



# City of Racine

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

## Meeting Minutes - Final Common Council

*Mayor John T. Dickert, President, Alderman Raymond DeHahn*

*Alderman Dennis Wisner, Alderman Jim Kaplan  
Alderman Q.A. Shakoor, II, Alderman Ronald D. Hart,  
Alderman Sandy Weidner*

*Alderman Krystyna Sarrazin, Alderman Jeff Coe, Alderman  
Michael Shields*

*Alderman Melissa Kaprelian-Becker, Alderman Terry  
McCarthy*

*Alderman Gregory Holding Alderman James Morgenroth  
Alderman Edward E. Diehl, Alderman Henry Perez*

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Tuesday, August 19, 2014

7:00 PM

Room 205, City Hall

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### A. Call To Order

**PRESENT:** 15 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

### B. Pledge of Allegiance To The Flag

*Mayor Dickert 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 DeHahn, seconded by Alderman Shakoor.*

### D. Public Hearings

#### Ord.11-14

Ordinance 11-14

To amend and create subsections of Sec. 114-1028 and to repeal and recreate portions of section 114-1038, of the Municipal Code of the City of Racine, Wisconsin.

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

Part 1: Amend subsection (e) of Sec. 114-1028 by inserting at the beginning of that subsection before the word "No" the words "Unless otherwise permitted in this section," and then revising the word "No" to "no."

Part 2: The following subsection shall be created in Sec. 114-1028 of

the Municipal Code of the City of Racine to read as follows:

“(i) In an area bounded by the Root River to the north and west, Sam's River Road to the east, and Water Street to the south, roof signs may be permitted but are subject to the following allowances:

1. One such sign per building by right and only displaying one name (*i.e.* the name of the major tenant, or the development or building name). The applicant shall submit an application and supporting materials to the Downtown Area Design Review Commission for review and approval.
2. Two such signs may be permitted per building if a conditional use permit is first obtained. Prior to the review of the Plan Commission, the applicant shall submit an application and supporting materials to the Downtown Area Design Review Commission for review and recommendation.
3. Roof signs shall be composed of individual letters, internally or externally illuminated. No flashing, traveling, animation, scrolling, pulsing, or intermittence of the message or figures is permitted.
4. Roof signs shall not extend more than 10 feet above the average height of the roof surface.
5. Total roof sign square footage shall be calculated in accordance with the standards of the zoning district in which it is located. The total square footage of all roof signage on a building shall not exceed this number.
6. Roof signage described in Sec 114-1028(i) shall be calculated independently of signage which is otherwise permitted in the zoning district.”

Part 3: To repeal and recreate Sec. 114-1038 (c) (1) of the Municipal Code of the City of Racine as follows: “No more than an aggregate area equaling 25% of all street level street façade windows may be covered by window signage.”

Part 4: To repeal and recreate Sec. 114-1038 (c) (3) of the Municipal Code of the City of Racine as follows: “To calculate the amount of window signage allowed, measure the area of all the street level street façade window sections and multiply by 0.25. This calculation will provide the amount of window signage allowed. (For example: two street level street façade windows measuring 10 feet by 10 feet would equal 200 square feet of window area. Multiply 200 by 0.25, and the allowed window signage could total up to 50 square feet. This amount of signage may be applied to both windows, or one window, as long as

the total amount of window signage does not exceed 50 square feet).”

Part 5: To repeal and recreate Sec. 114-1038 (c) (5) of the Municipal Code of the City of Racine as follows: “Signage allocations shall not be calculated by including other building elevations or facades that are not street level street façade. Signage allocations shall not be shared or transferred between businesses occupying separate tenant spaces or buildings.”

Part 6: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

\_\_\_\_\_  
Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Fiscal Note: N/A

Sponsors: Raymond DeHahn

*The following people spoke at the Public Hearing regarding Ordinance 11-14:*

- Kathy Robison*
- Carolyn Wemmert*
- Mitchell Wemmert*
- Heidi Petrakis*
- Brian Hedman*
- Sharon Mullen*

**His Honor, the Mayor, declared the public hearing closed.**

**E. Public Comments**

- Mark M. Giese*
- John Kelley Magee*
- Sue DeKeuster*
- Jackie Salas*
- Calvin Simmons*
- Ron Thomas*
- Jennieta Peters-Cortez*
- Kate Remington*
- Kathy Robison*
- Mike Kademian*
- Kadl Fuller*

*Heidi Petrakis  
Tim Scanlow  
Florence Boyer  
Laura Terry  
Kirk Cyclosz  
Clyde Strong  
Vivian Webster  
Nancy Holmlund  
Lily Johnson  
Devlon Criear  
Cory Oliver  
Geraldine Larson  
Colin McKenna  
Joanne Hill  
Samantha Gardner  
Demario Evans*

## **F. Communications**

### **Refer to Finance and Personnel Committee, by Ald. Shakoor**

**14-10449**

**Subject:** The fire department is requesting permission to accept the 2013 FEMA Assistance to Fire Fighters (AFG) grant for purchasing radio hardware and upgrading our radio interoperability capabilities to the statewide VHF trunking system known as WISCOM.

**Referred to Finance and Personnel Committee**

**14-10481**

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting permission to apply & accept \$25,000.00 in grant funds from the Wisconsin Department of Natural Resources to assist with ash management/treatments as well as to contract with an arboricultural trainer to provide advanced chainsaw and aerial truck tree removal & rigging training to the City Forestry crew. Grant Control #2014-034

**Referred to Finance and Personnel Committee**

**14-10484**

**Subject:** Communication from the Police Chief, requesting to waive formal bidding requirements and instruct the Purchasing Agent to negotiate sole-source procurement with Snap Trends of Austin, Texas, for the purchase of SnapTrends, a location-based social media monitoring solution.

**Referred to Finance and Personnel Committee**

### **Refer to Public Works and Services Committee, by Ald. Kaplan**

**14-10485**

**Subject:** Communication from St. Edward Parish requesting to close 15th Street between West Blvd. and Grove Ave. and the alley between 15th Street and 16th Street for their annual Fun Fest.

**Referred to Public Works and Services Committee****Refer to Committee of the Whole, by Ald. DeHahn**[14-10487](#)

**Subject:** Communication from the Alderman of the Sixth District requesting that Mayor John Dickert provide the tape recording, that he repeatedly and publicly stated he has in his possession, of the Alderman of the Sixth District negotiating with the property owners on Mound Avenue.

*Alderman DeHahn made a motion to suspend the rules and act on the Communication, seconded by Alderman McCarthy. There were no objections.*

*Alderman Wisner made a motion to receive and file the Communication, seconded by Alderman Hart. Motion passed.*

**Received and Filed**

**AYES:** 9 - Kaplan, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Morgenroth and Hart

**NOES:** 6 - Coe, Sarrazin, Shields, Weidner, Perez and Diehl

**Refer to Board of Parks, Recreation, and Cultural Services, by Ald. McCarthy**[14-10483](#)

**Subject:** Communication from the Alderperson of the 6th District submitting on behalf of Richard Christensen requesting a change of rules and regulations concerning weekend tee times at Johnson Park Golf Course.

**This Communication was Referred to the Board of Park, Recreation and Cultural Services**

**G. Committee Reports****Finance and Personnel Committee Report, by Ald. McCarthy**[14-10197](#)

**Subject:** Communication from the Police Chief requesting waiver of formal bidding requirements and instruct the Purchasing Agent to negotiate sole-source procurement with CI Technologies Inc., of Bellingham, WA, for the purchase of IA Pro, a Professional Standards software package. (Res. No. 14-0338)

**Recommendation of the Finance & Personnel Committee on 6-9-14:** Defer the item until the July 7, 2014 Finance & Personnel meeting and consult with the Human Resources Department regarding purchase.

**Recommendation of the Finance and Personnel Committee on**

**8-11-14:** Permission be granted that the formal bidding be waived and the Purchasing Agent be authorized to negotiate sole-source procurement with CI Technologies Inc., of Bellingham, WA, for the purchase of IA Pro, a Professional Standards software package.

