



City of Racine

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

Meeting Agenda - Final Common Council

*Alderman Jeff Coe, Alderman Robert Anderson, Alderman Michael Shields
Alderman Jim Kaplan, Alderman David L. Maack, Alderman Sandy Weidner
Alderman Terry McCarthy, Alderman Raymond DeHahn, Alderman Q.A. Shakoor, II
Alderman Thomas Friedel, Alderman Aron Wisneski, Alderman Gregory Holding
Alderman James T. Spangenberg, Alderman Ronald D. Hart, Alderman Robert Mozol*

Tuesday, November 18, 2008

7:00 PM

Room 205, City Hall

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

ZOrd.012-08 An Ordinance rezoning 3500 Kinzie Avenue

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

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

Part 1:

That the property located at 3500 Kinzie Avenue, and more particularly described as follows:

"Lot 28 of Block 8 of West Lawn Addition. Said land being in the City of Racine, Racine County, Wisconsin" be rezoned from "R-2" Single Family Residential District, to "R-2" with a FD Flex Development Overlay District, and designated as Supplement No. _____, which Supplement is hereby made a part of this ordinance.

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

ZOrd.013-08 An Ordinance rezoning 2932 Northwestern Avenue

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

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

Part 1:

That property known as 2932 Northwestern Avenue and more particularly described as follows:

"Block 3 of Wustum Addition Lots 11, 12, and west 1/2 of adjacent vacated alley, Lots 13, 14, 15, and adjacent vacated alley, Lots 16, 17, and west 1/2 of adjacent vacated alley Said land being in the City of Racine, Racine County, Wisconsin" be rezoned from "O" Restricted Office District, to "O" with a FD Flex Development Overlay District, and designated as Supplement No. _____, which Supplement is hereby made a part of this ordinance.

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

E. Public Comments

F. Communications

Refer to Finance and Personnel Committee, by Ald. Friedel

- 08-2808** **Subject:** communication from the City Attorney submitting the claim of Carol Soon Lee and Jin Chen for consideration.
- 08-2871** **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from Wisconsin Coastal Management (City Grant Control # 2008-044) for Increasing Public Access to the Root River.
- 08-2907** **Subject:** Communication from Robert Mozol, 15th District Alderman, requesting to appear before the Finance & Personnel Committee to discuss requiring a mandatory yearly physical for all city employees who operate city-owned vehicles.
- (Also refer to the Board of Health)
- 08-2915** **Subject:** Request from the Director of City Development to apply for a Hazardous Waste Site Assessment Grant.
- 08-2916** **Subject:** Request from the Director of City Development for permission to apply for a Petroleum Site Assessment Grant.
- 08-2917** **Subject:** Request from the Director of City Development for permission to apply for a Brownsfields Revolving Loan Fund Grant.
- 08-2918** **Subject:** Request from the Director of City Development for permission to apply for a Blight Elimination & Brownfield Redevelopment Grant.
- 08-2921** **Subject:** Communication from the Police Chief, requesting to apply for the Wisconsin Department of Transportation 2009 Pedestrian Safety Enforcement grant (grant control # 2008-053).
- (Also refer to Public Safety & Licensing Committee.)
- 08-2922** **Subject:** Communication from the Police Chief, requesting to apply for the Wisconsin Department of Transportation 2009 Bicycle Safety Grant (grant control # 2008-054).
- (Also refer to Public Safety & Licensing Committee.)
- 08-2933** **Subject:** Communication from the Grant Facilitator requesting permission to apply to the WellPoint Foundation for a grant in the amount of \$100,000 to enhance the Teen Parenting Program of the

Health Department (Grant Control No. 2008-055).

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

[08-2878](#) **Subject:** Communication from the Downtown Racine Corporation requesting to use city right-of-way in conjunction with the Downtown Carves It's Niche Event to be held on January 10, 2009.

[08-2930](#) **Subject:** Communication from the Alderman of the 2nd District wishing to discuss sewer and water access at 211 Fifteenth Street.

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

[08-2892](#) **Subject:** Application of Racine Yacht Club, Joseph R. McGauran, Agent, for a Change of Agent for a "Class B" Club Retail Fermented Malt Beverage and Intoxicating Liquor License for 1 Barker Street. (**4th District**)

[08-2908](#) **Subject:** Re-visit one year Keg Ordinance

[08-2928](#) **Subject:** Communication from Alderman of the 15th District wishing to discuss the progress of the Phoenix Communication System.

[08-2937](#) **Subject:** Communication from Jensen Towing requesting to appear before the appropriate committee to discuss a rate increase.

Refer to Economic Development Committee, by Ald. Maack

[08-2924](#) **Subject:** Communication from Racine County Economic Development Corporation submitting a contract for 2009 economic development services.

[08-2925](#) **Subject:** Communication from Racine County Economic Development Corporation submitting a contract for 2009 brownfields redevelopment services.

[08-2926](#) **Subject:** Communication from Racine County Economic Development Corporation requesting certification of its annual report on the Industrial/Commercial Revolving Loan Fund Grant.

[08-2927](#) **Subject:** Communication from Racine County Economic Development Corporation requesting adoption of the Economic Development Plan version 4.0.

Refer to Redevelopment Authority of the City of Racine, by Ald Spangenberg[08-2909](#)

Subject: Request from the West Racine Business and Professional Association to use the Redevelopment Authority land in the 3100 block of Washington Avenue for the farmer's market between May 1 and November 1, 2009 with the same conditions as 2008.

G. Committee Reports**Finance and Personnel Committee Report, by Ald. Friedel**[08-2790](#)

Subject: Communication from the Human Resources Manager and City Administrator requesting to discuss the stop loss insurance 2008 performance review and 2009 renewal issues. (Res.08-1107)

Recommendation of the Finance & Personnel Committee on 10-27-08: To defer this item.

Recommendation of the Finance & Personnel Committee on 11-10-08: Permission granted for the Human Resources Manager and City Administrator renew the Stop Loss Insurance policy with the Sun Life at the \$200,000 level for budget year 2009 .

Fiscal Note: The 2009 premium renewal cost will be \$696,961.

[08-2821](#)

Subject: Communication from the City Attorney submitting the claim of Kay Christensen for consideration.

Recommendation of the Finance & Personnel Committee on 11-10-08: The claim of Kay Christensen requesting reimbursement of \$308.05 for repair expenses to her vehicle allegedly involving a pothole on 07-18-08 be denied.

