Mayor and City Clerk be authorized and directed to enter into a contract with Racine County Sheriff's Department to receive \$25,000 in sub-recipient funding (City Grant Control No. 2006-027) for the 2006 Metro Drug Unit Operations, contingent on written confirmation that all granting agency requirements will be followed.

Recommendation from the License & Welfare Committee 06-12-06:

That the Mayor and City Clerk be authorized and directed to enter into a contract with Racine County Sheriff's Department to receive \$25,000 in sub-recipient funding (City Grant Control No. 2006-027) for the 2006 Metro Drug Unit Operations, contingent on written confirmation that all granting agency requirements will be followed.

Fiscal Note: The \$25,000 will be utilized for the 2006 Metro Drug Unit Operations. No match required on the part of the City.

Received and Filed as Reported

[06-1985](#)

Subject: Communication from the Interim Fire Chief requesting to enter into an agreement with Anthem Blue Cross and Blue Shield of Wisconsin for health care service reimbursement that is based on Medicare criteria for ambulance reimbursement. Requesting that the City Attorney be included in reference.

Recommendation: That the Mayor and City Clerk be authorized and directed to enter into an agreement with Anthem Blue Cross and Blue Shield of Wisconsin for health care reimbursement based on Medicare criteria for

ambulance reimbursement.

Recommendation of the License & Welfare Committee 06-12-06:

That the Mayor and City Clerk be authorized and directed to enter into an agreement with Anthem Blue Cross and Blue Shield of Wisconsin so that the Racine Fire Department is able to bill and receive reimbursement for ambulance service that is based on Medicare criteria.

Fiscal Note: N/A

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

Ord.21-06

Ordinance No. 21-06 to amend Sec. 2-206 of the Municipal Code relating to Administration - Civic Centre Commission.

ORDINANCE NO. 21-06

To amend Sec. 2-206 of the Municipal Code of the City of Racine, Wisconsin relating to Administration - Civic Centre Commission.

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

Part 1:

Sec. 2-206 of the Municipal Code of the City of Racine is hereby amended by deleting in the third sentence the phrase, "one representative from the parks, recreation and cultural services commission" and by deleting the word "six" in the third sentence to read "seven".

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

Recommendation of the License & Welfare Committee of 06-12-06: That Ord. 21-06 relating to Administration - Civic Centre Commission be adopted.

Fiscal Note: N/A

A motion was made that this Ordinance be Received As Read. The motion was **APPROVED.**

06-2002

Subject: The following renewal applications for a "CLASS A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2006-2007:

Fresh Brands Distributing, Inc. 3900 Erie Street
Robert G. Helvick, Agent

Fresh Brands Distributing, Inc. 4011 Durand Avenue
David Losiniecki, Agent (**CHANGE OF AGENT**)

Georgetown Markets, Inc. 3710 Meachem Road
Edward J. Trudeau, Agent

Aldi, Inc. 3110 Douglas Avenue
Joan Kavanaugh, Agent

Braun's Specialties, Inc. 345 Main Street
Tommy Dale Braun, Agent

Phesal E. Ckadan 1812 Sixteenth Street

Colonial Liquor, Inc. (**CHANGE OF TRADE NAME**) 2813 Taylor Avenue
Ilesh Patel, Agent

Maria C. Davalos 1336 State Street

Dandee Liquor, Inc. 3700 Meachem Road
Vishnu Patel, Agent

Purvi & Mishali, Inc. 1401 Washington Avenue
Parit Patel, Agent

Champion Liquor and Food, LLC 1629 Douglas Avenue
Jarnail Singh, Agent

Mohammed A. Shehadeh 1949 Racine Street

Karen D. Kong 817 S. Main Street

Payal & Pikul, Inc. Jagdish R. Patel, Agent	1856 Taylor Avenue
Sami Ali	3322 Sixteenth Street
C & D Peterson Investments, Inc. Coy Peterson, Agent	3900 Durand Avenue
Jamil Muhammad	1711 N. Main Street
Younis, LLC Younis Abdallah, Agent	1201 S. Memorial Drive
Neha, Incorporated Vikram S. Desai, Agent	2418 Douglas Avenue
Sam's East, Inc. Jenelle Duncan, Agent	6200 Regency West Drive
Timer's of Racine, Inc. Shawn D. Voss, Agent	3800 Northwestern Avenue
Mega Marts, Inc. Ralph D. Malicki, Agent	2406 S. Green Bay Road
Mega Marts, Inc. Mark C. Rehbein, Agent	2210 Rapids Drive

Recommendation of the License & Welfare Committee 06-12-06:

That the Change of Agent be approved and the remainder of the licenses be granted.

Fiscal Note: N/A

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2003

Subject: The following renewal applications for a "CLASS B" Retail Fermented Malt Beverage and Inoxicating Liquor License for 2006-2007:

Alice F. Warren	963 Dr. M.L. King, Jr. Drive
Harbor Lite Yacht Club, Inc. John Whaley, Agent	559 State Street
American Legion Post #546 James Price, Agent	1234 Douglas Avenue
TTDH, Inc. Gus Tousis, Agent	2100 Douglas Avenue
Dennis Pias	1756 Taylor Avenue
Jane Deplecyn	1518 Washington Avenue
Fraternal Order of Eagles Aerie 281, Inc. Richard C. Fortier, Agent	319 Hamilton Street
Anchor Inn & Bowling Corporation John Landerman, Agent	3701 Durand Avenue
Bucket's Pub, Inc. Charles F. Brandt, Agent	2031 Lathrop Avenue
Marion Wawiorka	1415 Washington Avenue
El Cotorreo, Inc. Jong Pong Chang, Agent	1224 Sixteenth Street
R. Hoey Enterprises, LLC Richard P. Hoey, Agent	1653 Taylor Avenue

Mike Williams	1403 Superior Street
Rojo's Pub, LLC Joseph A. Vlasak, Agent	1317 Yout Street
Ian Investments, LLC Pedro Sanchez, Agent	1318 Douglas Avenue
Roger's Place, Inc. Roger Springsteen, Agent	1843 N. Wisconsin Street
GMRI, Inc. Jeffery Zimmerman, Agent	6000 Durand Avenue
DL, Inc. Darlene Louise Larson, Agent	1100 Douglas Avenue
Infusino's All Sports, LLC Egidio Infusino, Agent	3458 Rapids Drive
James J. Graves	223 Gaslight Circle
Derango, LTD Benedetto F. Derango, Agent	3840 Douglas Avenue
Infusino Pizzeria & Restaurant, Inc. Emilio Infusino, Agent	3225 Rapids Drive
Lenny Hand	835 Washington Avenue
Racine Art Museum Assoc., Inc. Laura L. D'Amato, Agent (CHANGE OF AGENT)	441 Main Street
Shillings Irish Pub, LLC	611 Wisconsin Avenue
John Patrick McAuliffe	3700 Meachem Road
Infusino Pizzeria & Restaurant, Inc. Emilio Infusino, Agent	3201 Rapids Drive
Yong Fa, Inc. Mei H. Li, Agent	2409 S. Green Bay Road
John Erby, LLC	1111 Washington Avenue

Lee Allen Gaither	1300 Sixteenth Street
Richard J. Pugh, Inc.	209 Dodge Street
Clifton Reed	1348 State Street
TLV, Inc. Timothy L. Vite, Agent	2054 Lathrop Avenue
Ronald L. Petersen Judith A. Petersen	509 Sixth Street
Edith R. Derosé	1444 Blake Avenue
Hi-O, Inc. Michael A. Henes, Agent	1816 Seventeenth Street
DDM Investments, LLC David Savaglio, Agent (CHANGE OF AGENT)	2416 Lathrop Avenue
Hammes Tavern, LLC Michael J. Hammes, Agent	2005 Taylor Avenue
Tommy Daniels	901 S. Memorial Drive
Brucker LTD Justin Coe, Agent	1921 Dekoven Avenue
Peg & Lou's, LLC Randall L. Larson, Agent	5840 Durand Avenue
Peg & Lou's Bar and Grill, LLC Peggy L. Larson, Agent	3113 Douglas Avenue
Joey's On Taylor, LTD Joseph G. Legath, Agent	1863 Taylor Avenue
Joey's On 6th, LLC Joseph G. Legath, Agent	910 Sixth Street
Daniel Z. Takerian, Inc. Daniel Z. Takerian, Agent	2322 Lathrop Avenue
Uncorkt, LLC Cheryl A. Etes, Agent	211 Sixth Street