**Fiscal Note:** Approximate cost is \$12,000. Funded with Federal Asset Forfeiture Funds.

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

14-10378

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting a transfer of CIP dollars. (Res. No. 14-0340)

**Recommendation of the Finance & Personnel Committee on 8-11-14:** Transfer CIP dollars as follows:

**Fiscal Note:**

Transfer From	Description	Amount
994.700.5030	580D Mower (16')	\$13,217.47
994.700.5200	Parkway Tree Planting	\$68.89
994.710.5020	Beach Matting	\$1898.69
994.710.5010	Replace Facility Bleachers	<u>\$814.95</u>
		\$16,000.00
Transfer To		
994.700.5070	(4) Rugged PC Tablets for Parks	<u>\$16,000.00</u>
Transfer From		
994.700.5010	4x4 Pickup w/Plow (2)	\$8,296.16
944.700.5020	4x4 Pickup	\$5,504.76
944.700.5030	Boom Flail Mower	\$1,235.00
944.700.5040	Tractor	\$2,700.00
944.700.5050	Diamond Trailer (4)	\$9,200.00
944.700.5060	Felling Trailer (2)	<u>\$3471.08</u>
		\$30,407.00
Transfer To		
944.700.5070	(22) GPS Units for Parks Fleet	\$4532.00
944.700.5080	(1) Hay Bale Chopper	\$7,300.00
944.700.5090	(1) Floor Scrubber for Com Ctrs.	\$6,375.00
944.700.5100	(2) Angle Brooms for Tool Cat	<u>\$12,200.00</u>
		\$30,407.00

**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.**

14-10395

**Subject:** Communication from the Police Chief, requesting to accept the 2013 Department of Justice Second Chance Adult Reentry Demonstration Grant (Grant Control # 2013-017). (Res. No. 14-0339)

**Staff Recommendation of the Finance & Personnel Committee on 8-11-14:** Permission be granted for the Police Chief to accept the 2013 Department of Justice Second Chance Adult Reentry Demonstration Grant (Grant Control # 2013-017).

**Fiscal Note:** The grant is in the amount of \$323,960, with a soft match of \$324,007, which Racine Vocational Ministries is required to provide.

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

14-10420

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works submitting a proposal for Contract 45-14 (K4-045), PS - Festival Hall Colonnade Roof Replacement, Industrial Roofing Services, Inc., consultant. (Res. No. 14-0342)

**Recommendation of the Public Works and Services Committee on 07-29-14:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Industrial Roofing Services, Inc., under Contract 45-14 (K4-045), PS - Festival Hall Colonnade Roof Replacement, in the not-to-exceed amount of \$13,300.00.

**Recommendation of the Finance & Personnel Committee on 8-11-14:** \$200,000 of recaptured capital project bond funds previously allocated to the BUS Storage Facility Roof Repairs on Resolution 14-0256 of June 17, 2014 be reallocated to the Festival Park Colonnade Roof Replacement project.

**Fiscal Note:** There are sufficient funds available for the transfer. The total project estimate is \$200,000.

*Alderman Kaprelian-Becker requested separate consideration on this item. There were no objections.*

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

**AYES:** 12 - Coe, Sarrazin, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Holding, Perez, Hart and Diehl

**NOES:** 1 - Kaprelian-Becker

**NON VOTING:** 2 - Wisner and Morgenroth

14-10454

**Subject:** (Direct Referral) Communication from the Director of Parks, Recreation and Cultural Services requesting that formal bidding be

waived and the Purchasing Agent be authorized to negotiate with Specialty Coatings Solutions as the sole source for the replacement of specialized epoxy liner provider and installer for the Mound Cemetery Fountain.

(Res. No. 14-0341)

**Recommendation of the Finance & Personnel Committee on 8-11-14:** Permission be granted that the formal bidding be waived and the Purchasing Agent be authorized to negotiate with Specialty Coatings Solutions as the sole source for the replacement of specialized epoxy liner provider and installer for the Mound Cemetery Fountain.

**Fiscal Note:** Price: \$9,742. Funds are available in account: 207.993.5230

**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 McCarthy, seconded by Alderman DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoore, II, McCarthy, Wisner, Holding, Perez, Morgenroth and Diehl

**NON VOTING:** 1 - Hart

#### 14-10445

**Subject:** (Direct Referral) Communication from the City Attorney submitting the claim of Francisco Rodriguez for consideration.

**Recommendation of the Finance & Personnel Committee on 8-11-14:** That the claim be denied.

**Fiscal Note:** N/A

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 11 - Sarrazin, Shields, Kaplan, Kaprelian-Becker, DeHahn, Shakoore, II, McCarthy, Wisner, Holding, Morgenroth and Hart

**NOES:** 4 - Coe, Weidner, Perez and Diehl

#### 14-10461

**Subject:** (Direct Referral) Communication from the City Attorney submitting the claim of Ken & Collen Bobber for consideration.

**Recommendation of the Finance & Personnel Committee on**



**8-11-14:** That the claim be denied.

**Fiscal Note:** N/A

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 10 - Sarrazin, Shields, Kaplan, Kaprelian-Becker, Shakoor, II, McCarthy, Wisner, Holding, Morgenroth and Hart

**NOES:** 5 - Coe, Weidner, DeHahn, Perez and Diehl

[14-10462](#)

**Subject:** (Direct Referral) Communication from the City Attorney submitting the claim of Acuity Insurance (Zeno) for consideration.

**Recommendation of the Finance & Personnel Committee on**

**8-11-14:** That the claim be denied.

**Fiscal Note:** N/A

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 11 - Sarrazin, Shields, Kaplan, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Morgenroth and Hart

**NOES:** 4 - Coe, Weidner, Perez and Diehl

[14-10463](#)

**Subject:** (Direct Referral) Communication from the City Attorney submitting the claim of Joshua & Jackie Fohr for consideration.

**Recommendation of the Finance & Personnel Committee on**

**8-11-14:** That the claim be denied.

**Fiscal Note:** N/A

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 10 - Sarrazin, Shields, Kaplan, Kaprelian-Becker, Shakoor, II, McCarthy, Wisner, Holding, Morgenroth and Hart

**NOES:** 5 - Coe, Weidner, DeHahn, Perez and Diehl

[14-10464](#)

**Subject:** (Direct Referral) Communication from the City Attorney submitting the claim of American Family Insurance (Wehrman) for consideration.

**Recommendation of the Finance & Personnel Committee on  
8-11-14:** That the claim be denied.

**Fiscal Note:** N/A

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 11 - Sarrazin, Shields, Kaplan, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Morgenroth and Hart

**NOES:** 4 - Coe, Weidner, Perez and Diehl

**14-10465**

**Subject:** (Direct Referral) Communication from the City Attorney submitting the claim of David & Marie Anderson for consideration.

**Recommendation of the Finance & Personnel Committee on  
8-11-14:** That the claim be denied.

**Fiscal Note:** N/A

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 10 - Sarrazin, Shields, Kaplan, Kaprelian-Becker, Shakoor, II, McCarthy, Wiser, Holding, Morgenroth and Hart

**NOES:** 5 - Coe, Weidner, DeHahn, Perez and Diehl

**14-10466**

**Subject:** (Direct Referral) Communication from the City Attorney submitting the claim of Barry & Kay Johnson for consideration.

**Recommendation of the Finance & Personnel Committee on  
8-11-14:** That the claim be denied.

**Fiscal Note:** N/A

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 11 - Sarrazin, Shields, Kaplan, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Morgenroth and Hart

**NOES:** 4 - Coe, Weidner, Perez and Diehl

**14-10467**

**Subject:** (Direct Referral) Communication from the City Attorney

submitting the claim of Acuity Insurance (Nord) for consideration.

**Recommendation of the Finance & Personnel Committee on 8-11-14:** That the claim be denied.

**Fiscal Note:** N/A

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 11 - Sarrazin, Shields, Kaplan, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Morgenroth and Hart

**NOES:** 4 - Coe, Weidner, Perez and Diehl

[14-10468](#)

**Subject:** (Direct Referral) Communication from the City Attorney submitting the claim of Linda Jackson for consideration.

**Recommendation of the Finance & Personnel Committee on 8-11-14:** That the claim be denied.

**Fiscal Note:** N/A

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 11 - Sarrazin, Shields, Kaplan, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Morgenroth and Hart

**NOES:** 4 - Coe, Weidner, Perez and Diehl

[14-10469](#)

**Subject:** (Direct Referral) Communication from the City Attorney submitting the claim of Gerald & Beverly Meyer for consideration.