Fiscal Note: N/A

[08-2822](#)

Subject: Communication from the City Attorney submitting the claim of Julie Schanke for consideration.

Recommendation of the Finance & Personnel Committee on 11-10-08: The claim of Julie Schanke requesting reimbursement of \$720.64 for repair expenses to her vehicle allegedly arising out of a pothole on 08-06-08 be denied.

Fiscal Note: N/A

[08-2823](#)

Subject: Communication from the City Attorney submitting the claim of American Family Insurance (A. Clary) for consideration.

Recommendation of the Finance & Personnel Committee on

11-10-08: The claim of American Family Insurance requesting reimbursement of \$1,229.83, paid insured Alan Clary, for repair expenses to his vehicle allegedly arising out of a pothole on 09-03-08 be denied.

Fiscal Note: N/A

[08-2841](#)

Subject: Communication from the Deputy City Attorney and Human Resources Manager requesting to discuss an agreement between the City of Racine and Local 67 (Police Clericals) to reclassify the positions of Evidence/Property Clerk SU-7 and Identification Clerk SU-7 to a SU-8 for 2008.

Recommendation of the Finance & Personnel Committee on

11-10-08: Permission granted for the Deputy City Attorney and Human Resources Manager to reclassify the positions of Evidence/Property Clerk SU-7 and Identification Clerk SU-7 to SU-8 retroactive to January 1, 2008.

Fiscal Note: The total extra cost for the 4 positions in 2008 will be \$7,155.20.

[08-2846](#)

Subject: Communication from the Finance Director requesting to discuss a 2007 to 2008 carry forward that was missed in the Intergovernmental Revenue Sharing and Special Assessment Funds last spring. (Res.08-1112)

Recommendation of the Finance & Personnel Committee on

11-10-08: \$942,026 in account 919.987.5010, Intergovernmental Shared Revenue - Oakes Road 16th to 21st, \$449,262 in account 919.987.5020, Intergovernmental Shared Revenue - Oakes Road 16th to 21st Real Estate and \$682,974 in account 906.000.5020, Assessment Projects - Oakes Road 16th to 21st be carried forward from 2007 to 2008.

Fiscal Note: There are sufficient funds remaining to be carried forward.

[08-2860](#)

Subject: The Public Health Administrator requesting permission to enter into a fee-for-service agreement with the Department of Workforce Development, Division of Employment and Training for public health services for eligible refugees. (Res.08-1109)

Recommendation of the Finance & Personnel Committee on

11-10-08: The Mayor and City Clerk be authorized and directed to enter into a fee-for-service contract with the Division of Employment and Training on behalf of the Department of Workforce Development for public health services to eligible refugees.

Fiscal Note: The fee-for-service amount is up to \$12,750.

08-2862

Subject: Communication from the Public Health Administrator requesting permission to enter into an amended agreement to accept additional funding from the Division of Public Health, Department of Health Services for the Women, Infants and Children Program. (Grant Control #2006-049) (Res.08-1108)

Recommendation of the Finance & Personnel Committee on

11-10-08: The Mayor and City Clerk be authorized and directed to enter into an amended contract with the Division of Public Health, Department of Health Services (Grant Control No. 2006-049) to be utilized for the Woman's, Infants, and Children Program.

Fiscal Note: The contract increased amount is \$255,807 based on caseload with no match required on the part of the city.

08-2865

Subject: A communication from the Grant Facilitator requesting permission to apply for the \$25,000 Project Safe Neighborhood 2008 Grant Announcement through the Wisconsin Office of Justice Assistance. (Res.08-1110)

Recommendation of the Finance & Personnel Committee on

11-10-08: Permission granted for the Grant Facilitator to apply for the \$25,000 Project Safe Neighborhood 2008 Grant (Grant Control No. 2008-042) with the Wisconsin Office of Justice Assistance.

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

08-2866

Subject: Communication from the Grant Facilitator requesting permission to apply for the \$8,000 WE Energies Foundation grant to be utilized for the Racine Promise Study. (Res.08-1111)

Recommendation of the Finance & Personnel Committee on

11-10-08: Permission granted for the Grant Facilitator to apply for the \$8,000 We Energies Foundation grant (Grant Control No. 2008-043) to be utilized for the Racine Promise Study.

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

Public Works and Services Committee Report, by Ald. Holding[08-2763](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 3 on Contract 12-07 (K7-012), 2007 Asphalt Paving, C.D.B.G., Payne & Dolan, Inc., contractor. (Res.08-1100)

Recommendation of the Public Works and Services Committee on 10-14-08 and 10-28-08: Defer

Recommendation of the Public Works and Services Committee on 11-11-08: That Change Order No. 3 on Contract 12-07 (K7-012), 2007 Asphalt Paving, C.D.B.G., Payne & Dolan, Inc., contractor, as submitted, be approved in the credit amount of \$14.39.

Fiscal Note: Change Order No. 3 will result in a decrease in contract price.

[08-2764](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 10-07 (K7-010), Gaslight Drive Renovations (R1), Cornerstone Pavers, contractor. (Res.08-1099)

Recommendation of the Public Works and Services Committee on 10-14-08 and 10-28-08: Defer

Recommendation of the Public Works and Services Committee on 11-11-08: The work of Cornerstone Pavers, LLC, under Contract 10-07 (K7-010), Gaslight Drive Renovations (R1), be accepted and final payment authorized for a total contract amount of \$236,012.09, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 07-0143 dated April 4, 2007.

[08-2766](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Pavers, contractor. (Res.08-1101)

Recommendation of the Public Works and Services Committee on 10-14-08 and 10-28-08: Defer

Recommendation of the Public Works and Services Committee on 11-11-08: The work of Cornerstone Pavers, LLC, under Contract 20-07

(K7-023), Local Road Improvement Program, be accepted and final payment authorized for a total contract amount of \$397,245.65, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 07-0145 dated April 4, 2007.

08-2831

Subject: Communication from the Assistant Commissioner of Public Works/Operations requesting permission to accept a Focus on Energy Grant for the installation of LED light fixtures at the Civic Centre Parking Ramp, Phase III. (Res.08-1102)

Recommendation of the Public Works and Services Committee on 11-11-08: That the Commissioner of Public Works/City Engineer be authorized and directed to enter into a grant agreement, on behalf of the City of Racine, with Focus on Energy which will provide \$1,733.00 in funding for Phase III of the Civic Centre Parking Ramp LED Light Fixture project. The total estimated cost of this project is \$18,450.00.