Coy & Diane Investments, Inc. Coy Peterson, Agent	5200 Washington Avenue
Steven L. Matson	107 Fourth Street
Pub On Wisconsin, Inc. Amy Arendt, Agent	525 Wisconsin Avenue
Dino Dominici	1816 Sixteenth Street
Veteran's Club William F. Ehrlich Post #1391, Inc. 820 Main Street Steve Heether, Agent (CHANGE OF AGENT)	
Mr. Kool's Sports Bar, LLC James O. Oliver, Sr., Agent	1330 Washington Avenue
Carol R. Casper	1659 N. Main Street
Diana L. Smith-Benson	1019 State Street
Teezers Of Racine, Inc. Erin E. Anstett, Agent	1936 Lathrop Avenue
Wilbur Jones BBQ Restaurant	515 Sixth Street
Wilbur Jones	501 High Street
Alejandro Nunez	1240 Washington Avenue
Ricky's Place, Inc. Richard A. Smetana, Agent	236 Main Street
Castle Lanes Of Southeastern, WI, Inc. Phillip G. Ontko, Agent	5615 Castle Court
Lubna Investments, LLC Amer Assad, Agent	1632 Douglas Avenue
CBI, Inc. Carl Stewart, Agent	1446 Dr. M.L. King, Jr. Drive
Buona Vita Corporation Achille Cortese, Agent	3701 Durand Avenue

Double D's Jam, Inc. Daniel Joseph Daams, Agent	1922 Sixteenth Street
Double D's Jam, Inc. Daniel Joseph Daams, Agent	1307 Douglas Avenue
Salute, Incorporated Gemma De Bartolo-Wells, Agent	314 Main Street
Casablanca de Mexico, Inc. Blanca L. Webers, Agent	230 Main Street
Sunami Cafe, LLC Hae Young Choi, Agent	518 College Avenue
Historic Century Market, Inc. James Spodick, Agent	522 Sixth Street
Demark's Bar and Restaurant, Inc. Sharon A. Burman, Agent	1600 Albert Street
Demark's Bar and Restaurant, Inc. Sharon A. Burman, Agent (AMENDED PREMISE DESCRIPTION)	1600 Albert Street
WLS Wild Bill, Inc. William Sorenson, Agent	1641 Douglas Avenue
Nine, Inc. Benjamin Nelson, Agent	213 Sixth Street
Blue Rock Lounge, LLC Mark R. Thomas, Agent	306 Sixth Street
Rogene Marie Katt	1328 Superior Street
6200 West, Inc. Douglas E. Nicholson, Agent	1012 Main Street
N & G, LLC Sam Naimi, Agent	3700 Northwestern Avenue
Mario Tavar	1510 Junction Avenue
Jack J. Moreno	3620 Northwestern Avenue

Max Mueckler 3101 Douglas Avenue

Jose' Maldonado 1423 State Street
Maria E. Maldonado, Agent (**CHANGE OF AGENT**)

The Ice Box Bar & Grill, LLC 2328 Douglas Avenue
(CHANGE OF CORP. NAME)
Richard J. Tempesta, Agent

Karintha L. Porter 1436 Junction Avenue

Ruben Martinez 1501 Prospect Street
Esperanza Martinez

Baldo's Mexican Restaurant (**NEW**) 3408 Douglas Avenue

Restaurant of Racine, Inc. 207 Gaslight Circle
Brian Grabher, Agent (**CHANGE OF AGENT**)

John P. Jensen 2203 DeKoven Avenue

Racine Theatre Guild, Inc. 2519 Northwestern Avenue
Douglas Instenes, Agent

Liquid Productions, LLC 961 Dr. M.L. King, Jr. Dr.
Michael Mlsna, Agent

The Brother's Club 1846 Mead Street
Melvin Bumpus, Agent

Ian Investments, LLC 1318 Douglas Avenue
Pedro Sanchez, Agent

Recommendation of the License & Welfare Committee of 06-12-06:

That the Change of Agents be approved and the remainder of the licenses be granted.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.

06-2004

Subject: The following renewal applications for a "CLASS B" CLUB Retail Fermented Malt Beverage and Intoxicating Liquor License for 2006-2007:

Fifth Street Yacht Club of Racine, Inc. 761 Marquette Street
James C. Muleski, Agent

Racine Yacht Club, Inc. 1 Barker Street
Patricia Landreman, Agent

Racine Country Club 2801 Northwestern Avenue

Recommendation of the License & Welfare Committee of 06-12-06:

That the licenses be granted.

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2005

Subject: The following renewal applications for a "CLASS C" & CLASS "B" Retail Fermented Malt Beverage and Wine License for 2006-2007:

Barney's Memphis Style Ribs, LLC 2920 Taylor Avenue
Robert J. Becker, Agent

CEC Entertainment, Inc. 5612 Durand Avenue
William Cobb, Agent(**CHANGE OF AGENT**) **CHANGED 6-7-06**

The following vote was taken for the Change of Agent for William Cobb:

Ayes: Hermes, Kaplan, Shakoor

Noes: Holding

Whey Chai Chinese Restaurant, LLC 400 Main Street
Michael Mei, Agent

Walters & Woods Corporation 2011 Lathrop Avenue
Patricia Cruz, Agent

The Char-Grill, Inc.(Direct referral) 3839 Douglas Avenue
Jeff Marsh, Agent
(Added 6-7-06)

Recommendation of the License & Welfare Committee of 06-12-06:

That a motion was made by Alderman Shakoor to approve the Change of Agent. The Change of Agent for CEC Entertainment, Inc. was approved by the following vote:

AYES: Hermes, Kaplan, Shakoor

NOES: Holding

Motion was made by Alderman Shakoor to approve the remainder of the above licenses.

Fiscal Note: N/A

Alderman Maack left at 6:30 P.M. and Alderman Shakoor chaired the remainder of the meeting.

A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.

06-2006

Subject: The following renewal applications for a CLASS "A" Retail Fermented Malt Beverage License for 2006-2007:

Speedway SuperAmerica, LLC	2110 S. Green Bay Road
Rachel Sue Wells, Agent	

Sunny, Inc.	1511 W. Sixth Street
Pargat Singh Randhawa, Agent	

1819 Durand, Inc.	1819 Durand Avenue
Narendra V. Shah, Agent	

Midtown Market	1229 Eleventh Street
Singh Jagtar, Agent	

Gerardo E. Flores	1775 State Street
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DIPSHA, Inc.	2056 Taylor Avenue
Tushar Patel, Agent	

Mohammad O. Al-Abed	1559 Taylor Avenue
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Vishal Roadrunners Express, Inc.	1975 State Street
Parveen Bhardwaj, Agent	

Christianos, Inc. (CHANGE OF CORP. NAME)	2054 Kearney Avenue
Ketan Patel, Agent	

Gregbros, LLC	3701 Durand Avenue
James Gregory, Agent	

Lieungh's On Lathrop, LLC	1933 Lathrop Avenue
Andrea L. Lieungh, Agent	

Jason & Pardeep, Inc.	5302 Washington Avenue
Rajinder Singh, Agent	

Vincent Esqueda	1121 N. Memorial Drive
Abdallah Batayneh	1600 Dr. M.L. King, Jr. Drive
Balwinder Dhillon	1530 Douglas Avenue
Jalil Mian	1100 Sixth Street
High Cone, Inc. Usha A. Shah, Agent	704 High Street
Skipper Marine Development, Inc. Causeway Deb Hutchison, Agent (CHANGE OF AGENT)	2 Christopher Columbus
Himmat Gill, LLC Himmat Gill, Agent	2240 Northwestern Avenue
S& S Racine Business Enterprises, LLC Chandra Sekhar R. Pula, Agent	3700 Spring Street
Lauro Davalos	1951 Mead Street
Mohinder Singh	1627 Washington Avenue
Douglas Pump & Pantry, LLC Sukhwinder S. Nagra, Agent	3357 Douglas Avenue
Speedway Superamerica, LLC Vicky Huska, Agent	4620 Washington Avenue

Recommendation of the License & Welfare Committee of 06-12-06:

That the Change of Agent be approved and the remainder of licenses be granted.