**Recommendation of the Finance & Personnel Committee on 8-11-14:** That the claim be denied.

**Fiscal Note:** N/A

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 10 - Sarrazin, Shields, Kaplan, Kaprelian-Becker, Shakoor, II, McCarthy, Wisner, Holding, Morgenroth and Hart

**NOES:** 5 - Coe, Weidner, DeHahn, Perez and Diehl

14-10470

**Subject:** (Direct Referral) Communication from the City Attorney submitting the claim of Michael Butterworth for consideration.

**Recommendation of the Finance & Personnel Committee on 8-11-14:** That the claim be denied.

**Fiscal Note:** N/A

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 11 - Sarrazin, Shields, Kaplan, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Morgenroth and Hart

**NOES:** 4 - Coe, Weidner, Perez and Diehl

14-10471

**Subject:** (Direct Referral) Communication from the City Attorney submitting the claim of Michael & Linda Tinholt for consideration.

**Recommendation of the Finance & Personnel Committee on 8-11-14:** That the claim be denied.

**Fiscal Note:** N/A

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 10 - Sarrazin, Shields, Kaplan, Kaprelian-Becker, Shakoor, II, McCarthy, Wiser, Holding, Morgenroth and Hart

**NOES:** 5 - Coe, Weidner, DeHahn, Perez and Diehl

14-10472

**Subject:** (Direct Referral) Communication from the City Attorney submitting the claim of Becky & Damion Knudtson for consideration.

**Recommendation of the Finance & Personnel Committee on 8-11-14:** That the claim be denied.

**Fiscal Note:** N/A

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 10 - Sarrazin, Shields, Kaplan, Kaprelian-Becker, Shakoor, II, McCarthy, Wiser, Holding, Morgenroth and Hart

**NOES:** 5 - Coe, Weidner, DeHahn, Perez and Diehl

**Public Works and Services Committee Report, by Ald. Kaplan****14-10427**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works submitting Change Order No. 3 on Contract 35-13 (K3-040), City Hall Renovations - Phase V (R1), Triad Construction, Inc., contractor.  
(Res. No. 14-0347)

**Recommendation of the Public Works and Services Committee on 08-12-14:** That Change Order No. 3 on Contract 35-13 (K3-040), City Hall Renovations - Phase V (R1), Triad Construction, Inc., contractor, be approved in the amount of \$57,668.21.

Further recommends that funding to defray the cost of this change order be appropriated from Account 993.100.5010, City Hall - Facilities Plan.

**Fiscal Note:** Funds are available as herein delineated.

*Alderman Kaplan requested separate consideration on this item. There were no objections.*

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

**AYES:** 13 - Coe, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoore, II, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

**NOES:** 2 - Sarrazin and Shields

**14-10428**

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 35-13 (K3-040), City Hall Renovations - Phase V (R1), Triad Construction, Inc., contractor. (Res. No. 14-0348)

**Recommendation of the Public Works and Services Committee on 08-12-14:** That the work done by Triad Construction, Inc. under Contract 35-13 (K3-040), City Hall Renovations - Phase V (R1), be accepted and final payment authorized for a total contract amount of \$804,867.35.

**Fiscal Note:** Contract was authorized under Resolution No. 13-0307, dated August 5, 2013.

*Alderman Kaplan requested separate consideration on this item. There were no objections.*

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

**AYES:** 12 - Coe, Kaplan, Kaprelian-Becker, Weidner, DeHahn, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

**NOES:** 3 - Sarrazin, Shields and Shakoor, II

[14-10434](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 39-13 (K3-044), Masonry Restoration - City Hall Annex, R.D. Woods Co., Inc., contractor. (Res. No. 14-0349)

**Recommendation of the Public Works and Services Committee on 08-12-14:** That the work done by R.D. Woods Co., Inc. under Contract 39-13 (K3-044), Masonry Restoration - City Hall Annex, be accepted and final payment authorized for a total contract amount of \$134,387.00.

**Fiscal Note:** Contract was authorized under Resolution No. 13-0289, dated July 2, 2013.

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

[14-10437](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/City Engineer submitting Amendment No. 4 to State Project ID: 2290-17-00, Northwestern Avenue (STH 38) - Memorial Drive to Golf Avenue, Strand Associates, Inc., consultant.(Res. No. 14-0353)

**Recommendation of the Public Works and Services Committee on 08-12-14:** That Amendment No. 4 to State Project ID: 2290-17-00, Northwestern Avenue (STH 38) - Memorial Drive to Golf Avenue, Strand Associates, Inc., consultant, as submitted, be approved in the amount of \$46,785.96, with the City's share being \$11,696.49.

Further recommends that funding to defray the cost of the City's share be appropriated from Account 993.908.5060, Northwestern - Memorial to Golf.

**Fiscal Notes:** Funds are available as herein delineated.

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

[14-10438](#)

**Subject:** Communication from The Rhino Bar (1659 N. Main Street), requesting to close High Street between Main Street and Chatham Street for a fundraiser on September 13, 2014. (Res. No. 14-0345)

**Recommendation of the Public Works and Services Committee on 08-12-14:** That the Rhino Bar be granted permission to close High Street from Main Street to Chatham Street on Saturday, September 13, 2014, from 2:00 P.M. to 9:00 P.M., in conjunction with a fundraising event, with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way.
- F. The sponsor shall pay a \$250.00 special event fee.

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

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

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

[14-10439](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/City Engineer, on behalf of Racine Riverside Marine, Inc. - 950 Erie Street, requesting to build a ramp on City easement. (Res. No. 14-0344)

**Recommendation of the Public Works and Services Committee on 08-12-14:** Recommend approval to allow construction of ramp to encroach on the City easement provided it is built no closer than 10' south of the centerline of the existing 36" storm sewer running west to east between Douglas Avenue and Erie Street.

Further recommends Racine Riverside Marine, Inc. be issued a revocable permit to construct said ramp that can be ordered removed by the Commissioner of Public Works with thirty (30) day notice.

**Fiscal Note:** N/A

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

[14-10458](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 38-14 (K4-038), 2014 City Resurfacing, Phase II (R1). (Res. No. 14-0350)

**Recommendation of the Public Works and Services Committee on 08-12-14:** That Contract 38-14 (K4-038), 2014 City Resurfacing, Phase II (R1), be awarded to Payne & Dolan, Inc., at their bid price of \$941,645.25, it being the lowest responsible bidder.

**Fiscal Note:** Funding to defray the cost of this public works project be appropriated from the following accounts:

\$761,824.39 - Account 993.908.5220, Asphalt Resurfacing  
\$139,090.86 - Account 994.908.5220, Asphalt Resurfacing  
\$ 40,730.00 - Account 287.994.5310, Sanitary Sewer Var Locs  
\$941,645.25

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

**14-10459**

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 41-14 (K4-041), City Hall Renovations - Phase VI. (Res. No. 14-0351)

**Recommendation of the Public Works and Services Committee on 08-12-14:** That Contract 41-14 (K4-041), City Hall Renovations - Phase VI, be awarded to Triad Construction, Inc., at their base bid price of \$198,446.00, plus Alternate #4 in the amount of \$1,406.00 for a total of \$199,852.00, it being the lowest responsible bidder.

**Fiscal Note:** Funding to defray the cost of this public works project be appropriated from Account 993.100.5010, City Hall - Facilities Plan.

*Alderman Kaplan requested separate consideration on this item. There were no objections.*

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

**AYES:** 13 - Coe, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

**NOES:** 2 - Sarrazin and Shields

**14-10473**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a professional services agreement with Ayres Associates, Inc. for Contract 46-14 (K4-046), PS - State Street Bridge Deck Hatch Removal. (Res. No. 14-0352)

**Recommendation of the Public Works and Services Committee on 08-12-14:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Ayres Associates, Inc. for Contract 46-14 (K4-046), PS - State Street Bridge Deck Hatch Removal, in the not-to-exceed amount of \$9,400.00

Further recommends that funding to defray the cost of these professional services be appropriated from Account 930.094.5810, State Street Bridge.