Further recommends that funds for this project are available in Account 106.987.5120, Parking Ramp Improvements.

Fiscal Note: The grant and resulting estimated reduction in annual energy costs of \$2,100.00 will result in an 8 year return on investment.

08-2838

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 21-07 (K7-025), PS - 2007 Sewer Lining Design Services, Earth Tech/AECOM, consultant. (Res.08-1094)

Recommendation of the Public Works and Services Committee on 11-11-08: The professional services provided by Earth Tech/AECOM under Contract 21-07 (K7-025), Professional Services - 2007 Sewer Lining Design Services, be accepted and final payment authorized for a total contract amount of \$29,959.50.

Fiscal Note: Contract was authorized under Resolution No. 07-0040, dated February 6, 2007.

08-2839

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 1 on Contract 44-08 (K8-052), 2008 Sanitary Sewer Relays, A. W. Oakes & Son, contractor. (Res.08-1103)

Recommendation of the Public Works and Services Committee on 11-11-08: That Change Order No. 1 on Contract 4-08 (K8-004), 2008 Sanitary Sewer Relays, A. W. Oakes & Son, Inc., contractor, as

submitted, be approved in the amount of \$6,480.00.

Further recommends that funding to defray the cost of this change order be appropriated from the Racine Water Utility.

Fiscal Note: Funds are available as herein delineated.

08-2842

Subject: Traffic Control Signal Maintenance Service Agreement for intersection of Oakes Road and 16th Street between City of Racine and Village of Mt. Pleasant.

Recommendation of the Public Works and Services Committee on 11-11-08: That the communication be received and filed.

Fiscal Note: Not applicable.

08-2848

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting a three-party agreement for the design of Douglas Avenue from Goold Street to 3 Mile Road, State Project ID: 2350-13-00. (Res.08-1104)

Recommendation of the Public Works and Services Committee on 11-11-08: That the Mayor and City Clerk be authorized and directed to enter into a 3-party contract with the State of Wisconsin Department of Transportation and Graef Anhalt Schloemer & Associates, Inc. for professional design engineering services for reconstructing Douglas Avenue (Hwy. 32) from Goold Street to Three Mile Road, State Project ID: 2350-13-00, for the not-to-exceed cost of \$340,426.15, which is funded 75% by the State of Wisconsin, or \$255,319.61, and 25% by the City of Racine, or \$85,106.54.

Further recommends that funds to defray the cost of these professional services are available in the 2009 Capital Improvement Program.

Fiscal Note: Funds are available as herein delineated. The State of Wisconsin negotiates all contracts which utilize federal funding.

08-2867

Subject: Communication from the Commissioner of Public Works/City Engineer submitting the bid award for salt for ice control for the 2008-2009 winter season. (Res.08-1091)

Recommendation of the Public Works and Services Committee on 11-11-08: The bid of Morton Salt for the purchase of 6,500 tons (more or less) of salt for ice control for the 2008-09 year, be accepted at their bid price of \$77.95 per ton delivered, they being the lowest responsible bidder.

Further recommends that funds to defray the cost of this purchase be appropriated from Account 101.549.5250, Snow and Ice Control, Work Supplies.

Fiscal Note: The City of Racine's allotment of salt will be based upon 6,500 tons, and funds to make these purchases are budgeted in Account 101.540.5250, Snow and Ice Control, Work Supplies.

08-2872

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 4-06 (K6-004), Design Services for City Hall Data Center, Harwood Engineering Consultants, consultant. (Res.08-1093)

Recommendation of the Public Works and Services Committee on 11-11-08: The professional services provided by Harwood Engineering Consultants under Contract 4-06 (K6-004), Design Services for City Hall Data Center, be accepted and final payment authorized for a total contract amount of \$59,480.00

Fiscal Note: Contract was authorized under Resolution No. 6851 dated January 27, 2006.

08-2884

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 03-06 (K6-003), PS - Public Works Workflow Analysis, Earth Tech/AECOM, consultant. (Res.08-1092)

Recommendation of the Public Works and Services Committee on 11-11-08: The professional services provided by Earth Tech/AECOM under Contract 3-06 (K6-003), Professional Services - Public Works Workflow Analysis, be accepted and final payment authorized for a total contract amount of \$70,716.86.

Fiscal Note: Contract was authorized under Resolution No. 6814 dated December 20, 2005.

08-2885

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting a project agreement from the State of Wisconsin for 6th Street Enhancements, Grand Avenue to Main Street, State Project ID: 2440-08-71. (Res.08-1105)

Recommendation of the Public Works and Services Committee on 11-11-08: That the Mayor and City Clerk be authorized and directed to enter into a project agreement with the State of Wisconsin Department of Transportation for the Sixth Street Enhancements, Grand Avenue to Main Street, State Project ID: 2440-08-71, for the not-to-exceed cost of

\$500,000.00, which is funded 80% by the State of Wisconsin, or \$400,000.00, and 20% by the City of Racine, or \$100,000.00.

Further recommends that funds to defray the cost of these professional services are available in the 2009 Capital Improvement Program.

Fiscal Note: Funds are available as herein delineated.

08-2886

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 19-08 (K8-021), 2008 Asphalt Resurfacing, C.D.B.G., A.W. Oakes & Son, Inc., contractor. (Res.08-1098)

Recommendation of the Public Works and Services Committee on 11-11-08: The work of A. W. Oakes & Son, Inc., under Contract 19-08 (K8-021), 2008 Asphalt Resurfacing, C.D.B.G., be accepted and final payment authorized for a total contract amount of \$202,700.50, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 08-0783 dated May 6, 2008.

08-2887

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 1 on Contract 04-08 (K8-004), DeKoven Avenue Utility Construction, C.W. Purpero, Inc., contractor. (Res.08-1095)

Recommendation of the Public Works and Services Committee on 11-11-08: That Change Order No. 1 on Contract 4-08 (K8-004), DeKoven Avenue Utility Construction C.W. Purpero, Inc., contractor, as submitted, be approved in the amount of \$42,949.95.

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

\$17,108.82 - Water Utility

\$25,841.13 - Account 104.900.5420, Storm Sewer, Misc. Locations

\$42,949.95 - Total

Fiscal Note: Funds are available as herein delineated.