Fiscal Note: N/A

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2011

Subject: The following renewal/new applications for a CLASS "B"
PUBLIC FACILITY Retail Fermented Malt Beverage License for
2006-2007:

Public Gold Associates, LTD 6200 Northwestern Avenue
Scott A. Schuit, Agent

Racine Zoo 2131 N. Main Street
Jay R. Christie, Agent

Compass of Racine, LLC (**NEW**) 5 Fifth Street
James M. Walczak, Agent

Compass of Racine, LLC (**NEW**) 72 Seventh Street
James M. Walczak, Agent

Recommendation of the License & Welfare Committee of 06-12-06:
That the new licenses be approved and to grant the remainder of licenses.

Fiscal Note: N/A

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2012

Subject: The following renewal applications for a WHOLESale License
for 2006-2007:

Domanik Sales Company 2300 South Street
Robert Domanik, Agent

Timer's Of Racine, Inc. 3800 Northwestern Avenue
Shawn D. Voss, Agent

Recommendation of the License & Welfare Committee of 06-12-06:

That the licenses be granted.

Fiscal Note: N/A

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2034

Subject: Communication from the Purchasing Agent requesting to discuss the proposal received for the second responsible bidder to operate a taxicab service for the City of Racine.

Recommendation of the License & Welfare Committee of 06-12-06:

That the proposal of Hafiz Trans, Inc. to purchase the City's taxicab service for \$1,500.00 be accepted and the Mayor and City Clerk be authorized and directed to enter into a contract with Hafiz Trans, Inc.

Fiscal Note: This sale will result in receipt by the City of \$1,500.00.

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2036

Subject: Communication from the Police Chief requesting to waive formal bidding for the purchase of forty-four (44) ABA XT2-2 protective vests for the Racine Police Department and requesting the purchasing agent negotiate with Streicher's for the purchase of the equipment.

Item also referred to License & Welfare Committee.

Recommendation of the Finance & Personnel Committee 06-12-06:

That formal bidding procedures be waived and that the purchasing agent be authorized and directed to negotiate with Streicher's of Butler, Wisconsin for the purchase of forty-four (44) ABA XT2-2 protective vests to

be utilized for the Racine Police Department.

Recommendation of the License & Welfare Committee 06-12-06:

That formal bidding procedures be waived and that the purchasing agent be authorized and directed to negotiate with Streicher's of Butler, Wisconsin for the purchase of forty-four (44) ABA XT2-2 protective vests to be utilized for the Racine Police Department.

Fiscal Note: Forty-four (44) ABA XT2-2 protective vests budgeted for in account 101.311.5430, Furniture and Equipment.

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2059

Subject: Direct Referral: Final payment for engineering services for plans and specifications for lighting at Pershing Field by David L. Hanson & Associates, Inc.

Recommendation of the License & Welfare Committee 06-12-06:

That the final payment for engineering services for plans and specifications for lighting at Pershing Field by David L. Hanson & Associates, Inc. for a total contract amount of \$4,835.00.

Fiscal Note: This contract was approved by Resolution 6023 of June 15, 2004.

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2069

Subject: (Direct Referral) Various Renewal Applications

Avarice Enterprises, LLC (**RENEWAL**) 1300 Michigan Blvd.
Zachary Morrow, Agent

Asiana Restaurant (**RENEWAL**) 423 Sixth Street
HaeYoung Choi, Agent

MPDT, Partnership (**RENEWAL**) 303 Dodge Street
Mario Passarelli, Agent

Rum Point, Inc. (**RENEWAL**) 2 Christopher Columbus Drive
Patrick O'Neil, Agent

The Warning Track, LLC **(NEW)** 1301 Washington Avenue
Jason S. Hansen, Agent

Central International, LLC **(RENEWAL)** 424 Main Street
Ramez AbdulNour, Agent

Rose Martinez **(RENEWAL)** 1922 Sixteenth Street

What About Me? **(RENEWAL)** 600 Sixth Street
Edward Scharding, Agent

TBG's, Inc. **(RENEWAL)** 1814 Taylor Avenue
Chad E. Londre, Agent

LJF Corporation **(RENEWAL)** 3012 Rapids Drive
Luciano Flores, Agent

Evangelina Morones **(RENEWAL)** 1300 N. Memorial Drive

Lush Life, Inc. **(RENEWAL)** 501 6th Street
Jennie Dillon, Agent

Recommendation of the License & Welfare Committee of 06-12-06:

That the licenses be granted.

Fiscal Note: N/A

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2074

Subject: (**Direct Referral**) Communication from the Purchasing Agent requesting to accept the bid with MJI, INC, for Official Notice # 9, Community Center Custodial & Cleaning.

Recommendation of the License & Welfare Committee 06-12-06:

That the bid with MJI, INC. for Official Notice #9, Community Center Custodial & Cleaning be accepted, they being the lowest responsible bidder, and the Mayor and City Clerk be authorized and directed to enter into agreement with MJI, INC.

Fiscal Note: Funds are available in the Community Centers Professional

Services account in the amount of \$405,000.

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

Council Action

A motion was made by Alderman Maack to Adopt the Report. Adopted by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

City Plan Commission Report

05-1124

Subject: Item 7 of June 7, 2005, being a communication from a representative of F&A Development, LLC, wishing to purchase 1335 West Sixth Street from the City.

Recommendation: City Attorney be authorized and directed to take the necessary steps to sell that portion of the city owned property at 1335 West Sixth Street, Tax ID #07324000, which lies north of the north right-of-way line of Riverview Terrace for the sum of \$15,000.00.

Further recommends that revenue received from the sale of this property be placed in Account 101.090.7240, Sale of Fixed Assets.

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

Recommendation of City Plan Commission (1-25-06):

That the request by F&A Development, LLC wishing to purchase 1335 West Sixth Street from the City is not in conflict with City plans and programs.

That the communication be received and filed.

Fiscal Note: The City will receive \$15,000.00 from the sale of this property.

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

Res.06-7051

ACQUISITION OF EASEMENT FOR HOUSEHOLD HAZARDOUS WASTE PROJECT

RESOLVED, that the project to acquire easement rights across Sam's Club

parking lot to serve the Household Hazardous Waste Facility project be approved.

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

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

CPC 06-14-06

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

Further, that the resolution be adopted.

A motion was made that this Resolution be Received As Read. The motion was APPROVED.

06-2057

Subject: Request of George A. Nicks Sr. to acquire Lot #3825-1 (1120 Eleventh Street) and combine it with his property at 1035 Washington Avenue.

Recommendation: That the sale of City owned property at 1120 eleventh Street is not in conflict with City Plans and programs.

Further, that this matter be referred to the Finance and Personnel Committee

Fiscal Note: N/A

Alderman Holding requested that item 06-2057 be considered separately.

Alderman Holding requested the item be received and filed.

Received and Filed

06-2061

Subject: that the City of Racine authorize the Village of Mt. Pleasant to use condemnation pursuant to Ch. 32.05 Wis. Stats.

Recommendation: That the request by the Village of Mt. Pleasant to use condemnation is not in conflict with City Plans and programs.

Further, that the item be approved.

Fiscal Note: N/A

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

06-2081

Subject: Item 28 of 09-06-05. A communication from the Director of City Development and Chief Building Inspector requesting the development of aesthetic standards for the sidewalk cafe permit.

Recommendation: That the pamphlet entitled "City of Racine Sidwalk Cafes: Questions, Answers, Rules and Basic Guidelines" be utilized by City staff and the general public as a guide for the permitting of sidewalk cafes.

Further, that Article III, Division 3 of the Municipal Code be amended to replace the need for Plan Commission review with a need for review and recommendation by the Chief Building Inspector and Director of City Development.

Further, that the communication be received and filed.

Fiscal Note: N/A

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

Council Action

A motion was made by Alderman Dehahn to Adopt the Report. Adopted by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Redevelopment Authority of the City of Racine Report

06-2028

Subject: Heritage Group, LLC to acquire 3124 Washington Avenue from the Redevelopment Authority.

Recommendation: Receive and File.

Fiscal Note: N/A

**A motion was made that this Communication be Received and Filed as Reported.
The motion was APPROVED.**

Office of the Mayor

06-2105

Subject: Communication from Mayor Becker nominating appointments/reappointments to the following Boards, Committees and Commissions for the City of Racine.

Affirmative Action Human Rights Commission:

Reappoint Ron Thomas, 1429 Grange Avenue, for a three-year term ending in May 2009.

Reappoint Alderman Ray DeHahn for a one-year term ending in May 2007.

Reappoint Cynthia Goss, 1549 Boyd Avenue, for a three-year term ending in May 2009.

Reappoint Doris Ingram, 1619 Perry Avenue, for a three-year term ending in May 2009.