**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 Kaplan, seconded by Alderman DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 15 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

**Public Safety and Licensing Committee Report, by Ald. Holding**

[14-10456](#)

**Subject:** (Direct Referral) Sale of Abandoned Vehicles 08/12/14

**Recommendation of the Public Safety and Licensing Committee on August 12, 2014:** That the item be received and filed as the only responsible bidder was Sturtevant Auto Salvage.

**Fiscal Note:** This will generate \$17,740.00 in revenue for account 101.310.7550.

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

[14-10392](#)

**Subject:** (New) Application of J Spot, LLC; Joseph A. Chavours, Jr., Agent; for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1111 Washington Avenue (3rd District).

**Recommendation of the Public Safety and Licensing Committee on August 12, 2014:** The application of J Spot, LLC; Joseph A. Chavours, Jr., Agent; for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1111 Washington Avenue be approved.

**Fiscal Note:** N/A

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

[14-10412](#)

**Subject:** (New) Application of The Market II, Inc, for a "Class A" Fermented Malt Beverage and Intoxicating Liquor License for 1949 Racine Street (2nd District).

**Recommendation of the Public Safety and Licensing Committee on August 12, 2014:** The (New) Application of The Market II, Inc, for

a "Class A "Fermented Malt Beverage and Intoxicating Liquor License for 1949 Racine Street be approved.

**Fiscal Note:** N/A

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

14-10421

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting Change Order #1 be added to the final payment for Contract 57-13 (K3-062) Pershing Soccer Facility Roof & Exterior Repairs and to further request final payment be approved for a total contract amount of \$104,755.00. (Res. No. 14-0354)

**Recommendation of the Public Safety and Licensing Committee on August 12, 2014:** That Change Order #1 be added to the final payment for Contract 57-13 (K3-062) Pershing Soccer Facility Roof & Exterior Repairs and this be approved for a total contract amount of \$104,755.00.

<b>Fiscal Note:</b> Funds be appropriated as follows:	993.700.5080
\$50,755.00	
	993.700.5890
\$24,000.00	
	992.700.5100
\$30,000.00	

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

14-10426

**Subject:** (Direct Referral) Communication from the City Attorney requesting to meet in closed session pursuant to sec. 19.85(1)(g), to confer with legal counsel concerning strategy with respect to: Officer LaForge, et al., Racine County Case No. 14-SC-2434.

**Recommendation of the Public Safety and Licensing Committee on August 12, 2014:** That the item 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 Holding, seconded by Alderman Morgenroth, that this be Considered as Reported to Adopt the Report. Adopted by the**

following vote:

**AYES:** 15 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

[14-10432](#)

**Subject:** Petition to exceed quota for a "Class A" Fermented Malt Beverage and Intoxicating Liquor License for 1007 Washington Avenue. (1st District)

**Recommendation of the Public Safety and Licensing Committee on August 12, 2014:** That the applicant be granted approval to exceed the quota and apply for a "Class A" Fermented Malt Beverage and Intoxicating Liquor License for 1007 Washington Avenue.

**Recommendation of the Common Council August 19, 2014:** That the petition to exceed quota for a "Class A" Fermented Malt Beverage and Intoxicating Liquor License for 1007 Washington Avenue be denied.

**Fiscal Note:** N/A

*Alderman Holding requested separate consideration on this item. There were no objections.*

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

**AYES:** 7 - Sarrazin, Shields, DeHahn, Shakoor, II, Perez, Morgenroth and Diehl

**NOES:** 8 - Coe, Kaplan, Kaprelian-Becker, Weidner, McCarthy, Wisner, Holding and Hart

*Alderman Holding made a motion to deny the request to exceed quota. The motion was seconded by Alderman DeHahn.*

**A motion was made by Alderman Holding, seconded by Alderman DeHahn, that this be Received and Filed. The motion PASSED by the following vote:**

**AYES:** 9 - Coe, Kaplan, Kaprelian-Becker, Weidner, DeHahn, McCarthy, Wisner, Holding and Hart

**NOES:** 6 - Sarrazin, Shields, Shakoor, II, Perez, Morgenroth and Diehl

### **Transit and Parking Commission Report, by Ald. DeHahn**

[14-10367](#)

**Subject:** Communication from the Transit and Parking System Manager requesting Common Council authorization for the Mayor and City Clerk to enter into a contract for transit services with the Village of Mount Pleasant. (Res. No. 14-0328)

**Recommendation of Transit and Parking Commission on 07-16-14:** That the Common Council authorize and direct the Mayor and City Clerk to enter into a contract for 2014 transit services with the

Village of Mount Pleasant.

**Fiscal Notes:** The 2014 Village of Mount Pleasant estimated share is \$172,000.

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

[14-10369](#)

**Subject:** Communication from the Transit and Parking System Manager requesting approval to apply for a USDOT Ladders of Opportunity Grant to fund replacement paratransit vehicles that were originally scheduled to be replaced by a USDOT Congestion Mitigation Air Quality (CMAQ) grant that was not awarded. (Res. No. 14-0330)

**Recommendation of Transit and Parking Commission on 07-16-14:** That a "Ladders of Opportunity" Grant replace the Congestion Mitigation Air Quality (CMAQ) grant program as the potential source of 80% funding for replacement of DART(Dial-A-Ride) paratransit vehicles.

**Fiscal Notes:** Funding for the 20% local share is included in the City's Capital Improvements Program.

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

[14-10370](#)

**Subject:** Communication from the Belle Urban (BUS) General Manager requesting review of the BUS operations reports for June 2014 and the first half of 2014.

**Recommendation of the Transit and Parking Commission on 07-16-14:** Receive and file.

**Fiscal Notes:** N/A

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

[14-10371](#)

**Subject:** Commission review of service changes and fare increase options to be presented for public comment on August 6, 2014 and scheduling of the August Parking and Transit Commission meeting for formal action on August 13, 2014 with Common Council action scheduled for August 19, 2014.

**Recommendation of the Transit and Parking Commission on 07-16-14:** Receive and file.

**Fiscal Notes:** N/A

*Alderman Kaplan requested separate consideration on this item. There were no objections.*

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

**AYES:** 14 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Perez, Morgenroth, Hart and Diehl

**NOES:** 1 - Holding

**14-10447**

**Subject:** Commission review of public input offered regarding potential service changes and proposed DART fare increase to \$4 and recommendations to the Racine Common Council for service changes to go into effect in October to avoid BUS service changes in harsh winter months.(Res. No. 14-0355)

**Recommendation of the Transit and Parking Commission on 08-13-14:** That the Transit and Parking Commission recommend to the Common Council that the DART Fare be increased to \$4.00, the Youth Fare be increased to \$2.00, no service cuts be made and that revenue increases totaling \$285,000 for 2015 (including an additional \$100,000 of City tax levy funding) be included in the 2015 BUS budget.

**Fiscal Notes:** Increase of 2015 City tax levy allocation to BUS in the amount of \$100,000.

**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 DeHahn, seconded by Alderman Shakoor, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 13 - Coe, Sarrazin, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Perez, Morgenroth, Hart and Diehl

**NOES:** 2 - Shields and Holding

**City Plan Commission Report, by Ald.Wisner**

**14-10422**

**Subject:** (Direct Referral) A request from Andrew T. Carnahan representing Racine Renal Construction, LLC seeking a conditional use permit for a renal dialysis clinic at 3113 Washington Avenue.(Res. No. 14-0356)

**Recommendation of the City Plan Commission on 8-13-14:** That the item be approved, subject to conditions.

**Fiscal Note:** N/A

*Alderman Diehl requested separate consideration on this item. There were no objections.*

**A motion was made that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED by the following vote:**

**AYES:** 13 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Morgenroth, Hart and Diehl

**NOES:** 2 - Weidner and Perez

**14-10441**

**Subject:** Communication from the Alderman of the 15th District requesting referral to the City Plan Commission a request to amend Section 114-1038 of the Municipal Code to eliminate restrictions on signs in windows.

**Recommendation of the City Plan Commission on 8-13-14:** That the item be received and filed.

**Recommendation of the Common Council on 8-19-14:** That the item be referred to the City Plan Commission, to repeal and recreate Sec. 114-1038(c) of the Municipal Code of the City of Racine in its entirety as follows: "No restrictions shall be placed on street level facade window signage".