08-2888

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 04-08 (K8-004), DeKoven Avenue Utility Construction, C. W. Purpero, Inc., contractor. (Res.08-1096)

Recommendation of the Public Works and Services Committee on

11-11-08: The work of C. W. Purpero, Inc., under Contract 4-08 (K8-004), DeKoven Avenue Utility Construction, be accepted and final payment authorized for a total contract amount of \$502,573.95, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 08-0613 dated February 5, 2008.

08-2889

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 1 on Contract 19-08 (K8-021), 2008 Asphalt Resurfacing, C.D.B.G., A. W. Oakes & Son, contractor. (Res.08-1097)

Recommendation of the Public Works and Services Committee on 11-11-08: That Change Order No. 1 on Contract 19-08 (K8-021), 2008 Asphalt Resurfacing, C.D.B.G., A. W. Oakes & Son, contractor, as submitted, be approved in the credit amount of \$11,951.50.

Fiscal Note: Change Order No. 1 will result in a decrease in contract price.

Public Safety and Licensing Committee Report, by Ald. Shakoor

07-1225

Subject: Application of D&K Real Estate Investments LLC (Indigo), Billie J. Chomicki, Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1501 Washington Avenue. (3rd District)

Recommendation of the Public Safety and Licensing Committee on 10-22-07: That the item be deferred and the applicant work with the City Attorney on an agreement that outlines certain stipulations as well as scheduling a meeting with Uptown Business Association to address some of their concerns.

Recommendation of Public Safety & Licensing Committee on 11-10-08: That the item be received and filed as applicant has not met the ordered requirements.

Fiscal Note: N/A

08-2824

Subject: (NEW) Application of Rapids Drive Convenience, LLC, Stephen J. Grebe, Agent, for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3502 Rapids Drive. (6th District)

Recommendation of Public Safety & Licensing Committee on 11-10-08: That the application of Rapids Drive Convenience, LLC,

Stephen J. Grebe, Agent, for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3502 Rapids Drive be approved pending the records check.

Fiscal Note: N/A

08-2847

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to enter in an agreement with STS to perform the necessary engineering services to apply for an "Exception to Construct on an Abandon Landfill" permit from the Wisconsin Department of Natural Resources. This work will be performed at Lockwood Park. (Res.08-1106)

Recommendation of the Public Safety & Licensing Committee on 11-10-08: That the Director of Parks, Recreation and Cultural Services be granted permission to enter in an agreement with STS to perform the necessary engineering services to apply for an "Exception to Construct on an Abandon Landfill" permit from the Wisconsin Department of Natural Resources.

Fiscal Note: Funds are available in account 101.700.5750.

City Plan Commission Report, by Ald. Holding

08-2826

Subject: Ordinance No. 15-08 to amend Sec. 81-123(b) of the Municipal Code of the City of Racine, Wisconsin relating to Sidewalks - required widths.

Recommendation of the Public Works and Services Committee on 10-28-08: That Ordinance No. 15-08 to amend Sec. 81-123(b) of the Municipal Code of the City of Racine, Wisconsin relating to Sidewalks - required widths, be adopted.

Recommendation of the City Plan Commission on 11-12-08: That the Ordinance No. 15-08 pertaining to sidewalk widths be Adopted.

Fiscal Note: N/A

08-2832

Subject: (Direct Referral) Request by Luerene Locke seeking a Conditional Use Permit for a beauty salon at 3500 Kinzie Avenue. (Res.08-1114)

Recommendation of City Plan Commission on 10-29-08: To approve subject to staff recommendations with an additional condition that the landscaping be maintained and a plan submitted to the Director of City Development for review.

Fiscal Note: N/A

[08-2835](#)

Subject: (Direct Referral) Request by Randall Borglin seeking a conditional use permit for a beauty salon at 2932 Northwestern Avenue. (Res.08-1116)

Recommendation of the City Plan Commission on 10-29-08: To approve subject to staff recommendations with an additional condition that the landscaping be maintained and a plan submitted to the Director of City Development for review.

Fiscal Note: N/A

[08-2896](#)

Subject: (Direct Referral) Use Supplement for 3500 Kinzie Avenue. (Res.08-1113)

Recommendation of the City Plan Commission on 11-12-08: That this be Approved subject to Staff Recommendations.

Fiscal Note: N/A

[08-2897](#)

Subject: (Direct Referral) Use Supplement for 2932 Northwestern Avenue. (Res.08-1115)

Recommendation of the City Plan Commission on 11-12-08: That this item be Approved subject to Staff Recommendations.

Fiscal Note: N/A

[08-2919](#)

Subject: (Direct Referral) ZOrd.012-08 An Ordinance to rezone 3500 Kinzie Avenue relating to a Flex Development Overlay.

Recommendation of the City Plan Commission on 11-12-08: That the Ordinance be Adopted.

Fiscal Note: N/A

[08-2920](#)

Subject: (Direct Referral) ZOrd.013-08 An Ordinance to rezone 2932 Northwestern Avenue relating to a Flex Development Overlay.

Recommendation of the City Plan Commission on 11-12-08: That the Ordinance be Adopted.

Fiscal Note: N/A

Board of Health Committee Report, by Ald. DeHahn[08-2863](#)

Subject: Communication from the Public Health Administrator requesting permission to apply for funding from the Wisconsin Coastal Management Program for QPCR. (Grant Control #2008-041)

RECOMMENDATION OF BOARD OF HEALTH: That the item be Referred to Finance and Personnel Committee

Committee of the Whole Report, by Ald. Maack[08-2673](#)

Subject: Submittal of the Report of the Finance Committee of the Racine Waterworks Commission regarding year 2009 Water Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget Recommending Adoption. (Res.08-1118)

Recommendation of the Racine Waterworks Commission of 9-30-08: To adopt. Refer to the Finance and Personnel Committee.

Recommendation of the Committee of the Whole on 11-13-2008: the 2009 Water Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget be approved.

Fiscal Note: copies of the 2009 Water Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget, along with their supporting exhibits, are on file in the Office of the Finance Director.

[08-2679](#)

Subject: Submittal of the Report of the Finance Committee of the Racine Wastewater Commission regarding year 2009 Wastewater Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget Recommending Adoption. (Res.08-1119)

Recommendation of the Racine Wastewater Commission on 9-30-08: To adopt. Refer to the Finance and Personnel Committee.

Recommendation of the Committee of the Whole on 11-13-2008: the 2009 Wastewater Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget be approved.

Fiscal Note: copies of the 2009 Wastewater Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget, along with their supporting exhibits, are on file in the Office of the Finance Director.

[08-2781](#)

Subject: Communication from Mayor Becker submitting the 2009

proposed budgets for the General Fund, Special Revenue Funds, Capital Projects Funds, Debt Service, Enterprise Funds, Utilities, and Internal Service Funds. (Res.08-1117)

Recommendation of the Committee of the Whole on 11-13-2008:

that the 2009 General Fund, Special Revenue Funds, Capital Projects Funds, Debt Service, Enterprise Funds, and Internal Service Funds be amended and adopted as amended.

Fiscal Note: Amendments to the operating budget resulted in a tax levy of \$44,381,190 and a tax rate of \$10.74. Amendments to the capital improvement budget and 5-year plan reduced the 2009 borrowing by \$1,200,000 to \$7,300,000. Copies of the above budgets, along with their supporting exhibits and amendments, are on file in the Office of the Finance Director.

H. Consent Agenda - Resolutions

Res.08-1091 Award bid for purchase of salt for ice control for the 2008-2009 winter season

Resolved, that bid of Morton Salt for the purchase of 6,500 tons (more or less) of salt for ice control for the 2008-09 year, be accepted at their bid price of \$77.95 per ton delivered, they being the lowest responsible bidder.

Further resolved, that funds to defray the cost of this purchase be appropriated from Account 101.549.5250, Snow and Ice Control, Work Supplies.

Fiscal Note: The City of Racine's allotment of salt will be based upon 6,500 tons, and funds to make these purchases are budgeted in Account 101.540.5250, Snow and Ice Control, Work Supplies.

Sponsors: Gregory Holding

Res.08-1092 Professional services provided be accepted and final payment authorized on Contract 3-06 (K6-003), Public Works Workflow Analysis

Resolved, that the professional services provided by Earth Tech/AECOM under Contract 3-06 (K6-003), Professional Services - Public Works Workflow Analysis, be accepted and final payment authorized for a total contract amount of \$70,716.86.

Fiscal Note: Contract was authorized under Resolution No. 6814 dated December 20, 2005.

Sponsors: Gregory Holding

Res.08-1093 Professional services provided be accepted and final payment authorized

for Control 4-06 (K6-004), Design Services for City Hall Data Center

Resolved, that the professional services provided by Harwood Engineering Consultants under Contract 4-06 (K6-004), Design Services for City Hall Data Center, be accepted and final payment authorized for a total contract amount of \$59,480.00.

Fiscal Note: Contract was authorized under Resolution No. 6851 dated January 27, 2006.

Sponsors: Gregory Holding

Res.08-1094 Professional services provided be accepted and final payment authorized on Contract 21-07 (K7-025), 2007 Sewer Lining Design Services

Resolved, that the professional services provided by Earth Tech/AECOM under Contract 21-07 (K7-025), Professional Services - 2007 Sewer Lining Design Services, be accepted and final payment authorized for a total contract amount of \$29,959.50.

Fiscal Note: Contract was authorized under Resolution No. 07-0040, dated February 6, 2007.

Sponsors: Gregory Holding

Res.08-1095 Change Order No. 1 on Contract 4-08 (K8-004), DeKoven Avenue Utility Construction, C.W. Purpero, Inc., be approved

Resolved, that Change Order No. 1 on Contract 4-08 (K8-004), DeKoven Avenue Utility Construction C.W. Purpero, Inc., contractor, as submitted, be approved in the amount of \$42,949.95.

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

\$17,108.82 - Water Utility

\$25,841.13 - Account 104.900.5420, Storm Sewer, Misc. Locations

\$42,949.95 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.08-1096 Work of C. W. Purpero, Inc., Contract 4-08- (K8-004), DeKoven Avenue Utility Construction, be accepted and final payment authorized

Resolved, that the work of C. W. Purpero, Inc., under Contract 4-08 (K8-004), DeKoven Avenue Utility Construction, be accepted and final payment authorized for a total contract amount of \$502,573.95, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 08-0613 dated

February 5, 2008.

Sponsors: Gregory Holding

Res.08-1097 Change Order No. 1 on Contract 19-08 (K8-021), 2008 Asphalt Resurfacing, C.D.B.G., A. W. Oakes & Son, be approved

Resolved, that Change Order No. 1 on Contract 19-08 (K8-021), 2008 Asphalt Resurfacing, C.D.B.G., A. W. Oakes & Son, contractor, as submitted, be approved in the credit amount of \$11,951.50.

Fiscal Note: Change Order No. 1 will result in a decrease in contract price.

Sponsors: Gregory Holding

Res.08-1098 Work of A. W. Oakes & Son under Contract 19-08 (K8-021), 2008 Asphalt Resurfacing, C.D.B.G., be accepted and final payment authorized

Resolved, that the work of A. W. Oakes & Son, Inc., under Contract 19-08 (K8-021), 2008 Asphalt Resurfacing, C.D.B.G., be accepted and final payment authorized for a total contract amount of \$202,700.50, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 08-0783 dated May 6, 2008.

Sponsors: Gregory Holding

Res.08-1099 Work of Cornerstone Pavers, LLC., under Contract 10-07 (K7-010), Gaslight Drive Renovations (R1), be accepted and final payment authorized

Resolved, that the work of Cornerstone Pavers, LLC, under Contract 10-07 (K7-010), Gaslight Drive Renovations (R1), be accepted and final payment authorized for a total contract amount of \$236,012.09, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 07-0143 dated April 4, 2007.

Sponsors: Gregory Holding

Res.08-1100 Change Order No. 3 on Contract 12-07 (K7-012), 2007 Asphalt Paving, C.D.B.G., Payne & Dolan, be approved

Resolved, that Change Order No. 3 on Contract 12-07 (K7-012), 2007 Asphalt Paving, C.D.B.G., Payne & Dolan, Inc., contractor, as submitted, be approved in the credit amount of \$14.39.

Fiscal Note: Change Order No. 3 will result in a decrease in contract price.

Sponsors: Gregory Holding

Res.08-1101 Work of Cornerstone Pavers, LLC, under Contract 20-07 (K7-023), Local Road Improvement Program, be accepted and final payment authorized

Resolved, that the work of Cornerstone Pavers, LLC, under Contract 20-07 (K7-023), Local Road Improvement Program, be accepted and final payment authorized for a total contract amount of \$397,245.65, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 07-0145 dated April 4, 2007.

Sponsors: Gregory Holding

Res.08-1102 Permission to accept a Focus on Energy Grant for installation of LED light fixtures at Civic Centre Parking Ramp, Phase III and enter into grant agreement

Resolved, that the Commissioner of Public Works/City Engineer be authorized and directed to enter into a grant agreement, on behalf of the City of Racine, with Focus on Energy which will provide \$1,733.00 in funding for Phase III of the Civic Centre Parking Ramp LED Light Fixture project. The total estimated cost of this project is \$18,450.00.

Further resolved, that funds for this project are available in Account 106.987.5120, Parking Ramp Improvements.

Fiscal Note: The grant and resulting estimated reduction in annual energy costs of \$2,100.00 will result in an 8 year return on investment.

Sponsors: Gregory Holding

Res.08-1103 Change Order No. 1 on Contract 44-08 (K8-052), 2008 Sanitary Sewer Relays, A. W. Oakes & Son, be accepted

Resolved, that Change Order No. 1 on Contract 44-08 (K8-0524), 2008 Sanitary Sewer Relays, A. W. Oakes & Son, Inc., contractor, as submitted, be approved in the amount of \$6,480.00.

Further recommends that funding to defray the cost of this change order be appropriated from the Racine Water Utility.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.08-1104 Permission to enter into a three-party agreement for design of Douglas Avenue from Goold Street to 3 Mile Road

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 3-party contract with the State of Wisconsin Department of Transportation and Graef Anhalt Schloemer & Associates, Inc. for professional design engineering services for reconstructing Douglas Avenue (Hwy. 32) from Goold Street to Three Mile Road, State Project ID: 2350-13-00, for the not-to-exceed cost of \$340,426.15, which is funded

75% by the State of Wisconsin, or \$255,319.61, and 25% by the City of Racine, or \$85,106.54.

Further resolved, that funds to defray the cost of these professional services are available in the 2009 Capital Improvement Program.

Fiscal Note: Funds are available as herein delineated. The State of Wisconsin negotiates all contracts which utilize federal funding.

Sponsors: Gregory Holding

Res.08-1105 Permission to enter into a project agreement with State of Wisconsin Dept. of Transportation for Sixth Street Enhancements

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a project agreement with the State of Wisconsin Department of Transportation for the Sixth Street Enhancements, Grand Avenue to Main Street, State Project ID: 2440-08-71, for the not-to-exceed cost of \$500,000.00, which is funded 80% by the State of Wisconsin, or \$400,000.00, and 20% by the City of Racine, or \$100,000.00.

Further resolved, that funds to defray the cost of these professional services are available in the 2009 Capital Improvement Program.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.08-1106 Permission for Director of Parks to enter into agreement with STS to perform the necessary engineering services for applying for a permit from Wisconsin Department of Natural Resources

Resolved, the Director of Parks, Recreation and Cultural Services be granted permission to enter in an agreement with STS to perform the necessary engineering services to apply for an "Exception to Construct on an Abandon Landfill" permit from the Wisconsin Department of Natural Resources.

Fiscal Note: Funds are available in Account 101.700.5750.

Sponsors: Q.A. Shakoor, II

Res.08-1107 Permission to renew the Stop Loss insurance policy with Sun Life for budget year 2009

Resolved, that permission be granted for the Human Resources Manager and City Administrator to renew the Stop Loss Insurance policy with the Sun Life at the \$200,000 level for budget year 2009 .

Fiscal Note: The 2009 premium renewal cost will be \$696,961.

Sponsors: Thomas Friedel

Res.08-1108 Permission for Public Health Administrator to accept additional funding from Division of Public Health for WIC Program and Mayor and City Clerk enter into amended agreement

Resolved, that Public Health Administrator be granted permission to accept additional funding in the amount of \$255,807 from the Division of Public Health for the WIC Program and that the Mayor and City Clerk be authorized and directed to enter into an amended contract with the Division of Public Health, Department of Health Services (Grant Control No. 2006-049) to be utilized for the Woman's, Infants, and Children Program for the budget period of January 1, 2009 through December 31, 2009.

Fiscal Note: The contract increased amount is \$255,807 based on caseload with no match required on the part of the city.

Sponsors: Thomas Friedel

Res.08-1109 Permission for Mayor and City Clerk to enter into a fee-for-service agreement with Division of Employment and Training on behalf of Department of Workforce Development for public health services for eligible refugees

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a fee-for-service contract with the Division of Employment and Training on behalf of the Department of Workforce Development for public health services to eligible refugees. The contract period is October 1, 2008 through September 30, 2009 in an amount up to \$12,750.

Fiscal Note: The fee-for-service amount is up to \$12,750.

Sponsors: Thomas Friedel

Res.08-1110 Permission for Grant Facilitator to apply for \$25,000 Project Safe Neighborhood 2008 Grant

Resolved, that permission be granted for the Grant Facilitator to apply for the \$25,000 Project Safe Neighborhood 2008 Grant (Grant Control No. 2008-042) with the Wisconsin Office of Justice Assistance. The grant will support the Community Re-Entry Program.

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

Sponsors: Thomas Friedel

Res.08-1111 Permission for Grant Facilitator to apply for the \$8,000 WE Energies Foundation Grant for the Racine Promise Study

Resolved, that permission be granted to the Grant Facilitator to apply for the \$8,000 We Energies Foundation grant (Grant Control No. 2008-043) to be utilized for the Racine Promise Study.

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

Sponsors: Thomas Friedel

Res.08-1112 Permission for a 2007 to 2008 carry forward in the Intergovernmental Revenue Sharing and Special Assessment Funds

Resolved, that \$942,026 in Account 919.987.5010, Intergovernmental Shared Revenue - Oakes Road 16th to 21st, \$449,262 in Account 919.987.5020, Intergovernmental Shared Revenue - Oakes Road 16th to 21st Real Estate, and \$682,974 in Account 906.000.5020, Assessment Projects - Oakes Road 16th to 21st, be carried forward from 2007 to 2008.

Fiscal Note: There are sufficient funds remaining to be carried forward.

Sponsors: Thomas Friedel

Res.08-1113 Use Supplement for 3500 Kinzie Avenue

Resolved, that a Use Supplement be adopted by a resolution of the Common Council in association with a Flex Development Overlay District at 3500 Kinzie Avenue, subject to the following conditions:

- a. That all uses listed in the underlying R-2 Single Family Residential District are permissible by right or by conditional use permit unless otherwise specified herein.
- b. That all applicable permits are obtained from the Building Inspection Department.
- c. That the following flex use(s) are permitted as conditional use permit(s) by Ordinance No. ZOrd 012-08 in addition to the conditional use permitted in the R-2 Single Family Residential District: Beauty Salon.
- d. That the following uses shall be prohibited: all community living arrangements; recreational clubs and community centers; religious institutions; family and group day care centers; and retail sales, unless accessory to the principle use.
- e. That all aspects of the flex uses and all other uses shall be contained on site.
- f. That the Chief Building inspector or Director of City Development may impose additional conditions on a single or a group of flex uses to mitigate potential negative impacts on the subject or surrounding properties. Decisions in this regard may be appealed by the affected operator(s) to the Plan Commission who will forward a recommendation to the Common Council.
- g. That upon consultation between the Chief Building Inspector and Director of City Development, additional uses not listed in this resolution may be permitted if found to comply with the spirit and intent of this flex development and the Flex Development Overlay District.
- h. That all applicable codes and ordinances be complied with and required

permits acquired.

i. That no minor changes be made from the conditions of this flex development without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.

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

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.08-1114 Conditional Use Permit for 3500 Kinzie Avenue

Resolved, that a Conditional Use Permit to operate a beauty shop and nail salon at 3500 Kinzie Avenue be approved, subject to the following conditions:

a. That the plans stamped October 10, 2008 and presented to the Plan Commission on October 23, 29, 2008, be approved subject to the conditions contained herein.

b. That all applicable building and occupancy permits be obtained.

c. That there be no outside storage.

d. That the number of beauty stations/nail stations be limited to 5 total.

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

f. That all sign be professionally made, be no greater in size and number than those signs which currently exist, and plans be submitted to the Director of City Development for review and approval prior to the issuance of a sign permit.

g. That the maximum hours that the store will be open to the public be Tuesday through Saturday, 10:00 a.m. to 7:00 p.m.

h. That all codes and ordinance be complied with and necessary permits acquired.

i. That no minor changes be made to the conditions of this permit without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.

j. That a Flex Overlay Ordinance and use supplement be created, and a public hearing scheduled, and that no occupancy permit be issued until the Flex Overlay has been approved by the Common Council.

k. That this permit is subject to review by the Plan Commission for

compliance with the listed conditions.

I. That the landscaping be maintained and a landscaping plan submitted to the Director of City Development for review.

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.08-1115 Use Supplement for 2932 Northwestern Avenue

Resolved, that a Use Supplement be adopted by a resolution of the Common Council in association with a flex development overlay district at 2932 Northwestern Avenue, subject to the following conditions:

- a. That all uses listed in the underlying O - Restricted Office District are permissible by right or by conditional use permit unless otherwise specified herein.
- b. That all applicable permits are obtained from the Building Inspection Department.
- c. That the following flex use(s) are permitted as conditional use permit(s) by Ordinance No. ZOrd 013-08 in addition to the conditional use permitted in the O - Restricted Office District: Beauty Salon.
- d. That the following uses shall be prohibited: retail uses, unless accessory to the principal use; community gardens.
- e. That all aspects of the flex uses and all other uses shall be contained on site.
- f. That the Chief Building inspector or Director of City Development may impose additional conditions on a single or a group of flex uses to mitigate potential negative impacts on the subject or surrounding properties. Decisions in this regard may be appealed by the affected operator(s) to the Plan Commission who will forward a recommendation to the Common Council.
- g. That upon consultation between the Chief Building Inspector and Director of City Development, additional uses not listed in this resolution may be permitted if found to comply with the spirit and intent of this flex development and the Flex Development Overlay District.
- h. That all applicable codes and ordinances be complied with and required permits acquired.
- i. That no minor changes be made from the conditions of this flex development without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.
- j. That this flex development is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.08-1116 Conditional Use Permit for 2932 Northwestern Avenue

Resolved, that a Conditional Use Permit to operate a beauty salon at 2932 Northwestern Avenue be approved, subject to the following conditions:

- a. That the plans stamped October 20, 2008 and presented to the Plan Commission on October 29, 2008, be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained.
- c. That there be no outside storage.
- d. That the number of stations/chairs be limited to 8.
- e. That all trash and recyclables be stored in closed containers and screened from view.
- f. That all signs be professionally made, and plans be submitted to the Director of City Development for review and approval prior to the issuance of a sign permit.
- g. That the maximum hours that the store will be open to the public be Monday through Friday, 9:00 a.m. to 9:00 p.m.
- h. That all codes and ordinance be complied with and necessary permits acquired.
- i. That no minor changes be made to the conditions of this permit without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.
- j. That a Flex Overlay Ordinance and use supplement be created, and a public hearing scheduled, and that no occupancy permit be issued until the Flex Overlay has been approved by the Common Council.
- k. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.
- l. That the landscaping be maintained and a landscaping plan submitted to the Director of City Development for review.

Fiscal Note: N/A

Sponsors: Gregory Holding

I. Resolutions

Res.08-1117 2009 Proposed Budgets

Resolved, that the 2009 proposed budgets for the General Fund, Special Revenue Funds, Capital Projects Funds, Debt Service, Enterprise Funds, and Internal Service Funds be amended and as amended be adopted.

Fiscal Note: Amendments to the operating budget resulted in a tax levy of \$44,381,190 and a tax rate of \$10.74. Amendments to the capital improvement budget and 5-year plan reduced the 2009 borrowing by \$1,200,000 to \$7,300,000. Copies of the above budgets, along with their supporting exhibits and amendments, are on file in the Office of the Finance Director.

Sponsors: David L. Maack

Res.08-1118 2009 Water Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget

Resolved, that the 2009 Water Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget be adopted.

Fiscal Note: Copies of the 2009 Water Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget, along with their supporting exhibits, are on file in the Office of the Finance Director.

Sponsors: David L. Maack

Res.08-1119 2009 Wastewater Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget

Resolved, that the 2009 Wastewater Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget be adopted.

Fiscal Note: copies of the 2009 Wastewater Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget, along with their supporting exhibits, are on file in the Office of the Finance Director.

Sponsors: David L. Maack

J. Ordinances**Ord.18-08** Ordinance No. 18-08

To repeal and recreate Sec. 66-346 and to repeal Sec. 66-349 of the Municipal Code of the City of Racine, Wisconsin relating to Offenses - Disorderly Houses.

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

Part 1:

Sec. 66-346 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“Sec. 66-346. Disorderly Houses.

All disorderly houses, gambling houses and buildings or structures kept or resorted to for the purpose of gambling, or any drug or criminal gang houses as defined in sec. 823.113, (1) and (1)(b), Wis. Stats., and all buildings or structures where the sale, manufacture or delivery of drug paraphernalia as defined in sec. 961.571(1)(a), Wis. Stats., occurs are deemed to be public nuisances pursuant to Sec. 66-1001 of the Racine Municipal Code.”

Part 2:

Sec. 66-349 of the Municipal Code of the City of Racine is hereby repealed.

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

Sponsors: Robert Mozol

Ord.19-08

Ordinance No. 19-08

To amend Sec. 66-1001, repeal and recreate Sec. 66-1002 and create Sec. 66-1004 of the Municipal Code of the City of Racine, Wisconsin relating to Nuisance properties.

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

Part 1:

Sec. 66-1001 of the Municipal Code of the City of Racine is hereby amended by deleting the word “and” in the second line and inserting the word “or” in its place.

Part 2:

Sec. 66-1002 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“Sec. 66-1002. Chronic Nuisance Premises.

(a) Purpose.

The Common Council finds that from time to time certain premises in the City of Racine require a disproportionate amount of Police Department resources to be devoted to addressing various problems and incidents that occur thereon. Often this disproportionate devotion of police resources is due to property owners' own actions or the failure of property owners to accept and exercise sufficient responsibility for and over the actions of occupants, guests, agents or employees that reside upon or frequent the premises. Such premises, as further described in paragraph (b) below, are deemed chronic nuisance premises and are public nuisances. This section is enacted to encourage property owners to recognize their responsibility to ensure that activities occurring on their property conform to the law and do not unduly burden the City's police resources and to provide a mechanism for the City to take action against property owners who fail to ensure premises they own do not require a disproportionate devotion of police resources and to recover the costs associated with the disproportionate devotion of police resources to such premises. This subsection is not intended to discourage crime victims or any person in legitimate need of police services from requesting them.

(b) Determination of Chronic Nuisance Premises.

1. Any premises to which the Police Department is called to respond to complaints of any nuisance activity, three (3) or more separate times within any thirty (30) day period is deemed to have received and require more than the general, acceptable level of police services, and places an undue burden upon the taxpayers of the City. For purposes of this subsection, a nuisance activity shall be offenses under Chapter 66 of this Code or their statutory counterparts, or any offense under state law for which a penalty of forfeiture, fine or imprisonment is provided. An offense shall not be considered a nuisance activity if it is committed by a person having no association with the premises by acquaintance with, relation to or expressed or implied invitation from the owner, occupant, operator or agent of the premises.

2. Whenever any such premises exists, the Chief of Police shall determine from the facts of each incident and considering the purpose of this subsection as set forth in paragraph (a) above, whether the premises is a chronic nuisance premises. A chronic nuisance is a public nuisance.

(c) Notice.

Whenever the Chief of Police finds a premises constitutes a chronic nuisance premises under paragraph (b), the Chief of Police shall provide written notice of his determination to the owner of the premises as identified by the records of the City Assessor. Such notice shall be delivered by registered mail, return receipt requested or by personal service. If the owner cannot be located, the

notice shall be published as a Class 2 notice under Wis. Chap. 985. The notice shall contain the following additional information:

1. The street address, parcel number or legal description sufficient to identify the premises.
2. A brief statement, including a description of the relevant activities, supporting the determination that the premise is a chronic nuisance premises.
3. A statement that the owner shall, within 10 days of receipt of the notice, or last day of publication if published, respond to the Chief of Police requesting a hearing before the Public Safety and Licensing Committee or proposing in writing a course of action that will be taken to abate the nuisance activities.
4. A statement that the owner shall immediately notify the Chief of Police of any change in address to ensure receipt of future notices.

(d) Owner Abatement.

If the owner responds to the notice in paragraph (c) with a nuisance abatement proposal, the Chief of Police may accept, reject or work with the owner to modify the proposal in his or her discretion. If the Chief of Police rejects the abatement proposal, determines that an agreement on an appropriate abatement proposal cannot be reached or determines that owner abatement is for any reason unsuccessful, the matter shall be referred to the Public Safety and Licensing Committee for hearing.

(e) Hearing.

If a hearing is requested or if the Chief of Police determines that a satisfactory abatement plan cannot be agreed upon or if the Chief of Police determines that abatement actions taken by the owner are unsuccessful, a hearing shall be held before the Public Safety and Licensing Committee. The owner shall receive ten (10) days written notice of the hearing sent by regular mail or, if the owner cannot be located, by publication of a Class 2 notice under Wis. Stats. Chap. 985. The Public Safety and Licensing Committee shall hear any and all evidence it deems relevant and shall affirm or reverse the determination of the Chief of Police.

(f) Penalties and Remedies.

1. If the Chief of Police's determination is affirmed by the Public Safety and Licensing Committee and approved by the Common Council, the Council may order the owner to pay the actual cost of any police call for any nuisance activities occurring after the three (3) police responses that lead to the determination that the premises was a chronic nuisance premises. Such costs shall be presented to the Common Council and may include cost incurred prior to the Common Council's determination. The Common Council may order costs of all such police calls to the chronic nuisance premises be paid until the public nuisance is abated under paragraph (g). Such costs shall be billed to the owner by invoice sent by regular mail and if not paid within thirty (30) days

of the date on the invoice, shall be charged to the property as a special charge pursuant to Wis. Stats. §66.0627.

2. Forfeitures under Section 66-1003 may be imposed for each police call for any nuisance activities occurring after the three (3) police responses that lead to the determination that the premises was a chronic nuisance premises, however, no forfeiture shall be imposed for any nuisance activity that occurred prior to the Common Council affirming the decision of the Chief of Police.

3. The Common Council may authorize any other penalty or remedy authorized by law.

(g) When nuisance is deemed abated.

The public nuisance created by a chronic nuisance premises shall be deemed abated when no police calls to the premises to address nuisance activities occurs for a period of six (6) consecutive months.

(h) Other methods not excluded.

Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin including, but not limited to an action under Wis. Stats. Chap. 823.”

Part 3:

Section 66-1004 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Sec. 66-1004. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, contrivance, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.”

Part 4:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Robert Mozol

K. Miscellaneous Business

L. Adjourn

Office of The City Clerk

If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 636-9171 at least 48 hours prior to this meeting.