Board of Parks, Recreation and Cultural Services:

Appoint Alderman Aron Wisneski (replacing Alderman Sandy Weidner) for a one-year term ending in April 2007.

Board of Health:

Appoint Alderman Tim Hermes (replacing Cherri Cape) for a one-year term ending in April 2007.

Access Corridor Development Review Committee:

Appoint Mark Madsen and Linea Anthony.

A motion was made by Alderman Weidner to adopt the report. Adopted by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoore II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Board of Health

06-1806

Subject: Communication from the Public Health Administrator requesting permission to apply for funding from the United States Conference of Mayors and DuPont for a "Lead Safe...for Kids' Sake," grant.

Recommendation of the Board of Health 06-13-06: That the Public Health Administrator be granted permission to apply for the U.S. Conference of Mayors and DuPont grant in the amount of \$175,000. The funds will be used to aid in the elimination of lead poisoning in the city of Racine.

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

Recommendation of the Finance & Personnel Committee 04-24-06: That the Public Health Administrator granted permission to apply for the \$175,000 grant with the United States Conference of Mayors and Dupont for the "Lead Safe...for Kids' Sake," grant (Grant Control No. 2006-019) to be utilized for the elimination of lead poisoning.

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

A motion was made by Alderman DeHahn that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

[06-1827](#)

Subject: Communication from the Public Health Administrator requesting permission for the Mayor and City Clerk to sign a contract with the State of Wisconsin Department of Health and Family Services, that will provide funding for West Nile Virus surveillance activities. The contract is for \$2,000 and there is no match required by the City.

Recommendation of the Board of Health 06-13-06: That the Mayor and City Clerk be authorized and directed to enter into an agreement with the State of Wisconsin DHFS, Division of Public Health in the amount of \$2,000. The funds will be used for West Nile Virus surveillance activities from 1/1/06-12/31/06.

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

Recommendation of the Finance & Personnel Committee 05-08-06: That the Mayor and City Clerk be authorized and directed to enter into an agreement with the State of Wisconsin Department of Health and Family Services, Division of Public Health (Grant Control No. 2006-021) in the amount of \$2,000 to be utilized for West Nile Virus surveillance activities to run from January 1, 2006 through December 31, 2006.

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

A motion was made by Alderman DeHahn that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Ord.19-06

Ordinance No. 19-06 to repeal and recreate Chapter 22, Article XIII relating to Business-Food and drinking establishments.

To repeal and recreate Chapter 22, Article XIII of the Municipal Code of the City of Racine, Wisconsin relating to Business - Food and drinking establishments.

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

Part 1:

Chapter 22, Article XIII of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“ARTICLE XIII. LODGING, RECREATION AND FOOD PROTECTION

DIVISION I. GENERALLY

Sec. 22-411. Authority.

This ordinance is adopted pursuant to authority provided by Wis. Stat. § §60.0417, 97.12, 97.41, 125.68(5), 251.04(3), 252.02, 252.03, 254.47, and 254.69(2), ch. 68, and Wis. Admin. Code chapters ATCP 74 and 75, HFS 172, 173, 175, 178, 192, 195, 196, 197 and 198, and COMM 90 and 95.

Sec. 22-412. Purpose.

(a) The purpose of this article is to protect and improve the public health and to authorize the City of Racine Health Department to become the designated agent of:

1. The Wisconsin Department of Health and Family Services for the purpose of establishing permit fees, issuing permits, making investigations or inspections of hotels, motels, tourist rooming houses, body piercing and tattooing establishments, restaurants, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps, public swimming pools and in making investigations and inspections of food vending machines, their operators and vending machine commissaries; and,

2. The Wisconsin Department of Agriculture, Trade, and Consumer Protection, for the purpose of establishing permit fees, issuing permits, conducting routine sampling, making inspections or investigations of retail food establishments, and enacting local regulations governing these establishments.

(b) The health department is also authorized to secure samples or specimens

of food and any product or substance that may affect food, to examine and copy relevant documents and records and to obtain photographic and other evidence reasonably necessary to enforce this article. The health department shall examine any samples secured and conduct other inspections and examinations needed to determine whether there is a violation.

Sec. 22-413. Applicability.

The provisions of this article shall apply to the owner and operator of any retail food establishment, hotel, motel, tourist rooming house, body piercing and tattooing establishment, restaurant, bed and breakfast establishment, campground and camping resort, recreational and educational camp, public swimming pool, vending machine commissary or vending machine in all areas of jurisdiction of the health department.

Sec. 22-414. Definitions.

All definitions as set forth in Wis. Stat. §66.0417, chapters 68, 97, 125, 251, 252 and 254; and Wis. Admin. Code Articles, ATCP 74 and 75, HFS 172, 173, 175, 178, 192, 195, 196, 197 and 198, and COMM 90 and 95 are hereby incorporated into this article by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. In addition, the following terms and phrases have the meanings given:

Annual permit fee means a fee for on-site inspection of the entire facility, and one follow-up inspection to determine whether the facility is compliant with the applicable statutes and administrative codes.

Duplicate permit fee means a fee for the replacement of an original permit.

Health department means the City of Racine Health Department.

Late application fee means a fee that is charged for failure to comply with the application timeframe specified in the applicable provision for completion and submission of the required application for permit to the health department.

Late fee means a fee for failure to pay established or assessed fees in a timely manner. This refers to any fee not received or postmarked by June 30 or other specified due date.

Limited food service means the serving of only individually wrapped hermetically sealed single food servings by a licensed processor, with preparation on the premises limited to heating and serving of single-service articles, e.g., hermetically wrapped sandwiches or frozen pizza.

Master fee schedule means the schedule of all fees associated with this article, as established from time to time by the common council, and posted in the health department.

Mobile restaurant means a restaurant operating from a movable vehicle,

pushcart, trailer or boat which periodically or continuously changes location and wherein meals or lunches are prepared, served or sold to the general public, excepting those vehicles used in delivery of pre-ordered meals or lunches prepared in a licensed restaurant.

Operator means the owner, operator, manager or person responsible for the operation of the hotel, motel, bed and breakfast establishment, restaurant, retail food establishment or beverage establishment, vending machine commissary and/or vending machine, campground, camping resort, recreational/educational camp, or public swimming pool.

Outdoor grilling means the cooking of food on an outdoor grill on the premises of a licensed food service facility. The purpose for outdoor cooking shall not be to increase the production capability of the restaurant kitchen by circumventing codes applicable to indoor cooking facilities. Hot holding shall be limited to the quantity of food that the cooking unit is designed to hold.

Except as provided in sub 1, *Potentially Hazardous Food* means:

(a) A food that is natural and synthetic and that requires temperature control because it is in a form capable of supporting:

1. The rapid and progressive growth of infectious or toxigenic microorganisms;
2. The growth and toxin production of *Clostridium botulinum*; or in raw shell eggs, the growth of *Salmonella enteritidis*.
3. An animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified under 1. above.

(b) *Potentially hazardous food* does not include:

1. An air-cooled hard-boiled egg with shell intact;
2. A food with an a/w value of 0.85 or less;
3. A food with a pH level of 4.6 or below when measured at 24C (75F);
4. A food in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
5. A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or growth of *S. enteritidis* in eggs or *C. botulinum* cannot occur, such as a food that has an a/w and pH that are above the levels specified under Subparagraphs 2 and 3 of this definition and that may contain a preservative, other barrier to growth of microorganisms, or a combination of barriers that inhibit the growth of

microorganisms;

6. A food that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified under subparagraph 1 of this definition.

Pre-inspection fee means the fee associated with the required inspection necessary to determine compliance at the time of a change-in-operator or new business.

Re-inspection fee means a fee for the subsequent inspections needed to address compliance issues that govern an establishment. Re-inspections are conducted due to one or more of the following: Uncorrected critical violation, more than ten total violations, repeat violations from previous inspections, major non-critical violations, or when a complaint investigation identifies unsatisfactory conditions. The fee for a re-inspection will be established by the common council and posted in the health department on the Master Fee Schedule.

Restaurant means any building, room or place where meals are prepared, served or sold to transients or the general public, and all places used in connection with the building, room or place, and include any public or private school lunchroom for which food service is provided by contract. *Restaurant* does not include:

- (a) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter;
- (b) Churches, religious, fraternal, youth or patriotic organizations, service clubs and civic organizations which occasionally prepare, serve or sell meals to the general public;
- (c) Any public or private school lunchroom for which food service is directly provided by the school;
- (d) Any food service provided solely for needy persons;
- (e) Bed and breakfast establishments; or
- (f) A private individual selling food from a movable or temporary stand at a public farm sale.

Retail food establishment means any of the following, but does not include a restaurant or other establishment holding a permit to the extent that the activities of the establishment are covered by that permit:

- (a) A permanent or mobile food processing facility where food is processed primarily for direct retail sale to consumers at the facility.
- (b) A mobile facility from which potentially hazardous food is sold to customers

at retail.

(c) A permanent facility from which food is sold to consumers at retail, whether or not that facility sells potentially hazardous food or is engaged in food processing.

Temporary restaurant or Temporary retail food establishment means a restaurant or retail food establishment that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale, or occasional sales promotion for a period of no more than fourteen consecutive days. Mobile establishments of this type that conduct business in the jurisdiction of the health department and that are licensed outside the area of jurisdiction, will be inspected and charged a nominal fee to cover the cost of inspection.

Vending machine means any self-service device offered for public use which, upon insertion of a coin or token, or by other means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation, except that *vending machine* does not include a device which dispenses only bottled, prepackaged or canned soft drinks, a one-cent vending device, a vending machine dispensing only candy, gum, nuts, nutmeats, cookies or crackers, or a vending machine dispensing only prepackaged grade A pasteurized milk or milk products.

Vending machine commissary means any building, room or place in the state at which foods, containers, transport equipment or supplies for vending machines are kept, handled, prepared or stored by a vending machine operator, except a place at which the operator is licensed to manufacture, distribute or sell food products under Wis. Stat. ch. 97.

Wisconsin food code means the food code appended to Wis. Admin. Code ch. HFS 196 and ATCP 75.

Sec. 22-415. Enforcement.

The provisions of this article shall be administered by or under the direction of the public health officer who, in person or by duly authorized representatives, shall have the right, at reasonable hours, to enter upon premises subject to this article to inspect the premises, secure samples or specimens, examine and copy relevant documents and records, and obtain photographic or other evidence needed to enforce this article and issue citations or file a summons and complaint with the city attorney.

Sec. 22-416. Violation of article; payment of forfeiture in lieu of court appearance.

(a) Any person charged with a violation of the offenses listed under subsection (b) of this section may pay the amount enumerated therein at the police department in lieu of a court appearance. Persons wishing to contest charges

contained in subsection (b) of this section may contact the police department to arrange a court appearance date.

(b) The following forfeitures for the offenses listed herein may be paid at the police department:

<i>Code Section</i>	<i>Violation</i>	<i>Forfeiture</i>
22-417	Permit required	\$250.00
22-420	Permit display	50.00

DIVISION 2. PERMIT

Sec. 22-417. License and permit.

(a) No person shall operate a retail food establishment, bed and breakfast establishment, hotel, motel, tourist rooming house, body piercing establishment, tattooing establishment, restaurant, campground and camping resort, recreational and educational camp, or public swimming pool without first obtaining a non-prorated permit from the health department.

1. Except as provided in sub § a., permits shall expire on June 30 of each year:

a. Permits initially issued for a bed and breakfast establishment, hotel, motel, tourist rooming house, body piercing and tattooing establishment, restaurant, campground and camping resort, recreational and educational camp, or public swimming pool during the period April 1 through June 30 shall expire June 30 of the following year.

b. Permits issued to retail establishments covered under the master rule are issued for one year from July 1 through June 30.

2. The issuance of a permit may be conditioned upon the permittee correcting a violation of this article within a specified period. If the condition is not met within such time, the permit shall be voided.

b) The permit shall not be transferable to another location nor shall a permit be transferred from one operator to another except that, as to operator, a permit of a non-retail food establishment operator may be transferred to an individual who is an immediate family member of the operator if the operator is transferring operation of the establishment or vending machine to that immediate family member. A parent, spouse, child, step-child, grandchild, sibling or step-sibling shall be considered an immediate family member for purposes of this article.

(c) No person may conduct, maintain, manage or operate a restaurant, retail food establishment, mobile restaurant, marketplace, incidental food establishment, or temporary restaurant within the city without first obtaining a permit. No permit shall be transferred from one person or place to another.

(d) Temporary permits may be issued for periods of up to 14 days.

(e) An operator's or permit licensee of a temporary restaurant who the health department has found to be uncooperative or a habitual violator of this article may be denied a permit to operate.

(f) With the exception of those establishments defined as "temporary", no permits shall be granted to any person without a pre-inspection by the health department of the premises for which the permit has been requested.

(g) No permit shall be issued until all applicable fees have been paid.

Sec. 22-418. Application.

Application for permits shall be made in writing to the health department on forms developed and provided by the health department, stating the name and address of the applicant and proposed operator, and the address and location of the proposed establishment, together with any such other information as may be required. The health department shall either approve the application or deny the permit within thirty (30) days after receipt of a complete application.

Sec. 22-419. Fees.

Fees for permits required by this article shall be as provided through the master fee schedule.

Sec. 22-420. Permit public display.

Every establishment required to obtain a permit pursuant to this article shall display said permit, at all times, in a conspicuous place at the subject establishment.

Sec. 22-421. Temporary orders.

Whenever as a result of an examination the health officer or designee has reasonable cause to believe that an immediate danger to health exists on a premises subject to this article, the health officer or designee may issue a temporary order in accordance with Wis. Stat. §66.0417(2).

Sec. 22-422. Denial, suspension or revocation of license.

The health officer or designee may deny any license application or suspend or revoke any license issued under this article for non-compliance with this code and regulations, rules and laws adopted by reference under sub §12. The following procedure shall be followed in the denial, suspension or revocation of any license issued under this article:

(a) A decision by the health officer or designee to deny, suspend or revoke a license shall be in writing and shall state, with specificity, the reasons for the decision and shall state any applicable statute, ordinance, rule, regulation or

order which has been violated. The health officer or designee shall send to the licensee a copy of the written decision by certified mail return receipt requested, by personal service or by publication if such service is not reasonably possible. The notice shall inform the licensee or applicant of the right to have the decision reviewed and the procedure for such review.

(b) Any licensee or applicant aggrieved by a decision of the health officer or designee to deny, suspend or revoke a license may have the decision reviewed and reconsidered by a written request mailed or delivered to the health officer within 30 working days after service or publication. The written request for review and reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.

(c) Within 15 working days after receipt of the request for review and reconsideration, the health officer shall review the initial determination. The health officer may affirm, reverse or modify the initial determination. The health officer shall mail or deliver to the licensee or applicant a copy of the decision on review, which shall state the reasons for such decision. The decision shall advise the licensee or applicant of the right to an administrative appeal, the time within which appeal shall be taken and the office or person with whom the appeal shall be filed.

(d) A licensee or applicant who wishes to appeal a decision made by the health officer on review must file a notice of appeal within 30 days of notice of the health officer's decision on review. The administrative appeal shall be filed or mailed to the health officer. The health officer shall immediately file the notice of appeal with the health department.

(e) A licensee or applicant shall be provided a hearing on appeal within 15 days of receipt of the request for an administrative appeal. The health officer shall serve the licensee or applicant with notice of hearing by mail or personal service at least 10 days before the hearing.

(f) The hearing shall be conducted before the board of health and shall be conducted in accordance with the procedures outlined in Wis. Stat. §§68.11(2) and (3).

(g) Within 20 days after the hearing, the board of health shall mail or deliver to the appellant its written determination stating the reasons therefor.

(h) A decision by the health officer upon a request for review and reconsideration, which is not appealed to the board of health, or a decision by the health department on an appeal of a decision by the health officer of a request for review and reconsideration shall be a final determination under Wis. Stat. §68.12(2).

(i) Any party to a proceeding resulting in a final determination may seek review thereof by certiorari within 30 days after receipt of the final determination per Wis. Stat. §68.13.

Sec. 22- 423. Construction or remodeling of restaurants and permanent retail food establishments; plan approval required.

When a restaurant or a permanent retail food establishment is constructed or work is done that requires a permit from the building department, or when an existing structure is converted for use as a restaurant or a permanent retail food establishment, properly prepared plans and specifications for such construction, remodeling or alteration, showing the layout, arrangement and construction materials of the work area, and the location, size, type of fixed equipment and facilities, shall be submitted to the health officer for approval before such work is commenced.

Sec. 22- 424. Regulations, rules and laws adopted by reference.

The applicable laws, rules and regulations as set forth in Wis. Stat §§66.0417, and chapters 68, 97, 125, 251, 252 and 254; and Wisconsin State Administrative Code chapters ATCP 74 and 75, and HFS 172, 173, 175, 178, 192, 195, 196, 197 and 198, and COMM 90 and 95 and the Wisconsin Food Code are incorporated in this article by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. The expressed provisions of this article shall control where more restrictive.”

Part 2:

This ordinance shall take effect upon passage and the day after publication or on July1, 2006, whichever is later.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

FISCAL NOTE: N/A

A motion was made by Alderman DeHahn that this Ordinance be Adopted. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

06-1866

Subject: Communication from the Public Health Administrator requesting permission for the Mayor and City Clerk to sign a contract with Abri Health Plan, Inc. Abri Health Plan is an HMO provider for Medicaid recipients. The intent of the agreement is to arrange for the provision of designated healthcare services by the City of Racine Health Department to Abri Health Plan, Inc. and Medicaid/BadgerCare enrollees.

Recommendation of the Board of Health 06-13-06: That the Mayor and City Clerk be authorized and directed to sign a contract with Abri Health Plan, Inc.

Fiscal Note: N/A

Recommendation of the Finance & Personnel Committee 05-08-06: That the Mayor and City Clerk be authorized and directed to sign a contract with Abri Health Plan, Inc. to arrange provision of designated health care services by the City of Racine Health Department to Abri Health Plan and Medicaid/Badger Care enrollees.

Fiscal Note: N/A

A motion was made by Alderman DeHahn that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

06-1944

Subject: The Public Health Administrator is requesting permission to enter into an agreement with Drexel University College of Nursing and Health Professionals. The agreement will allow students at the University to participate in training opportunities within the City of Racine Health Department.

Recommendation of the Board of Health 06-13-06: That the Mayor and City Clerk be authorized and directed to enter into an agreement with Drexel University College of Nursing & Health Professionals.

Fiscal Note: N/A

A motion was made by Alderman DeHahn that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

06-1947

Subject: A communication from the Public Health Administrator requesting permission to accept funding from the University of Wisconsin-Milwaukee Great Lakes WATER Institute (Grant Control No. 2006-026) in the amount of \$6,000 to be utilized for additional sampling of gull feces for the isolation of *Campylobacter spp.*

Recommendation of the Board of Health 06-13-06: That the Mayor and City Clerk be authorized and directed to enter into an agreement with the University of WI-Milwaukee Great Lakes WATER Institute in the amount of \$6000. Funding will be utilized for additional sampling of gull feces for the isolation of *Campylobacter spp.*

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

Recommendation of the Finance & Personnel Committee 06-12-06:

That the Mayor and City Clerk be authorized and directed to enter into an agreement in the amount of \$6,000 with the University of Wisconsin-Milwaukee, Great Lakes WATER Institute (Grant Control No. 2006-026) to be utilized for additional sampling of gull feces for the isolation of *Campylobacter spp.*

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

A motion was made by Alderman DeHahn that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

06-1999

Subject: Communication from the Public Health Administrator requesting permission to sign an amended contract with the Wisconsin Department of Health and Family Services (DHFS), Division of Public Health, for the HUD Lead Based Paint Abatement program, (Grant Control No. 2005-017), changing the contract period to April 1, 2005 through March 31, 2007.

Recommendation of the Board of Health 06-13-06: That the Mayor and City Clerk be authorized and directed to enter into an amended contract with the Wisconsin DHFS, Division of Public Health, for the HUD Lead Based Paint Abatement program. The amended contract changes the *end* date from March 31, 2006 to March 31, 2007.

Fiscal Note: \$6000 (There is no match required on the part of the city).

Recommendation of the Finance & Personnel Committee 06-12-06:

That the Mayor and City Clerk be authorized and directed to enter into an amended contract with the Wisconsin Department of Health and Family Services (DHFS), Division of Public Health, for the HUD Lead Based Paint Abatement program, (Grant Control No. 2005-017) to amend the contract period from April 1, 2005 through March 31, 2006 to April 1, 2005 through March 31, 2007.

Fiscal Note: The contract amount remains at \$6,000. No match required on the part of the City.

A motion was made by Alderman Dehahn to Adopt the Report. Adopted by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

06-2024

Subject: Communication from the Public Health Administrator requesting permission to accept additional consolidated grant funding from the State of Wisconsin Department of Health and Family Services (Grant Control No. 2006-030) in the amount of \$13,310 to be utilized for the preparedness pandemic influenza program.

Recommendation from the Board of Health 06-13-06: That the Mayor and City Clerk be authorized and directed to enter into an amended contract with the State of Wisconsin DHFS that will increase the total funding by \$13,310. The additional funding will be used for pandemic influenza preparedness.

Fiscal Note: The pandemic influenza component of the consolidated grant is \$13,310. As a result of the amended contract, the total amount of the con-grant increased from \$339,924 to \$353,234. There is no match required on the part of the city.

Recommendation from the Finance & Personnel Committee

06-12-06: 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 (Grant Control No. 2006-030) to increase the funding amount to \$13,310 to be utilized for the preparedness pandemic influenza program.

Fiscal Note: The increased amount is \$13,310 for a total consolidated grant amount of \$353,234. No match required on the part of the City.

A motion was made by Alderman DeHahn that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Board of Parks, Recreation, and Cultural Services Report

06-1869

Subject: (Direct Referral) Communication from Easter Seals Kindcare requesting to collaborate and form a partnership with the Racine Parks, Recreation & Cultural Services Department.

Recommendation: Recommends the request from Easter Seals Kindcare be approved.

Fiscal note: N/A

A motion was made by Alderman Kaplan that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

06-1926

Subject: The City Administrator requesting to present the audit by Virchow and Krause of the Parks & Recreation and Cultural Services Department.

(Also refer to the Parks & Recreation and Cultural Services Board)

Recommendation of the Committee of the Whole: that the Item be received and filed.

Recommendation of the Board of Parks, Recreation & Cultural Services:

Recommends the communication be received and filed.

A motion was made by Alderman Kaplan that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

06-1983

Subject: Communication from Ahmad Kweku Qawi regarding the possibility of starting Young Leaders Academy outreach sites at the Dr.

John Bryant and Dr. King Community Center in September 2006.

Recommend the communication be received and filed.

Fiscal note: N/A

Alderman Fair requested that item 06-1983 be considered separately.

A motion was made by Alderman Kaplan that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

06-2019

Subject: Communication from Janis Curtin for the use of the parking lot behind the North Beach Oasis to hold the 3rd Annual Art Festival and the use of the grass area West of the children's playground and South of the Oasis for the 2nd annual Classic Car and Street Rod Show both on September 3, 2006.

Recommend the communication be received and filed.

Fiscal note: \$275.00 special events fee

A motion was made by Alderman Kaplan that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

06-2020

Subject: Communication from Preservation Racine requesting use of Dodge Park on September 24, 2006 for tickets sales for their Tour of Historic Places.

Recommends the communication be received and filed.

Fiscal note: N/A

A motion was made by Alderman Kaplan that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

06-2063

Subject: Direct referral: Request of Adam Smith, Racine County Convention & Visitors Bureau for the use of North Beach for the Corona Light EVP Professional Beach Volleyball Tour on July 15 and 16, 2006.

Recommends the communication be received and filed.

Fiscal note: \$485.00 to the City

A motion was made by Alderman Kaplan that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

06-2108

Subject: Discussion of the North Beach Oasis Contract

Recommends that music be restricted to three days per week (Friday, Saturday and Sunday) and holidays; no music played after 9:00 p.m.; no drinks served after 9:00 p.m.; volume of music adjusted that it complies within the law for motor vehicle music.

Alderman Fair requested that item 06-2108 be considered separately.

A motion was made by Alderman Fair that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 10 - Fair, Anderson, Maack, Shakoor II, Karas, Friedel, Holding, Sollman, Spangenberg and Wisneski

NOES: 5 - Hermes, Kaplan, Weidner, DeHahn and Hart

06-2109

Subject: Discussion of 5-year Capital Improvement Plan

Recommends to approve and refer to the Committee of the Whole.

A motion was made by Alderman Kaplan that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Referred to Committee of the Whole

G. Resolutions

Res.06-7072 TRANSFER OF FUNDS FOR CITY ATTORNEY'S OFFICE FURNITURE

RESOLVED, that \$1,500 be transferred from account 101.160.5010, Salaries, and placed in account 101.160.5430, Furniture & Equipment Under \$5,000, to be utilized for the purchase of computer furniture and chair for the Deputy City Attorney.

FISCAL NOTE: There are sufficient funds available for the transfer.

Adopted

Res.06-7073 AGREEMENT WITH ANTHEM BLUE CROSS FOR HEALTH CARE REIMBURSEMENT

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Anthem Blue Cross and Blue Shield of Wisconsin to enable the Racine Fire Department to bill and receive reimbursement for ambulance service that is based on Medicare criteria.

FISCAL NOTE: N/A

Adopted

Res.06-7074 WAIVE FORMAL BIDDING PROCEDURES FOR PURCHASE OF PROTECTIVE VESTS

RESOLVED, that formal bidding procedures be waived and that the purchasing agent be authorized and directed to negotiate with Streicher's of Butler, Wisconsin for the purchase of forty-four (44) ABA XT2-2 protective vests to be utilized for the Racine Police Department.

FISCAL NOTE: Forty-four (44) ABA XT2-2 protective vests budgeted for in account 101.311.5430, Furniture and Equipment.

Adopted

Res.06-7075 CONTRACT WITH RACINE COUNTY FOR 2006 METRO DRUG UNIT OPERATIONS

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a contract with Racine County Sheriff's Department to receive \$25,000 in sub-recipient funding (City Grant Control No. 2006-027) for the 2006 Metro Drug Unit Operations, contingent on written confirmation that all granting agency requirements will be followed.

FISCAL NOTE: The \$25,000 will be utilized for the 2006 Metro Drug Unit Operations. No match required on the part of the City.

Adopted**Res.06-7076** AGREEMENT WITH RACINE COUNTY FOR OVERTIME COSTS FOR MILWAUKEE HIGH INTENSITY DRUG TRAFFICKING AREA PROGRAM

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Racine County for reimbursement of overtime costs for the Milwaukee High Intensity Drug Trafficking Area program (Grant Control No. 2006-028).

FISCAL NOTE: No match required on the part of the City.

Adopted**Res.06-7077** ACCEPT FUNDING AND ENTER INTO AMENDED CONTRACT WITH STATE OF WISCONSIN FOR THE PREPAREDNESS PANDEMIC INFLUENZA PROGRAM

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 (Grant Control No. 2006-030) to increase the funding amount to \$13,310 to be utilized for the preparedness pandemic influenza program.

FISCAL NOTE: The increased amount is \$13,310 for a total consolidated grant amount of \$353,234. No match required on the part of the City.

Adopted**Res.06-7078** AMENDMENT TO CONTRACT WITH WISCONSIN DEPT OF HEALTH & FAMILY SERVICES FOR HUD LEAD BASED PAINT ABATEMENT PROGRAM

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an amended contract with the Wisconsin Department of Health and Family Services (DHFS), Division of Public Health, for the HUD Lead Based Paint Abatement program, (Grant Control No. 2005-017) to amend the contract period from April 1, 2005 through March 31, 2006 to April 1, 2005 through March 31, 2007.

FISCAL NOTE: The contract amount remains at \$6,000. No match required on the part of the City.

Adopted

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Res.06-7079 ACCEPT FUNDING AND ENTER INTO AGREEMENT WITH UNIVERSITY OF WISCONSIN-MILWAUKEE, GREAT LAKES WATER INSTITUTE FOR SAMPLING

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an agreement in the amount of \$6,000 with the University of Wisconsin-Milwaukee, Great Lakes WATER Institute (Grant Control No. 2006-026) to be utilized for additional sampling of gull feces for the isolation of *Campylobacter* spp.

FISCAL NOTE: No match required on the part of the City.

Adopted

Res.06-7080 APPROVAL OF COLLECTIVE BARGAINING AGREEMENT WITH FIRE FIGHTERS LOCAL 321

RESOLVED, that the collective bargaining agreement between the City of Racine and the International Association of Fire Fighters, Local No. 321, AFL-CIO for 2006-2008 be approved.

FISCAL NOTE: That the costs to the City will be in 2006, \$236,682.20; 2007, \$378,511.98; and 2008, \$348,420.46. Increases do not include potential savings from premium contributions and plan design changes.

A motion was made by Alderman Spangenberg that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Res.06-7081 APPROVAL OF COLLECTIVE BARGAINING AGREEMENT WITH RACINE POLICE STAFF OFFICERS' ASSOCIATION

RESOLVED, that the collective bargaining agreement between the City of Racine and the Racine Police Staff Officers' Association for 2005-2006 and 2007-2008 be approved.

FISCAL NOTE: That the cost to the City will be in 2006, \$40,507.63 and 2007,

\$34,527.99, minus potential savings due to \$10 physician visit charge and \$100 emergency room visit charge.

A motion was made by Alderman Spangenberg that this Resolution be Adopted.

The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Res.06-7082

FINAL PAYMENT FOR PLANS AND SPECIFICATIONS FOR LIGHTING AT PERSHING FIELD

RESOLVED, that the final payment for engineering services for plans and specifications for lighting at Pershing Field by David L. Hanson & Associates, Inc. for a total contract amount of \$4,835.00.

FISCAL NOTE: This contract was approved by Resolution 6023 of June 15, 2004.

Adopted

Res.06-7083

AGREEMENT WITH MJI, INC. FOR COMMUNITY CENTER CUSTODIAL & CLEANING

RESOLVED, that the bid with MJI, INC. for Official Notice #9, Community Center Custodial & Cleaning be accepted, they being the lowest responsible bidder, and the Mayor and City Clerk be authorized and directed to enter into agreement with MJI, INC.

FISCAL NOTE: Funds are available in the Community Centers Professional Services account in the amount of \$405,000.

A motion was made by Alderman Maack that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Res.06-7084

RESCIND RESOLUTION AND ACCEPT PROPOSAL TO PURCHASE TAXICAB SERVICE

WHEREAS, Resolution No. 06-6985 of 04-17-06 authorized sale of the City's taxicab service to Joel Venn and Sally Pieske; and

WHEREAS, in order to provide exclusive rights, open public bidding was necessary; and

WHEREAS, Joel Venn and Sally Pieske withdrew from their proposal to purchase the taxicab service; and

WHEREAS, the next most responsible bid was submitted by Hafiz Trans, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the proposal of Hafiz Trans, Inc. to purchase the City's taxicab service for \$1,500.00 be accepted and the Mayor and City Clerk be authorized and directed to enter into a contract with Hafiz Trans, Inc.

FISCAL NOTE: This sale will result in receipt by the City of \$1,500.00.

Adopted

Res.06-7085 AGREEMENT WITH ABRI HEALTH PLAN INC FOR HEALTH CARE SERVICES

RESOLVED, that the Mayor and City Clerk be authorized and directed to sign a contract with Abri Health Plan, Inc. to arrange provision of designated health care services by the City of Racine Health Department to Abri Health Plan and Medicaid/Badger Care enrollees.

FISCAL NOTE: N/A

Adopted

Res.06-7086 AGREEMENT WITH STATE OF WISCONSIN DHFS FOR FUNDS FOR WEST NILE VIRUS ACTIVITIES

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an agreement with the State of Wisconsin Department of Health and Family Services, Division of Public Health (Grant Control No. 2006-021) in the amount of \$2,000 to be utilized for West Nile Virus surveillance activities to run from January 1, 2006 through December 31, 2006.

FISCAL NOTE: No match required on the part of the City.

Adopted**Res.06-7087** AGREEMENT WITH DREXEL UNIVERSITY COLLEGE OF NURSING FOR TRAINING STUDENTS

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Drexel University College of Nursing & Health Professionals for student training opportunities within the City of Racine Health Department.

FISCAL NOTE: N/A

Adopted**Res.06-7088** THE VILLAGE OF MOUNT PLEASANT AUTHORIZED TO UTILIZE CONDEMNATION POWERS IN TERRITORIAL LIMITS OF THE CITY OF RACINE

WHEREAS, the Village of Mount Pleasant has undertaken measures pursuant to a Chapter 30 permit issued by the Wisconsin Department of Natural Resources to rechannel the Pike River in the County of Racine, Village of Mount Pleasant, and City of Racine to more effectively convey storm water and to increase the diversity of the Pike River as a resource; and

WHEREAS, State law requires the Village of Mount Pleasant to obtain a resolution of authorization from the City of Racine to exercise eminent domain pursuant to Chapter 32.05 within the municipal boundaries of the City of Racine; and

WHEREAS, the City of Racine does wish to allow the Village of Mount Pleasant to utilize the statutory powers of condemnation to achieve the objective of making the Pike River a more biologically diverse resource and to more effectively convey storm water in the areas described in the exhibits on file with the Commissioner of Public Works.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Mount Pleasant may exercise condemnation pursuant to Chapter 32.05, Wis. Stat., within the municipal boundaries of the City of Racine in the areas depicted on the exhibits and incorporated herein by reference.

FISCAL NOTE: N/A

Adopted**Res.06-7089** AGREEMENT WITH EASTER SEALS KINDCARE SOUTHEASTERN WISCONSIN

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Easter Seals Kindcare Southeastern Wisconsin to cooperate in the provision of various recreational programs and services.

FISCAL NOTE: N/A

Adopted

Res.06-7090 HOLD HARMLESS AGREEMENT FOR 440 MAIN STREET INSTALLATION OF AWNING

RESOLVED, that the property owner of 440 Main Street be granted permission to install stationary, projecting awnings, 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.

Adopted

Res.06-7091 HOLD HARMLESS AGREEMENT FOR 2355 MEACHEM STREET AWNING INSTALLATION

RESOLVED, that the property owner of 2355 Meachem Street be granted permission to install stationary, projecting awnings, 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.

Adopted

Res.06-7092 HOLD HARMLESS AGREEMENT WITH CALEDONIA HISTORICAL SOCIETY FOR REMOVING FLAGPOLE FROM WALKER MANUFACTURING

RESOLVED, that permission be granted to the Caledonia Historical Society to remove the flagpole from the former Walker Manufacturing site, contingent upon a Hold Harmless Agreement being executed and proof of insurance being provided to the City of Racine.

FISCAL NOTE: Not applicable.

Adopted

Res.06-7093 VILLA STREET PARKING LOT BE DONATED TO HABITAT FOR HUMANITY

RESOLVED, that Lot 7 and the north 40' of Lot 10 of Block 6, School Section, a recorded plat in the City of Racine, Racine County, Wisconsin, be donated to the Habitat for Humanity with the following stipulations:

- A. Habitat for Humanity pay all costs associated with the transfer of this property.
- B. Habitat for Humanity be required to build upon this property within two (2) years from the date of closure with the stipulation that if they fail to do so, the property reverts back to City ownership.
- C. Habitat for Humanity submit design drawings for any structures to be placed on this property to the Director of City Development for his review and approval.

FISCAL NOTE: The City Assessor has estimated the value of this property to be from \$36,000.00 to \$40,000.00.

Adopted

Res.06-7094 CONTRACT WITH HNTB FOR ENGINEERING SERVICES MAIN STREET BRIDGE

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a professional services contract with HNTB to provide professional engineering services to investigate a structural problem at the Main Street Bridge at a cost not-to-exceed \$25,500.00.

FURTHER RESOLVED, that funding to defray the cost of these professional services be appropriated from Account 101.520.5500, Repairs and Maintenance. Any costs associated with these repairs are reimbursable by the State of Wisconsin.

FISCAL NOTE: Funds are available as herein delineated.

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Res.06-7095 APPROVE RELOCATION PLAT FOR ACQUISITION OF EXTENSION OF OAKES ROAD

RESOLVED, that the Relocation Plat for the acquisition of land necessary for the extension of Oakes Road from 16th Street south to the city limits be approved.

FURTHER RESOLVED, that the City Attorney be authorized and directed to take the necessary steps for the acquisition of land for this project.

FISCAL NOTE: Funds to defray the cost of land acquisition will be provided from sewer revenue dollars.

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Res.06-7096 FINAL PAYMENT FOR 2005 PAVEMENT INSPECTIONS

RESOLVED, that work of Earth Tech, Inc., under Contract 11-05 (K5-016), 2005 Pavement Inspections, be accepted and final payment authorized for a total contract amount of \$82,615.58.

FISCAL NOTE: Contract was authorized under Resolution No. 6404 of March 1, 2005.

Adopted

Res.06-7097 FINAL PAYMENT FOR STREET PAVING LALONDE CONTRACTORS

RESOLVED, that the work of LaLonde Contractors, Inc., under Contract 30-05 (K5-037), Street Paving, be accepted and final payment authorized for a total

contract amount of \$1,009,415.47.

FISCAL NOTE: Contract was authorized under Resolution No. 6536 of June 21, 2005.

Adopted

Res.06-7098 FINAL PAYMENT FOR RAZING OF 1750 PHILLIPS AVENUE

RESOLVED, that the work of Walter's Wrecking, Inc., under Contract 54-05 (K5-061), Razing of 1750 Phillips Avenue, be accepted and final payment authorized for a total contract amount of \$255,214.03.

FISCAL NOTE: Contract was authorized under Resolution No. 6642 of September 6, 2005.

Adopted

Res.06-7099 CHANGE ORDER 2006 CCTV SERVICES AND MANHOLE INSPECTION CONTRACT 7-06

RESOLVED, that Change Order No. 1 on Contract 7-06 (K6-007), 2006 CCTV Services and Manhole Inspection, Green Bay Pipe & TV, LLC, contractor, as submitted, be approved in the amount of \$11,825.00.

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

\$ 5,912.50 - Account 986.907.5310, Sanitary Sewers, Var. Locations

\$ 5,912.50 - Account 1s

\$11,825.00 - Total

FISCAL NOTE: Funds are available as herein delineated.

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Res.06-7100 CHANGE ORDER 2005 CCTV SERVICES SERVICES AND MANHOLE INSPECTIONS, CONTRACT 58-05

RESOLVED, that Change Order No. 2 on Contract 58-05 (K5-066), 2005 CCTV Services and Manhole Inspections, Green Bay Pipe & TV, LLC, contractor, as submitted, be approved in the amount of \$450.00.

FURTHER RESOLVED, that funding to defray the cost of this change order be appropriated from Account 104.985.5420, Storm Sewer, Various Locations.

FISCAL NOTE: Funds are available as herein delineated.

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

Res.06-7101 CHANGE ORDER FOR RACINE STREET SANITARY SEWER LINING

RESOLVED, that Change Order No. 1 on Contract 2-06 (K6-002), Racine Street Sanitary Sewer Lining, Visu-Sewer Clean & Seal, contractor, as submitted, be approved in the amount of \$5,407.00.

FURTHER RESOLVED, that funding to defray the cost of this change order be appropriated from Account 986.907.5610, Sanitary Sewer Construction, Various Locations.

FURTHER RESOLVED, that a time extension, until October 31, 2006, be approved.

FISCAL NOTE: Funds are available as herein delineated.

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 15 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Sollman, Spangenberg and Wisneski

H. Ordinances

Ord.25-06 Ordinance No. 25-06 to amend Sec. 114-1(b)(2) and Sec. 114-468 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Conditional Uses.

ORDINANCE NO. 25-06

To amend Sec. 114-1(b)(2) and Sec. 114-468 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Conditional Uses.

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

Part 1:

Sec. 114-1(b)(2) of the Municipal Code of the City of Racine is hereby amended by adding the following definition after the definition of "*Convalescent or nursing home*":

"Convenient-cash business. A convenient-cash business, also referred to as a payday loan business, title for cash business, check cashing business or similar enterprise is any person licensed pursuant to Wis. Stat. sec. 218.05, or a person licensed pursuant to Wis. Stat. sec. 138.09, who accepts a check or title, holds the check or title for a period of time before negotiating or presenting the check or title for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction."

Part 2:

Sec. 114-468 of the Municipal Code of the City of Racine is hereby amended by adding the following at the end of the section:

"(28) Convenient-cash businesses, provided that no other convenient-cash business is located within two thousand five hundred (2,500) feet and the business is located at least two hundred fifty (250) feet from a residential district."

Part 3:

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

Referred to City Plan Commission

Ord.26-06

Ordinance No. 26-06 to create Sec. 66-670 of the Municipal Code of the City of Racine, Wisconsin relating to Offenses - Sale or gift of cigarettes or tobacco products to minors prohibited.

ORDINANCE NO. 26-06

To create Sec. 66-670 of the Municipal Code of the City of Racine, Wisconsin relating to Offenses - Sale or gift of cigarettes or tobacco products to minors prohibited.

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

Part 1:

Sec. 66-670 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Sec. 66-670. Procurement prohibited.

(a) Except as provided in sec. 66-667, no person may intentionally procure for, sell, dispense, or give away cigarettes or tobacco products to a minor.

(b) Whoever violates this section shall forfeit not more than \$100.00."

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

Referred to License and Welfare Committee

J. Adjourn