**Fiscal Note:** N/A

*Alderman Diehl requested separate consideration on this item. There were no objections.*

*Alderman Diehl made a motion to approve this item, seconded by Alderman Weidner. Motion failed.*

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

**AYES:** 5 - Shakoor, II, Wiser, Holding, Morgenroth and Hart

**NOES:** 10 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, McCarthy, Perez and Diehl

*Alderman Diehl made a motion to refer the item to the City Plan Commission, and to repeal and recreate Sec. 114-1038(c) of the Municipal Code of the City of Racine in its entirety as follows: "No restrictions shall be placed on street level facade window signage". Alderman Weidner seconded the motion.*

**A motion was made by Alderman Diehl, seconded by Alderman Weidner, that this be Referred to the City Plan Commission. The motion PASSED by the following vote:**

**AYES:** 13 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Perez, Morgenroth, Hart and Diehl

**NOES:** 1 - Wiser

**ABSTENTIONS:** 1 - Holding

**Committee of the Whole Report, by Ald.DeHahn****14-10170**

**Subject:** Communication from the City Attorney submitting the claim of Eulogia Guardiola for consideration. (Res No. 14-0255)

**Recommendation of the Finance & Personnel Committee on 6-9-14:** The claim of Eulogia Guardiola for damages after her aging water service pipe allegedly broke during the replacement of the water meter in her home on or about February 17, 2014 be approved.

**Fiscal Note:** Reimbursement in the amount of \$3,705.00.

**Recommendation of the Waterworks Commission on 6-24-14:** That the claim of Eulogia Guardiola be denied.

**Recommendation of the Finance and Personnel Committee on 7-9-14:** The claim of Eulogia Guardiola for damages after her aging water service pipe allegedly broke during the replacement of the water meter in her home on or about February 17, 2014 be denied.

**Recommendation of the Committee of the Whole on 8-19-14:** That the claim of Eulogia Guardiola be denied.

**Fiscal Note:** N/A

*Alderman Kaplan requested separate consideration on this item. There were no objections.*

**A motion was made by Alderman DeHahn, seconded by Alderman Morgenroth, that this be Received and Filed as Reported. The motion PASSED by the following vote:**

**AYES:** 9 - Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wiser, Holding, Morgenroth, Hart and Diehl

**NOES:** 6 - Coe, Sarrazin, Shields, Kaplan, Weidner and Perez

**14-10413**

**Subject:** Communication from the President of Council to consider placing an advisory referendum on the November ballot to increase the minimum wage of Wisconsin workers. (Res. No. 14-0357)

**Recommendation of the Committee of the Whole on 8-19-14:** That the City Clerk place the following referendum question on the November 4, 2014 ballot: "Should the State of Wisconsin increase the minimum wage to \$10.10 per hour?".

**Fiscal Note:** N/A

*Alderman Kaplan requested separate consideration on this item. There were no objections.*

**A motion was made by Alderman DeHahn, seconded by Alderman Morgenroth, that this be Received and Filed as Reported. The motion PASSED by the following vote:**

**AYES:** 12 - Coe, Sarrazin, Shields, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Perez, Hart and Diehl

**NOES:** 2 - Kaplan and Morgenroth

**ABSTENTIONS:** 1 - Holding

### **Board of Parks, Recreation, and Cultural Services Report, by Ald. McCarthy**

#### 14-10446

**Subject:** (Direct Referral) Communication from Real Racine requesting permission to use city right-of-way for the "Xtreme Obstacle Challenge 5k" and further request to waive Municipal Code section 70-101 (closing hours of parks) to allow event staff on site at North Beach on Saturday, September 6, 2014, for event set up. **Kari Dawson invited to the meeting.**

**Recommendation of the Board of Parks, Recreation & Cultural Services on 8-13-14:** To receive and file.

**Fiscal Note:** N/A

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

#### 14-10448

**Subject:** (Direct Referral) Communication from Real Racine requesting permission to use city right-of-way on Sunday, September 21, 2014 for "The Biggest Loser Run/Walk" and further request municipal code section 70.104 (closing hours of parks) be waived to allow event staff on site at North Beach for event set up. (Res. No. 14-0346)

**Recommendation of the Public Works and Services Committee on 08-12-14:** That Real Racine be granted permission to close City right-of-way, as listed below, for "The Biggest Loser Run/Walk" on Sunday, September 21, 2014, from 7:30 A.M. to 1:00 P.M., in accordance with their request.

Hoffert Dr. (N) to Michigan Blvd.  
Michigan Blvd. from English St. to Goold St.  
Goold St. from Michigan Blvd. to N. Main St.  
N. Main St. from Goold St. to Lombard Ave.  
Lombard Ave. from N. Main St. to Michigan Blvd.



Michigan Blvd. from Lombard Ave. to Augusta St.  
Lake Michigan Pathway from Michigan Blvd (S) to Reichert Ct.  
Reichert Ct. (W) from Lake Michigan Pathway to Michigan Blvd.  
Michigan Blvd. from Reichert Ct. to Dodge St.  
Dodge St. from Michigan Blvd. to N. Main St.  
N. Main St. from Dodge St. to 2nd St.  
Lake Michigan Pathway from N. Main St. to Christopher Columbus Causeway  
Christopher Columbus Causeway from Lake Ave. to Lake Michigan Pathway  
DeKoven Ave. from Wisconsin Ave. to Grand Ave.  
Grand Ave. from DeKoven Ave. to 21st St.  
Center St. from 21st St. to 24th St.  
24th St. from Roosevelt Park Dr. to 21st St.  
21st St. from Roosevelt Park Dr. to Center St.  
Wisconsin Ave. from 21st St. to 16th St.  
16th St. from Wisconsin Ave. to Main St.  
Main St. from 11th St. to (S) of 16th St.  
11th St. from Main St. to Pershing Park  
Pershing Park from 11th St. to 6th St.  
6th St. from Pershing Park to Park Dr.  
Park Dr. from 6th St. to 5th St.  
5th St. from Park Dr. to College Ave.  
College Ave. from 5th St. to Water St.  
Water St. from S. Marquette St. to Wisconsin Ave.  
Wisconsin Ave. from Water St. to 2nd St.  
Lake Michigan Pathway from Reichert Ct. to Barker St.  
Barker St. from Lake Michigan Pathway to Michigan Blvd.  
12th St. from Main St. to Lake Ave.  
2nd St. from Main St. to Wisconsin Ave.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$1,050 special event fee.
- F. Sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval; and providing and removing all temporary traffic control devices and detour signs.

G. Sponsor shall provide a detour plan for the closure of all State Connecting Highways, arterial and collector streets to the City Engineer for approval.

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

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

**Recommendation of the Board of Parks, Recreation & Cultural Services on 8-13-14:** To waive Municipal Code section 70-101, closing hours of parks, to allow "The Biggest Loser" staff on site at North Beach for set up purposes the morning of Sunday, September 21, 2014.

**Fiscal Note:** Park Rental Fees & Deposits

**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 McCarthy, seconded by Alderman Hart, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 15 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

## H. Consent Agenda - Resolutions

### [Res.14-0338](#)

#### Professional Standards Software Package

Resolved that, permission is granted and formal bidding is waived and the Purchasing Agent is authorized to negotiate sole-source procurement with CI Technologies Inc., of Bellingham, WA, for the purchase of IA Pro, a Professional Standards software package.

Fiscal Note: Approximate cost is \$12,000. Funded with Federal Asset Forfeiture Funds.

Sponsors: Q.A. Shakoor, II

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

### [Res.14-0339](#)

#### Second Chance Adult Reentry Demonstration Grant

Resolved that, permission is granted for the Police Chief to accept the 2013 Department of Justice Second Chance Adult Reentry Demonstration Grant (Grant Control # 2013-017).

Fiscal Note: The grant is in the amount of \$323,960, with a soft match of \$324,007, which Racine Vocational Ministries is required to provide.

Sponsors: Q.A. Shakoor, II

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

Res.14-0340

Transfer of CIP Dollars

Resolved, that transfer of CIP dollars is approved as follows:

Transfer From	Description	Amount
994.700.5030	580D Mower (16')	\$13,217.47
994.700.5200	Parkway Tree Planting	\$68.89
994.710.5020	Beach Matting	\$1898.69
994.710.5010	Replace Facility Bleachers	<u>\$814.95</u>

\$16,000.00

Transfer To		
994.700.5070	(4) Rugged PC Tablets for Parks	<u>\$16,000.00</u>

Transfer From		
994.700.5010	4x4 Pickup w/Plow (2)	\$8,296.16
944.700.5020	4x4 Pickup	\$5,504.76
944.700.5030	Boom Flail Mower	\$1,235.00
944.700.5040	Tractor	\$2,700.00
944.700.5050	Diamond Trailer (4)	\$9,200.00
944.700.5060	Felling Trailer (2)	<u>\$3,471.08</u>

\$30,407.00

Transfer To		
944.700.5070	(22) GPS Units for Parks Fleet	\$4532.00
944.700.5080	(1) Hay Bale Chopper	\$7,300.00
944.700.5090	(1) Floor Scrubber for Com Ctrs.	\$6,375.00
944.700.5100	(2) Angle Brooms for Tool Cat	<u>\$12,200.00</u>
		\$30,407.00

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

Sponsors: Q.A. Shakoor, II

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.14-0341**

Mound Cemetery Fountain

Resolved, that formal bidding is waived and the Purchasing Agent is authorized to negotiate with Specialty Coatings Solutions as the sole source for the replacement of specialized epoxy liner provider and installer for the Mound Cemetery Fountain.

Fiscal Note: Price: \$9,742. Funds are available in account: 207.993.5230

Sponsors: Q.A. Shakoor, II

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.14-0344**

Racine Riverside Marine, Inc. - 950 Erie Street

Resolved, that the request for approval is granted to allow construction of ramp to encroach on the City easement provided it is built no closer than 10' south of the centerline of the existing 36" storm sewer running west to east between Douglas Avenue and Erie Street.

Further resolved, that Racine Riverside Marine, Inc. be issued a revocable permit to construct said ramp that can be ordered removed by the Commissioner of Public Works with thirty (30) day notice.

Fiscal Note: N/A

Sponsors: Jim Kaplan

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.14-0345**

The Rhino Bar (1659 N. Main Street)

Resolved, that the Rhino Bar is granted permission to close High Street from Main Street to Chatham Street on Saturday, September 13, 2014, from 2:00 P.M. to 9:00 P.M., in conjunction with a fundraising event, with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.

E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way.

F. The sponsor shall pay a \$250.00 special event fee.

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

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

Sponsors: Jim Kaplan

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

[Res.14-0346](#)

"The Biggest Loser Run/Walk"

Resolved, that Real Racine is granted permission to close City right-of-way, as listed below, for "The Biggest Loser Run/Walk" on Sunday, September 21, 2014, from 7:30 A.M. to 1:00 P.M., in accordance with their request.

Hoffert Dr. (N) to Michigan Blvd.

Michigan Blvd. from English St. to Goold St.

Goold St. from Michigan Blvd. to N. Main St.

N. Main St. from Goold St. to Lombard Ave.

Lombard Ave. from N. Main St. to Michigan Blvd.

Michigan Blvd. from Lombard Ave. to Augusta St.

Lake Michigan Pathway from Michigan Blvd (S) to Reichert Ct.

Reichert Ct. (W) from Lake Michigan Pathway to Michigan Blvd.

Michigan Blvd. from Reichert Ct. to Dodge St.

Dodge St. from Michigan Blvd. to N. Main St.

N. Main St. from Dodge St. to 2nd St.

Lake Michigan Pathway from N. Main St. to Christopher Columbus Causeway

Christopher Columbus Causeway from Lake Ave. to Lake Michigan Pathway

DeKoven Ave. from Wisconsin Ave. to Grand Ave.

Grand Ave. from DeKoven Ave. to 21st St.

Center St. from 21st St. to 24th St.

24th St. from Roosevelt Park Dr. to 21st St.

21st St. from Roosevelt Park Dr. to Center St.

Wisconsin Ave. from 21st St. to 16th St.

16th St. from Wisconsin Ave. to Main St.

Main St. from 11th St. to (S) of 16th St.

11th St. from Main St. to Pershing Park

Pershing Park from 11th St. to 6th St.

6th St. from Pershing Park to Park Dr.  
Park Dr. from 6th St. to 5th St.  
5th St. from Park Dr. to College Ave.  
College Ave. from 5th St. to Water St.  
Water St. from S. Marquette St. to Wisconsin Ave.  
Wisconsin Ave. from Water St. to 2nd St.  
Lake Michigan Pathway from Reichert Ct. to Barker St.  
Barker St. from Lake Michigan Pathway to Michigan Blvd.  
12th St. from Main St. to Lake Ave.  
2nd St. from Main St. to Wisconsin Ave.

Further resolved, that permission is granted with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$1,050 special event fee.
- F. Sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval; and providing and removing all temporary traffic control devices and detour signs.
- G. Sponsor shall provide a detour plan for the closure of all State Connecting Highways, arterial and collector streets to the City Engineer for approval.

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

Further resolved, to waive Municipal Code Section 70-101, closing hours of parks, to allow "The Biggest Loser" staff on site at North Beach for set up purposes the morning of Sunday, September 21, 2014.

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

Sponsors: Jim Kaplan

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

Resolved, that the work done by R.D. Woods Co., Inc. under Contract 39-13 (K3-044), Masonry Restoration - City Hall Annex, is accepted and final payment authorized for a total contract amount of \$134,387.00.

Fiscal Note: Contract was authorized under Resolution No. 13-0289, dated July 2, 2013.

Sponsors: Jim Kaplan

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.14-0350**

Contract 38-14 (K4-038)

Resolved, that Contract 38-14 (K4-038), 2014 City Resurfacing, Phase II (R1), is awarded to Payne & Dolan, Inc., at its price of \$941,645.25, it being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$761,824.39 - Account 993.908.5220, Asphalt Resurfacing  
\$139,090.86 - Account 994.908.5220, Asphalt Resurfacing  
\$ 40,730.00 - Account 287.994.5310, Sanitary Sewer Var Locs  
\$941,645.25

Sponsors: Jim Kaplan

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.14-0352**

Contract 46-14 (K4-046)

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a professional services agreement with Ayres Associates, Inc. for Contract 46-14 (K4-046), PS - State Street Bridge Deck Hatch Removal, in the not-to-exceed amount of \$9,400.00

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 930.094.5810, State Street Bridge.

Sponsors: Jim Kaplan

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.14-0353**

Amendment No. 4 to State Project ID: 2290-17-00

Resolved, that Amendment No. 4 to State Project ID: 2290-17-00,

Northwestern Avenue (STH 38) - Memorial Drive to Golf Avenue, Strand Associates, Inc., consultant, as submitted, is approved in the amount of \$46,785.96, with the City's share being \$11,696.49.

Fiscal Note: funding to defray the cost of the City's share be appropriated from Account 993.908.5060, Northwestern - Memorial to Golf.

Sponsors: Jim Kaplan

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.14-0354**

Change Order #1 be added to the final payment for Contract 57-13 (K3-062)

Resolved, that Change Order #1 be added to the final payment for Contract 57-13 (K3-062) Pershing Soccer Facility Roof & Exterior Repairs and this is approved for a total contract amount of \$104,755.00.

Fiscal Note: Funds be appropriated as follows:

\$50,755.00 993.700.5080

\$24,000.00 993.700.5890

\$30,000.00 992.700.5100

Sponsors: Gregory Holding

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

Council Action

**A motion was made by Alderman DeHahn, seconded by Alderman Hart, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 15 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoore, II, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

**Res.14-0355**

DART Fare Increase

Resolved, that the DART Fare is to be increased to \$4.00, the Youth Fare is to be increased to \$2.00, no service cuts are to be made and revenue increases totaling \$285,000.00 for 2015 (including an additional \$100,000.00 of City tax levy funding) are to be included in the 2015 BUS budget.

Fiscal Note: Increase of 2015 City tax levy allocation to BUS in the



amount of \$100,000.

**Sponsors:** Raymond DeHahn

**A motion was made by Alderman DeHahn, seconded by Alderman Hart, that this Resolution be Adopted. The motion was APPROVED by the following Council vote:**

## I. Resolutions

### Res.14-0255

Claim of Eulogia Guardiola

Resolved, that the claim of Eulogia Guardiola for damages after her aging water service pipe allegedly broke during the replacement of the water meter in her home on or about February 17, 2014 is approved.

**Fiscal Note:** Reimbursement in the amount of \$3,705.00.

**Recommendation of the Waterworks Commission on 6-24-14:**  
That this be denied

**Recommendation of the Finance & Personnel Committee on 7-9-14:** Receive and file the resolution.

**Sponsors:** Q.A. Shakoor, II

**A motion was made by Alderman DeHahn, seconded by Alderman Hart, that this Resolution be Received and Filed. The motion was APPROVED by the following vote:**

**AYES:** 9 - Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Morgenroth, Hart and Diehl

**NOES:** 6 - Coe, Sarrazin, Shields, Kaplan, Weidner and Perez

### Res.14-0295

Revisions to Section 114-36 of the City Zoning Code

Resolved, that Section 114-36 of the Municipal Code of the City of Racine, Wisconsin relating to Penalty for Violation of Chapter is to be amended to insert language that would allow inspection fees to be assessed for inspections performed by the Zoning Administrator and/or his Deputies.

**Fiscal Note:** N/A

**Sponsors:** Jim Kaplan

*Alderman Weidner requested separate consideration on this item. There were no objections.*

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

**AYES:** 12 - Sarrazin, Kaplan, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

**NOES:** 3 - Coe, Shields and Weidner

**Res.14-0342**

**Festival Hall Colonnade Roof Replacement**

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a professional services agreement with Industrial Roofing Services, Inc., under Contract 45-14 (K4-045), PS - Festival Hall Colonnade Roof Replacement, in the not-to-exceed amount of \$13,300.00.

Further resolved, that \$200,000 of recaptured capital project bond funds previously allocated to the BUS Storage Facility Roof Repairs on Resolution 14-0256 of June 17, 2014 be reallocated to the Festival Park Colonnade Roof Replacement project.

**Fiscal Note:** There are sufficient funds available for the transfer. The total project estimate is \$200,000.

**Sponsors:** Q.A. Shakoor, II

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

**AYES:** 14 - Coe, Sarrazin, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

**NOES:** 1 - Kaprelian-Becker

**Res.14-0343**

RESOLUTION AUTHORIZING THE ISSUANCE OF \$11,200,000 general obligation promissory notes AND THE ISSUANCE AND SALE OF \$11,200,000 note anticipation notes in ANTICIPATION thereof

WHEREAS, the City of Racine, Racine County, Wisconsin (the "City") is presently in need of the sum of \$11,200,000 for public purposes, including paying the cost of various capital improvement and acquisition projects set forth in the City's Capital Improvement Plan and acquisition of municipal equipment (the "Project");

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, cities are authorized by the provisions of Chapter 67, Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purposes;

WHEREAS, it is the finding of the Common Council that it is

necessary, desirable and in the best interest of the City to authorize the issuance of and covenant to issue general obligation promissory notes (the "Securities") to provide permanent financing for the Project; WHEREAS, the Securities have not yet been issued or sold; WHEREAS, cities are authorized by the provisions of Section 67.12(1)(b), Wisconsin Statutes, to issue note anticipation notes in anticipation of receiving the proceeds from the issuance and sale of the Securities; WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance and sale of note anticipation notes pursuant to Section 67.12(1)(b), Wisconsin Statutes (the "Notes"), in anticipation of receiving the proceeds from the issuance and sale of the Securities, to provide interim financing to pay costs of the Project; and WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to sell the Notes to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of its note purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization of Securities. The City hereby authorizes the issuance and declares its intention and covenants to issue the Securities pursuant to the provisions of Chapter 67, Wisconsin Statutes, in an amount sufficient to retire any outstanding note anticipation notes issued for the purpose of paying costs of the Project. There is hereby levied on all the taxable property in the City a direct, annual, irrevocable tax sufficient to pay the interest on said Securities as it becomes due, and also to pay and discharge the principal thereof.

Section 2. Authorization and Sale of the Notes. In anticipation of the sale of the Securities, for the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of ELEVEN MILLION TWO HUNDRED THOUSAND DOLLARS (\$11,200,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Notes aggregating the principal amount of ELEVEN MILLION TWO HUNDRED THOUSAND DOLLARS (\$11,200,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 3. Terms of the Notes. The Notes shall be designated "Note

Anticipation Notes"; shall be issued in the aggregate principal amount of \$11,200,000; shall be dated September 9, 2014; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rate and mature on August 12, 2015 as set forth on the schedule attached hereto as Exhibit B and incorporated herein by this reference (the "Schedule"). Interest is payable at maturity. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 4. Redemption Provisions. The Notes shall be subject to redemption prior to maturity, at the option of the City, on December 19, 2014 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 5. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 6. Security. The Notes shall in no event be a general obligation of the City and do not constitute an indebtedness of the City nor a charge against its general credit or taxing power. No lien is created upon the Project or any other property of the City as a result of the issuance of the Notes. The Notes shall be payable only from (a) any proceeds of the Notes set aside for payment of interest on the Notes as it becomes due and (b) proceeds to be derived from the issuance and sale of the Securities, which proceeds are hereby declared to constitute a special trust fund, hereby created and established, to be held by the City Clerk and expended solely for the payment of the principal of and interest on the Notes until paid. The City hereby agrees that, in the event such monies are not sufficient to pay the principal of and interest on the Notes when due, if necessary, the City will pay such deficiency out of its annual general tax levy or other available funds of the City; provided, however, that such payment shall be subject to annual budgetary appropriations therefor and any applicable levy limits; and provided further, that neither this Resolution nor any such payment shall be construed as constituting an obligation of the City to make any such appropriation or any further payments.

Section 7. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City a separate and distinct fund account designated as the "Debt Service Fund Account for \$11,200,000 Note Anticipation Notes, dated September 9, 2014" (the "Debt Service Fund Account"), and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise

extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) any proceeds of the Notes representing capitalized interest on the Notes or other funds appropriated by the City for payment of interest on the Notes, as needed to pay the interest on the Notes when due; (iv) proceeds of the Securities (or other obligations of the City issued to pay principal of or interest on the Notes); (v) such other sums, including tax monies, as may be necessary at any time to pay principal of and interest on the Notes when due and which are appropriated by the Common Council for that purpose; and (vi) surplus monies in the Borrowed Money Fund as specified in Section 9 hereof.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided that such monies may be invested in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Said account shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until the Notes are fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 8. Covenants of the City. The City hereby covenants with the owners of the Notes as follows:

- (A) It shall issue and sell the Securities as soon as practicable, as necessary to provide for payment of the Notes;
- (B) It shall segregate the proceeds derived from the sale of the Securities into the special trust fund herein created and established and shall permit such special trust fund to be used for no purpose other than the payment of principal of and interest on the Notes until paid. After the payment of principal of and interest on the Notes in full, said special trust fund may be used for such other purposes as the Common Council may direct in accordance with law; and,
- (C) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or notes or

certificates of indebtedness and the \$11,200,000 authorized for the issuance of the Securities shall at no time exceed its constitutional debt limit.

Section 9. Proceeds of the Notes; Segregated Borrowed Money Fund. All monies received by the City upon the delivery of the Notes to the Purchaser thereof (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited by the City Clerk into a special fund (the "Borrowed Money Fund") which shall be maintained separate and distinct from all other funds of the City and shall be used for no purpose other than the purposes for which the Notes are issued. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes, shall be deposited in the Debt Service Fund Account created herein.

Section 10. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 11. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of

issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 12. Execution of the Notes; Closing; Professional Services.

The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 13. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 14. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and

discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 15. Record Date. The fifteenth calendar day preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the Record Date.

Section 16. Utilization of The Depository Trust Company

Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 17. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The



Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes). To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded August 19, 2014.

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John Dickert  
Mayor

Attest:

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Janice M. Johnson-Martin  
City Clerk

**Sponsors:** Q.A. Shakoor, II

*Alderman Shakoor made a motion to suspend the rules and act on this resolution. Alderman McCarthy seconded the motion. There were no objections.*

*After a discussion, Alderman Shakoor moved to adopt this resolution. Alderman McCarthy seconded the motion.*

**A motion was made by Alderman Shakoor, seconded by Alderman McCarthy, that this Resolution be Adopted. The motion was APPROVED by the following vote:**

**AYES:** 15 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

**Res.14-0347**

Change Order No. 3 on Contract 35-13 (K3-040)

Resolved, that Change Order No. 3 on Contract 35-13 (K3-040), City Hall Renovations - Phase V (R1), Triad Construction, Inc., contractor, is approved in the amount of \$57,668.21.

**Fiscal Note:** funding to defray the cost of this change order be appropriated from Account 993.100.5010, City Hall - Facilities Plan.

**Sponsors:** Jim Kaplan

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

**AYES:** 13 - Coe, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

**NOES:** 2 - Sarrazin and Shields

**Res.14-0348**

Final Payment on Contract 35-13 (K3-040)

Resolved, that the work done by Triad Construction, Inc. under Contract 35-13 (K3-040), City Hall Renovations - Phase V (R1), is accepted and final payment authorized for a total contract amount of \$804,867.35.

**Fiscal Note:** Contract was authorized under Resolution No. 13-0307, dated August 5, 2013.

**Sponsors:** Jim Kaplan

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

**AYES:** 12 - Coe, Kaplan, Kaprelian-Becker, Weidner, DeHahn, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

**NOES:** 3 - Sarrazin, Shields and Shakoor, II

Res.14-0351

## Contract 41-14 (K4-041)

Resolved, that Contract 41-14 (K4-041), City Hall Renovations - Phase VI, is awarded to Triad Construction, Inc., at its base bid price of \$198,446.00, plus Alternate #4 in the amount of \$1,406.00 for a total of \$199,852.00, it being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 993.100.5010, City Hall - Facilities Plan.

Sponsors: Jim Kaplan

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

**AYES:** 13 - Coe, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoore, II, McCarthy, Wisner, Holding, Perez, Morgenroth, Hart and Diehl

**NOES:** 2 - Sarrazin and Shields

Res.14-0356

## Renal Dialysis Clinic - 3113 Washington Avenue

Resolved, that the request from Andrew T. Carnahan representing Racine Renal Construction, LLC seeking a conditional use permit for a Renal Dialysis Clinic at 3113 Washington Avenue is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on July 30, 2014 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That, notwithstanding the property's current or future zoning, the owner shall not use the property for check cashing, payday loan or similar stores; resale and second-hand stores; stores principally selling tobacco products or smoking accessories (smoke shops); or tattoo parlors. (Note: the developer's option calls for the property to be sold to the developer with a deed restriction prohibiting these uses.)
- d. That, without first obtaining the consent of the Redevelopment Authority, the owner shall not use and shall not request permission from the City to use the property for any of the following uses: tax-exempt uses; car washes; gas stations; pawn shops; rental housing (except senior (age 55+) housing); buildings of four stories or taller; bar/tavern; convenience stores; automobile sales or service; fast

food with drive through; or rent-to-own stores.

e. That a farmers' market be accommodated to the extent practicable.

f. That the hours of the operation for the dialysis clinic shall be from 5:30 a.m. to 8:00 p.m., Monday through Saturday.

g. That prior to the issuance of a building permit, the following shall be submitted by Racine Renal Construction, LLC. to the Director of City Development for review and approval, or for departmental routing:

1. Detailed and to-scale building elevation plans describing materials, colors, patterns, dimensions, and other relevant information. Said plans shall be forwarded to the West Racine business association for their review and comment.

2. Detailed and to-scale site plan indicating building placement and vision clearance areas. Said plan shall be forwarded to the West Racine business association for their review and comment.

3. Detailed and to-scale plans for wall mounted and free standing exterior lighting fixtures describing illumination medium, intensities, locations, style and other relevant information. Said plans shall be forwarded to the West Racine business association for their review and comment.

4. Submittal of a certified survey map, or other legal instrument formalizing the documentation of the property to be transferred to PCI and that being retained by the Redevelopment Authority, and all appropriate utility and accessed easement.

5. Submittal of site maintenance plan indicating responsible parties for building maintenance, landscaping services, removal of debris and refuse, and snow removal and ice control.

h. That prior to the issuance of an occupancy permit, the following shall be accomplished by Racine Renal Construction, LLC.:

1. Implementation of the approved architectural and lighting plans.

2. Implementation of the approved landscaping plan.

3. Installation of Peder Bach monument (monument to be provided by the Redevelopment Authority at its expense) and green-space feature.

4. Installation of the farmers' market architectural feature.

5. Paving a striping of all parking surfaces.

6. Recording of all necessary documents.

7. Resolution of applicable technical details and discrepancies as have been or may be identified in relation to building, electrical,

plumbing, HVAC, water, sanitary sewer, storm water, roads, alleys and other public ways, and utilities.

i. That if, prior to the issuance of an occupancy permit, the site improvements described herein are not completed, a financial surety shall be provided to the City in an amount equal in value to the required improvements, subject to the following terms:

1. Financial surety documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial security.

2. The City is authorized by this Conditional Use permit to enter the site, implement the plans(s) and draw on the financial security for the cost of implementation if required improvements are not completed by the time of the issuance of an occupancy permit, or by an earlier date as may be required herein. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or the owner or shall be imposed as a special charge against the real property in accordance with applicable statute.

j. That all signage be professionally made, comply with City codes and ordinances, and be submitted to the Director of City Development for Review and approval prior to installation.

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

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

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

Fiscal Note: N/A

**Sponsors:** Dennis Wisner

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

**AYES:** 13 - Coe, Sarrazin, Shields, Kaplan, Kaprelian-Becker, DeHahn, Shakoore, II, McCarthy, Wisner, Holding, Morgenroth, Hart and Diehl

**NOES:** 2 - Weidner and Perez

**Res.14-0357**

November 2014 Referendum for Minimum Wage Increase

WHEREAS, it is one of our most cherished values that there is dignity in work, and that everyone in Wisconsin should have the opportunity to work their way into the middle class, not fall out of it; and

WHEREAS, we are not short of work ethic in Wisconsin, we are short of good jobs that enable working families to begin to work their way up; and

WHEREAS, Wisconsin workers are working harder and harder for less and less. Every year the minimum wage stays the same workers take a pay cut, and wages are now so low that millions of full time workers are below the poverty line and qualify for food stamps; and

WHEREAS, if people do not earn enough money to pay for the basics -- like food, rent, and transportation -- the economy stalls, weakening our communities and damaging local businesses; and

WHEREAS, nearly 9 in 10 Wisconsin workers who would benefit from a minimum wage increase are 20 years of age or older, nearly two-thirds are women, and 234,000 Wisconsin children would see their families' income increase; and

WHEREAS, our government's role is to maintain a wage and benefit floor to guarantee all work is valued, and that no Wisconsin worker is denied an honest day's pay for an honest day's work; and

WHEREAS, a \$10.10 minimum wage would bring our wage floor to roughly the same level as it was in the late 1960s, adjusted for inflation; and

WHEREAS, a \$10.10 minimum wage would raise wages for 587,000 Wisconsin workers by \$816 million, and generate over \$500 million in additional economic activity in Wisconsin in the next three years, resulting in nearly 4,000 new jobs; and

THEREFORE, BE IT RESOLVED, it's time Wisconsin worked again for people who work for a living; and

BE IT FURTHER RESOLVED, the people of Racine shall vote on the following advisory referendum question at the November 2014 general

election:

*Should the State of Wisconsin increase the minimum wage to \$10.10 per hour?*

**Sponsors:** Raymond DeHahn

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

**AYES:** 12 - Coe, Sarrazin, Shields, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Perez, Hart and Diehl

**NOES:** 2 - Kaplan and Morgenroth

**ABSTENTIONS:** 1 - Holding

## **J. Adjourn**

*The meeting was adjourned at 10:50 p.m. by Alderman Shakoor. The next scheduled meeting of the Council is Wednesday, September 3, 2014.*

*ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK*