



# City of Racine

## Meeting Agenda - Final

### Common Council

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

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

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Tuesday, September 19, 2006

7:00 PM

Room 205, City Hall

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AMENDED

- A. Call To Order**
  - B. Pledge of Allegiance To The Flag**
  - C. Approval of Journal of Council Proceedings (Minutes)**
  - D. Public Comments**
  - E. Public Hearings**
1. [ZOrd.0008-06](#) AN ORDINANCE TO REZONE MICHIGAN BOULEVARD BETWEEN DODGE AND HAMILTON STS

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

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

Part 1:

That the properties located on both sides of Michigan Boulevard between Dodge and Hamilton Streets, and more particularly described as follows:

"Part of Blocks 56 and 57, and all of Block 58 of the Original Plat of the City of Racine in the fractional Northeast  $\frac{1}{4}$  of Section 9, Town 3 North, Range 23 East, in the City of Racine, Racine County, Wisconsin as described herein: beginning at a point being the intersection of the center lines of Chatham Street and Hamilton Street proceed East along the centerline of Hamilton Street to the centerline of Michigan Boulevard, then north along the center line of Michigan Boulevard 150', then N. 87-52-44 E. 947.76', then S. 02-04-16 E. 392.20', then S. 30-02-32 E. 256.96', then S. 63-50-03 E. 132.82', then S. 07-10-57 E. 83.48', then S. 79-59-04 W. 234.06', then S. 86-03-56 W. 585.18', then S. 85-58-20 W.

269.54', then N. 09-26-21 W. 142' to the intersection of said line and the extended centerline of Dodge Street, then West along the centerline of Dodge Street to it's point of intersection with the centerline of Chatham Street, then north along the centerline of Chatham Street to the point of beginning"

be rezoned from "I-2" General Industrial District , to "B-5" Central Service District, and designated as Supplement No. \_\_\_\_\_, which Supplement is hereby made a part of this ordinance.

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

Approved:

\_\_\_\_\_

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

FISCAL NOTE: N/A

Sponsors: Gregory Holding

## F. Communications

2. [06-2516](#) **Subject:** Building Report for the month of August, 2006

**Refer to Finance and Personnel Committee, by Ald. Spangenberg**

3. [06-2512](#) **Subject:** Communication from Racine Safe Neighborhood Alliance to receive a Weed and Seed grant awarded to the City of Racine in the amount of \$200,000. The award will be used to support activities within the designated Weed and Seed area.

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

4. [06-2476](#) **Subject:** Communication from Michael and Maureen Carmody, Shillings Irish Pub, LLC, 611 Wisconsin Avenue, requesting permission to hang flags over public right-of-way.
5. [06-2518](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer to requesting amend Resolution 06-7147, dated August 15,

2006.

**Refer to Transit and Parking Commission, by Ald. Sollman**

6. [06-2511](#) **Subject:** Communication from the Transit Planner submitting the August 2006 operating and financial report for the Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service.

**Refer to Committee on Housing & Neighborhoods, by Ald. Shakoor**

7. [06-2515](#) **Subject:** To discuss concerns regarding deteriorating neighborhood conditions in the Lincoln Heights/Lincoln Park neighborhoods.

**G. Committee Reports**

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

8. [06-2422](#) **Subject:** Communication from the City Attorney submitting the claim of Harry Christofferson for consideration.

**Recommendation of the Finance & Personnel Committee 09-11-06:**  
The claim of Harry Christofferson, 2307 Hansen Avenue, be denied.

Harry Christofferson, 2307 Hansen Avenue, claims reimbursement in the amount of \$50,000 for alleged unlawful arrest and unreasonable force during the arrest for an incident that occurred on January 27, 2006. The City denies the actions of the officers' rise to the level of a constitutional violation under either the United States Constitution or the Wisconsin Constitution.

**Fiscal Note:** N/A

9. [06-2399](#) **Subject:** Communication from the City Attorney submitting the claim of Charlotte Brown-Miller, Hilda Brown, LaParsha Sullivan and Michael Brown for consideration.

**Recommendation of the Finance & Personnel Committee 09-11-06:**  
The claim of Charlotte Brown-Miller, Hilda Brown, LaParsha Sullivan and Michael Brown be denied.

**Fiscal Note:** N/A

10. [06-2311](#) **Subject:** Communication from City Administrator requesting to present a proposed processing fee for City Development bonds.

**Recommendation of the Finance & Personnel Committee 08-07-06:**

The item be deferred.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

The proposed processing fee for Industrial Revenue Bonds refer to West Allis fees and approve as proposed.

Processing Fees for Industrial Revenue Bonds, Redevelopment Revenue Bonds and Multi-Family Revenue Bonds

Size of Bond Issue	Fee
\$500,000 or less . . . . .	\$3,000
\$500,001 thru \$1,000,000 . . . . .	\$4,000
\$1,000,001 thru \$1,500,000 . . . . .	\$5,000
\$1,500,001 thru \$2,000,000 . . . . .	\$6,000
\$2,000,001 thru \$3,500,000 . . . . .	\$8,000
Over \$3,500,000 . . . . .	\$10,000

This fee structure is inclusive of all costs, including the City Attorney's review of the bond documents and all publication fees.

Terms of payment are 50% prior to the Common Council's adoption of the initial resolution (if the initial resolution is adopted by the Common Council, this 50% installment payment is non-refundable). The remaining 50% is due at the time of closing (or pre-closing) on the bond sale.

**Fiscal Note:** N/A

11. [06-2419](#)

**Subject:** Communication from Deputy Chief of Police Hurley, requesting permission to apply for, and accept, the 2007-2009 Office of Justice Assistance Funding for Beat Patrol Officers. State funds in the amount of \$113,421 are available, with a 25% local match, for a total grant of \$151,228. Grant Control # 2006-037.

**Recommendation of the Finance & Personnel Committee 9-11-06:**

The Deputy Chief of Police apply for the 2007 - 2009 Office of Justice Assistance Funding Grant (Grant Control No. 2006-037) to be utilized for Beat Patrol Officers.

**Fiscal Note:** There is a 25% match on the part of the City, which must be provided in the 2007 budget, for a total grant amount of \$151,228.

12. [06-2420](#)

**Subject:** Communication from Deputy Chief of Police Hurley, requesting permission to apply for, and accept, the 2006 Wisconsin Office of Justice

Assistance Juvenile Accountability Block Grant (formerly the Wisconsin Office of Justice Assistance Juvenile Accountability Incentive Block Grant). The grant is in the amount of \$30,000, with matching funds in the amount of \$3,333 to be supplied by Racine County. Grant Control # 2006-039.

**Recommendation of the Finance & Personnel Committee 9-11-06:**

The City apply for and accept a \$30,000 grant with the 2006 Wisconsin Office of Justice Assistance Juvenile Accountability Block Grant (Grant Control No. 2006-039) on behalf of Safe Haven.

**Fiscal Note:** There is a 10% match, which is the responsibility of Safe Haven and will be supplied by Racine County for a total grant amount of \$3,333.

13. [06-2421](#)

**Subject:** Communication from the City Attorney submitting the claim of Joan Christofferson for consideration.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

The claim of Joan Christofferson, 2307 Hansen Avenue, be denied.

Joan Christofferson, 2307 Hansen Avenue, claims reimbursement in the amount of \$50,000 for alleged unlawful arrest and unreasonable force during the arrest for an incident that occurred on January 27, 2006. The City denies the actions of the officers' rise to the level of a constitutional violation under either the United States Constitution or the Wisconsin Constitution.

**Fiscal Note:** N/A

14. [06-2426](#)

**Subject:** A communication from the Director of Information Systems requesting to waive the bidding process and sole source the procurement for Storage Area Network (SAN) equipment.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

The formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to purchase Storage Area Network (SAN) equipment from Genesis Imaging, LLC with the stipulation that the equipment be competitively priced.

**Fiscal Note:** Funds are available in Account 984.120.5010, Document Imaging and Storage.

15. [06-2448](#)

**Subject:** Communication from the Interim Finance Director requesting to discuss refunding the \$7,000,000 note anticipation notes dated June 26, 2006 and due on December 28, 2006. These notes funded the 2006

Capital Improvements.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

That a resolution be adopted providing for the refunding of the \$7,000,000 June 26, 2006 Note Anticipation Notes.

**Fiscal Note:** \$7,000,000 Note Anticipation Notes funded the 2006 Capital Improvements.

16. [06-2449](#)

**Subject:** Communication from the Interim Finance Director requesting to discuss refunding the \$2,000,000 note anticipation notes dated July 30, 2003 and the \$2,000,000 note anticipation notes dated August 10, 2004, both of which are due on December 1, 2006. These notes are funding projects in TIF 10, the former Jacobson-Extron property.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

That a resolution be adopted providing for the refunding of the \$2,000,000 July 30, 2003 TIF 10 Note Anticipation Notes and \$2,000,000 August 10, 2004 TIF 10 Note Anticipation Notes.

**Fiscal Note:** The grant total of \$4,000,000 Note Anticipation Notes funded projects in TIF 10, the former Jacobson-Extron property.

17. [06-2457](#)

**Subject:** Communication from the Mayor requesting to discuss accepting the 2006 Weed and Seed Grant.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

The Mayor and City Clerk be authorized and directed to enter into a \$200,000 agreement with the 2006 Weed and Seed Grant (Grant Control No. 2006-017) to be utilized for the south side Weed and Seed area.

**Fiscal Note:** There is a 25% soft match on the part of the City.

18. [06-2460](#)

**Subject:** Development agreement with Key Bridge Group for the Pointe Blue redevelopment project.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

Permission granted for the Director of City Development continue the negotiations for the development agreement between Key Bridge Group and the City for the Pointe Blue redevelopment project and the item be referred to the September 19, 2006 Common Council meeting.

**Fiscal Note:** N/A

19. [06-2465](#)

**Subject:** Communication from Fire Chief Hansen to request permission to

appear before the License and Welfare Committee to request that formal bidding be waived and that the Purchasing Agent be authorized and directed to negotiate with Jefferson Fire and Safety for the procurement of a Bauer Breathing Air Compressor. Funds for this purchase are available in account 101.300.5770, Machinery and Equipment, Fire.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

The formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to purchase a Bauer Breathing Air Compressor from Jefferson Fire and Safety.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to purchase a Bauer Breathing Air Compressor from Jefferson Fire and Safety.

**Fiscal Note:** Funds are available in Account 101.300.5770, Machinery and Equipment, Fire.

20. [06-2471](#)

**Subject:** (Direct Referral) Communication from the City Administrator requesting that the City enter into an agreement with Virchow Krause, Health Department Auditors, to amend their contract to evaluate the Cemetery operations in depth on a time and material basis or by fixed fee.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

Authorize audit of the Cemetery operations and management to be included as part of an addendum to the Health Department's Audit. Further recommends that the Assessor's audit for 2006 be deferred and utilize the funds for the Cemetery's audit.

**Fiscal Note:** The Cemetery's audit cost will be less than \$10,000.

**Public Works and Services Committee Report, by Ald. Hart**

21. [06-2398](#)

**Subject:** Communication from the Commissioner of Public Works/City Engineer recommending that the northern parcel of the Walker property be transferred to the Racine Water Utility and that the land transfer be recorded with the Register of Deeds.

**Recommendation:** The northerly portion of the Walker site which was designated for use by the Racine Water Utility be transferred from City ownership to Racine Water Utility ownership and that the legal description for the property be registered with the Register of Deeds office. Further recommends that the Racine Water Utility pay all costs associated with the transfer and registration of this property.

**Fiscal Note:** There will be no cost to the City of Racine to take these

actions.

22. [06-2431](#)

**Subject:** Communication from the Downtown Racine Corporation requesting to close portions of Main Street and Sixth Street for the 4th Annual Party on the Pavement on Saturday, October 7, 2006, from 12:00 p.m. to 7:00 p.m.

**Recommendation:** Permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 7th Street and Sixth Street from Main Street and Grand Avenue, on Saturday, October 7, 2006, from 12:00 p.m. to 7:00 p.m., for the 4th annual "Party on the Pavement" event.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. Sponsor shall notify all abutting property occupants 72 hours in advance of the event;
- E. The sponsor shall be responsible for the signing of the necessary detours for the State Highway route; and
- F. The sponsor shall pay a special event fee of \$700.00.

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

FISCAL NOTE: There will be nominal costs incurred on a regular shift basis to provide limited assistance to implement this event.

23. [06-2440](#)

**Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting final payment on Contract 49-03 (K3-060), Professional Services for Relocation Services for Memorial Drive and Maiden Lane, HNTB, consultant.

**Recommendation:** The professional services provided by HNTB under Contract 49-03 (K3-060), Professional Services for Relocation Services



for Memorial Drive and Maiden Lane, be accepted and final payment authorized for a total contract amount of \$9,684.88 from funds heretofore appropriated.

**Fiscal Note:** This contract was approved by Resolution 5410, dated July 15, 2003.

24. [06-2461](#)

**Subject:** Communication from the Commissioner of Public Works submitting a request for final payment on Contract 26-06 (K6-027), HVAC System and Controls at City Hall, Johnson Controls, Inc., contractor.

**Recommendation:** The work done by Johnson Controls, Inc. under Contract 26-06 (K6-027), HVAC System and Controls at City Hall, be accepted and final payment authorized for a total contract amount of \$42,493.00 from funds heretofore appropriated.

**Fiscal Note:** This contract was approved by Resolution 6782, dated December 5, 2005.

25. [06-2464](#)

**Subject:** Communication from Schubert Media Group, Inc. proposing the transfer of certain assets and assignment of lease held with the City from Schubert Media to Adams Outdoor Advertising.

**Recommendation:** The City of Racine accept the transfer of the lease agreement from Schubert Media Group, Inc. to Adams Outdoor Advertising.

**Fiscal Note:** There will be no impact on the revenues received for the transfer of City owned property for the placement of billboard advertising.

26. [06-2490](#)

**Subject:** Direct Referral. Communication from the Commissioner of Public Works requesting to submit grant applications for the purpose of constructing a solar photovoltaic electrical system to generate part of the electrical needs at the City Hall Annex.

**Recommendation:** The Commissioner of Public Works be authorized and directed to submit the necessary grant applications to maximize the non-City dollars used for the implementation of a 37 KW solar energy electrical generating system to meet a portion of the needs of the City Hall Annex electrical demand.

**Fiscal Note:** The estimated total cost of the project is \$235,000.00, of which \$135,000.00 is expected to be received through the submittal of these grant applications. The remaining \$100,000.00 of funds will be provided in the City's Capital Improvement Program budget for the

implementation of this project.

27. [06-2497](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 19-03 (K3-026), PS - Traffic Signal Conversion, Earth Tech, Inc., consultant.

**Recommendation:** The professional services provided by Earth Tech, Inc. under Contract 19-03 (K3-026), Professional Services - Traffic Signal Conversion, be accepted and final payment authorized for a total contract amount of \$109,156.67, from funds heretofore appropriated.

**Fiscal Note:** This contract was approved by Resolution 5120, dated February 19, 2003.

28. [06-2498](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 3-04 (K4-004), Street Light Conversion to GIS, Earth Tech, Inc., consultant.

**Recommendation:** The professional services provided by Earth Tech, Inc. under Contract 3-04 (K4-004), Street Light Conversion to GIS, be accepted and final payment authorized for a total contract amount of \$102,421.79 from funds heretofore appropriated.

**Fiscal Note:** This contract was approved by Resolution 5745, dated January 20, 2004.

29. [06-2508](#) **Subject:** Direct Referral. Communication Shurpac, Inc., 1700 Phillips Avenue, requesting permission to connect into the City owned storm sewer on Phillips Avenue.

**Recommendation:** Shurpac, Inc. be granted permission to connect to the City owned storm sewer system on Phillips Avenue, south of 17th Street, for the purpose of extending a storm sewer to a loading dock area in conjunction with improvements to their building.

**Fiscal Note:** In accordance with City policies, all costs associated with the extension of the storm sewer to serve private property will be paid for by the private property owner. There will be no cost to the City of Racine in granting this permission.

30. [06-2509](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works requesting that a resolution be passed authorizing the submittal of grant applications to the State of Wisconsin Department of

Natural Resources as required for the recycling program.

**Recommendation:** The Commissioner of Public Works be authorized and directed to submit the necessary grant applications for financial assistance under Wis. Stat. 287.23, chapters NR 542, 544 and 549, Wis. Admin. Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in Wis. Stat. 287.11(2(a) to (h)).

**Fiscal Note:** These grant applications must be submitted on a yearly basis in order to continue to receive recycling funds from the State of Wisconsin.

31. [06-2510](#) **Subject:** Direct Referral. Communication from Fire Chief Steven Hanson requesting the City enter into an agreement with S.C. Johnson, Inc. that gives permission to the Racine Fire Department to conduct training exercises at 1428 and 1432 Racine Street.

**Recommendation:** The City enter into an agreement with S.C. Johnson, Inc. to allow the Racine Fire Department to conduct non-destructive and destructive training at 1428 and 1432 Racine Street.

**Fiscal Note:** The ability to conduct training exercises in actual residential property is a benefit to the Racine Fire Department. These buildings will be demolished by S.C. Johnson, Inc. after training is completed and the properties restored as green spaces.

#### **Public Safety and Licensing Committee Report, by Ald. Maack**

32. [06-2319](#) **Subject: (Direct Referral) (New)** Application a Class "A" Retail Fermented Malt Beverage License for Mead Street Food, Patricia A. Morones, for 1801 Mead Street. (2nd District)

**Recommendation of the License & Welfare Committee of 08/28/06:**

That the license be deferred to the September 11, 2006 meeting.

**Recommendation of the Public Safety & Licensing:** That the license be denied, due to the high concentration of other licenses in the area and problems with the previous establishment.

**Fiscal Note:** N/A

33. [06-2341](#) **Subject: (New)** Application for a Sidewalk Cafe' Permit for Lush Life, Inc. (Henry & Wanda's), 501 Sixth Street. (1st District)

**Recommendation of the License & Welfare Committee of 08/28/06:**

That the item be deferred.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That the application for a Sidewalk Cafe' Permit be denied, due to insufficient insurance coverage and City Plan only approving the permit for the consumption of food without alcohol.

**Fiscal Note:** N/A

34. [06-2348](#)

**Subject:** Application of PH Green Bay, LLC., Michael Marcinkus, for a Change of Agent for a Class "B" Retail Fermented Malt Beverage License for 5000 Washington Avenue. (12th District)

**Recommendation of the License & Welfare Committee of 08/28/06:**

That the item be deferred until the September 11, 2006 meeting.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That the Change of Agent be granted.

**Fiscal Note:** N/A

35. [06-2373](#)

**Subject:** Communication from the Fire Chief requesting to enter into a professional service agreement for one year with J.H. Meyer and Associates for consulting services.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

The Mayor and City Clerk be authorized and directed to sign a professional services agreement with J.H. Meyer and Associates to enable the City to receive consulting services related to the Wisconsin Regional Hazardous Materials Response Team.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That the Mayor and City Clerk be authorized and directed to sign a professional services agreement with J.H. Meyer and Associates, to enable the City to receive consulting services related to the Wisconsin Regional Hazardous Materials Response Team.

**Fiscal Note:** The cost of the one-year extension is \$6,000 in Account 268.000.5610 State Haz Mat Consulting Fees.

36. [06-2376](#)

**Subject:** The Fire Chief requests to accept a donation from S.C. Johnson & Son, Inc. in the amount of \$1,000 to be utilized for the Public Education Fund.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

Permission granted to accept \$1,000 from S.C. Johnson, Inc. to be utilized for the Racine Fire Department's Public Education fund and that an appropriate letter of thanks be sent.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That permission be granted to accept \$1,000 from S.C. Johnson, Inc., to be utilized for the Racine Fire Department's Public Education fund.

**Fiscal Note:** \$1,000 donation to be utilized for the Fire Department's Public Education fund.

37. [06-2393](#)

**Subject: (New)** Application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License, for Cera's Tequila Bar, Cerafin Davalos, Agent, at 607 Sixth Street. (1st District)

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That the license be granted.

**Fiscal Note:** N/A

38. [06-2395](#)

**Subject:** The application of Lone Star Steakhouse & Saloon, David P. Buckett, for a Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 5880 Durand Avenue. (14th District)

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That the application for a Change of Agent be granted.

**Fiscal Note:** N/A

39. [06-2423](#)

**Subject:** Communication from Veterans Club Inc., Steven R. Heather, Agent, requesting to amend the premises description at 820 Main Street.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That the amended premises description for 820 Main Street, be approved.

**Fiscal Note:** N/A

40. [06-2424](#)

**Subject: (Direct Referral)** Change Order #2 on contract 27-05 (K5-034), Monument Square Site and Landscape Improvement.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That Change Order #2, be amended to Change Order #3, on contract 27-05 (K5-034), Monument Square Site and Landscape Improvement, and the Change Order would be an increase of \$9,320, be approved.

**Fiscal Note:** N/A

41. [06-2434](#) **Subject: (Direct Referral)** Communication from the Purchasing Agent submitting the monthly report for the sale of Abandoned Vehicles, August 24, 2006.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That the item be received and filed.

**Fiscal Note:** This will generate \$5,908.11 in revenues.

42. [06-2441](#) **Subject:** Communication from Fire Chief Hansen requesting permission to accept \$122,500 from the State of Wisconsin - Wisconsin Emergency Management for services to be rendered as part of the State of Wisconsin Level A Regional Hazardous Materials Team. Funds are to be deposited into the State Revenue Funds account 268.000.6810.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

The City apply for and accept \$122,500 grant from the State of Wisconsin, Wisconsin Emergency Management (Grant Control No. 2006-040) for services to be rendered as part of the State of Wisconsin Level A Regional Hazardous Materials Team.

**Recommendation of the Public Safety & Licensing Committee**

**09-11-06:** That the City apply for and accept \$122,500 grant from the State of Wisconsin - Wisconsin Emergency Management, for services to be rendered as part of the State of Wisconsin Level A Regional Hazardous Materials Team.

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

43. [06-2442](#) **Subject:** Communication from Fire Chief Hansen to request permission to accept the Homeland Security/Mutual Aid Interoperability OJA Grant HS-05-IC-0399 dated August 18, 2006. Also requesting permission for the Mayor and City Clerk to be authorized to sign on behalf of the City for the grant. This grant will provide funding to reprogram radios in the police and fire department with SIEC interoperability frequencies, and to purchase new radio equipment replacing outdated equipment. Total for the grant is \$97, 290 after applying the local match. Grant Control #2006-25.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

The Mayor and City Clerk be authorized and directed to enter into a \$97,290 agreement with the Office of Justice Assistance, Homeland Security/Mutual Aid Interoperability Grant (Grant Control No. 2006-025) to be utilized to reprogram and purchase radios for the Racine Fire and Police Departments.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That the Mayor and City Clerk be authorized and directed to enter into a \$97,290 agreement with the Office of Justice Assistance, Homeland Security/Mutual Aid Interoperability Grant to be utilized to reprogram and purchase radios for the Racine Fire and Police Departments.

**Fiscal Note:** 10% match required on \$20,000 and 25% match required on \$77,290 on the part of the City.

44. [06-2452](#)

**Subject: (New)** Application for a Class "B" Retail Fermented Malt Beverage License for Phoenix Tap, Michael A. Draves, Agent, for 1600 Douglas Avenue. (4th District)

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That the license be denied, due to the adverse affect it would have to the neighborhood and parking issues.

**Fiscal Note:** N/A

45. [06-2455](#)

**Subject: (New)** Application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for DeRose Bar & Restaurant, LLC, Sandra Barz, Agent, at 1444 Blake Avenue. (8th District)

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That the license be granted and issued after completing the Responsible Beverage Servers Course.

**Fiscal Note:** N/A

46. [Ord.34-06](#)

ORDINANCE NO. 34-06 relating to Operator's Licenses.

To amend Secs. 6-9, 6-131, repeal and recreate Sec. 6-132, repeal Sec. 6-134 and amend Sec. 6-136 of the Municipal Code of the City of Racine, Wisconsin relating to Operator's licenses.

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

Part 1:

Sec. 6-9 of the Municipal Code of the City of Racine is hereby amended by deleting in the first sentence the phrase, "or provisional operator's licenses."

Part 2:

Sec. 6-131 of the Municipal Code of the City of Racine is hereby amended by changing the title to read: "**Operator's license required.**" and by deleting the words "or provisional operator's license" in two places in the paragraph.

Part 3:

Sec. 6-132 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

*"Operator's license.* An operator's license shall authorize the holder to serve or purvey those alcohol beverages for which sale is authorized at the premises where the operator is employed. The licenses shall expire on the second June 30 following issuance. The fee for an operator's license will be prorated as follows:

12-24 months	\$75.00
9-12 months	\$40.00
3 months or less	\$75.00 for the next licensing period and the three months would not be charged."

Part 4:

Sec. 6-134 of the Municipal Code of the City of Racine is hereby repealed.

Part 5:

Sec. 6-136 of the Municipal Code of the City of Racine is hereby amended by deleting the words "or provisional operator's license."

Part 6:

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

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That Ordinance No. 34-06 relating to Operator's Licenses, be adopted.

**FISCAL NOTE:** N/A

**Sponsors:** David L. Maack

47. [06-2465](#)

**Subject:** Communication from Fire Chief Hansen to request permission to appear before the License and Welfare Committee to request that formal bidding be waived and that the Purchasing Agent be authorized and



directed to negotiate with Jefferson Fire and Safety for the procurement of a Bauer Breathing Air Compressor. Funds for this purchase are available in account 101.300.5770, Machinery and Equipment, Fire.

**Recommendation of the Finance & Personnel Committee 09-11-06:**

The formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to purchase a Bauer Breathing Air Compressor from Jefferson Fire and Safety.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to purchase a Bauer Breathing Air Compressor from Jefferson Fire and Safety.

**Fiscal Note:** Funds are available in Account 101.300.5770, Machinery and Equipment, Fire.

48. [06-2475](#) **Subject: (Direct Referral)** Communication from the Purchasing Agent submitting the monthly report for the sale of Abandoned Vehicles, September 5, 2006.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That the item be received and filed.

**Fiscal Note:** This will generate \$4,712.01 in revenues.

49. [06-2484](#) **Subject: (Direct Referral)** Application of Beverly J. Holmes for a Public Passenger Driver's License.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That the license be granted.

**Fiscal Note:** N/A

50. [06-2485](#) **Subject:** Communication from Alderman Holding wishing to discuss a moratorium on pawnbrokers in the City of Racine.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That the City Attorney's Office draft a resolution for the 90 day moratorium.

**Fiscal Note:** N/A

51. [06-2489](#) **Subject: (Direct Referral)** Final payment for Professional Services for the redesign of Monument Square by MSA.

**Recommendation of the Public Safety & Licensing Committee of**

**09-11-06:** That final payment for Professional Services for the redesign of Monument Square by MSA be made.

**Fiscal Note:** N/A

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

52. [06-2327](#) **Subject:** (Direct Referral). Request by Jeffery L. Ventura seeking a conditional use for the expansion of a carpentry contractor's storage facility at 1107 Racine Street.

**Recommendation of the City Plan Commission 9-13-06:** To be received and filed.

53. [06-2439](#) **Subject:** (Direct Referral). Request from James Spangenberg to discuss changes in the West Racine guidelines for access corridor.

**Recommendation of Access Corridor Development Review**

**Committee of 9-12-06 to the City Plan Commission:** That the West Racine Access Corridor Supplemental Evaluation Criteria be amended as follows:

1. Add the color guidelines as contained in the Uptown Corridor District Design Guidelines.
2. Add language that prohibits the installation of indoor and outdoor burglar bars and other similar security devices at the windows and doors of businesses.

**Recommendation of City Plan Commission of 9-13-06:**

AMEND THE WEST RACINE ACCESS CORRIDOR SUPPLEMENTAL EVALUATION CRITERIA BY ADDING THE FOLLOWING:

After "7. LANDSCAPING" insert...

**"8. COLOR PALATE**

- a) Exterior color schemes shall be selected by the project applicant from the 1,082 tones found in the approved Sherwin Williams "COLOR" palate, or its industry equivalent. The approved palate may be reviewed at the office of the Department of City Development (the "Department"). Approved paint treatments from the Sherwin Williams "COLOR" palate are as follows:
  1. Body, trim, window, door and accent colors shall be selected

from the 280 tones described as “Fundamentally Neutral” and the 560 tones described as “Color Options”, or their industry equivalent.

2. Trim and accent colors only may also be selected from the 94 tones described as “Essentials” and 148 tones described as “Energetic Brights”, or their industry equivalent.”

#### “9. COLOR SELECTION GUIDANCE

- a) In all cases, paint shall be applied in a professional, complete and workmanlike manner.
- b) Paint colors shall be viewed as a reversible finish. Building owners are encouraged to select colors appropriate to the style and period of the building construction. Monotonous color schemes, lacking in contrast, are discouraged and transitions of color are encouraged.
- c) Related color schemes such as monochromatic (different values of a single color), neutral (gray, taupe, tan or gray-beige), or analogous (colors close to one another on the color wheel such as blue and blue-violet) are appropriate.
- d) Contrasting color schemes such as opposites (colors opposite each other on the color wheel), split complement palettes (colors adjacent to true colors such a yellow and yellow-orange), or triad palettes (three colors spaced in fairly equal increments on the color wheel) are appropriate.”

#### “10. SECURITY

- a) Exterior and interior security measures such as grating, bars, mesh or roll down and accordion gates are prohibited on street façades.”

#### 54. [Res.06-7199](#) STREET DEDICATION FOR RIGHT-OF-WAY PURPOSES

RESOLVED, that the following parcel of land from the north line of the abandoned Chicago-Milwaukee-St. Paul and Pacific Railroad to the north line of DeKoven Avenue, and more particularly described as follows, be dedicated for street right-of-way purposes:

That part of the west ½ of the Northeast ¼ of Section 20, Township 3 North, Range 23 East in the City of Racine, Racine County, Wisconsin, described as follows:

Begin at the intersection of the north line of DeKoven Avenue and the center line

of vacated Phillips Avenue; run thence South 87 degrees 52 minutes 49 seconds West along said north line, 74.90 feet to the point of curvature of a non-tangent curve, concave to the northwest, having a radius of 45.00 feet, a chord of 63.57 feet bearing North 42 degrees 56 minutes 27 seconds East; thence northeasterly along said curve 70.59 feet to the west line of vacated Phillips Avenue; thence North 01 degree 59 minutes 55 seconds West along said west line extended north, 943.73 feet to the north line of the abandoned Chicago, Milwaukee, St. Paul and Pacific railroad right of way; thence North 81 degrees 34 minutes 30 seconds East along said north line, 60.38 feet to the east line of vacated Phillips Avenue extended north; thence South 01 degree 59 minutes 55 seconds East along said east line 99.63 feet to the south line of the abandoned Chicago, Milwaukee, St. Paul and Pacific railroad right of way; thence South 81 degrees 34 minutes 30 seconds West along said south line, 30.19 feet to the centerline of vacated Phillips Avenue; thence South 01 degree 59 minutes 55 seconds East along said centerline, a distance of 892.32 feet the POINT OF BEGINNING and the north line of DeKoven Avenue. Containing 33,130 square feet or 0.7606 acres, more or less.

FISCAL NOTE: N/A

Sponsors: Ronald D. Hart

55. [06-2472](#)

**Subject:** (Direct Referral). Request from Mark Rose representing JB Construction and B.A.T. Trucking seeking a conditional use permit to operate a construction yard, and truck terminal at 1600 North Memorial Drive and 1700 St. Patrick Street.

**Recommendation of Redevelopment Authority 9-6-06:** Approval of the request, subject to appropriate conditions established by the City Plan Commission.

**Recommendation of City Plan Commission 9-13-06:** That the request from Mark Rose representing J.B. Construction and B.A.T. Trucking seeking a conditional use permit to operate a construction yard and truck terminal at 1600 North Memorial Drive and 1700 St. Patrick Street be approved, subject to the following conditions:

- a. That the plans stamped "Received August 31, 2006" and presented to the Plan Commission on September 13, 2006 be approved subject to the conditions contained herein.
- b. That an occupancy permit and other applicable permits be obtained from the Building Department.
- c. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.
- d. That the maximum hours the operation is to be open to the

public are from 6:00 a.m. to 9:00 p.m. Monday Through Saturday, with no operational hours on Sunday.

- e. That all employee and customer parking be contained on site.
- f. That the maneuvering of trucks, trailers, and equipment associated with this operation not hinder the free flow of traffic on N. Memorial Drive, St Patrick Street, and Blake Street.
- h. That there be no outside storage of junk, construction debris, or junked vehicles, and equipment. New construction materials may be stored outdoors in screened areas.
- i. That no more than three trailers be stored on the property at any one time, and that trailers not be used as storage structures.
- j. That all trash and recyclables be stored in closed containers and screened from view.
- k. That by June 1, 2006 the following shall be accomplished:
  - 1. Painting of the building in an earth-tone color(s).
  - 2. Paving of all parking and drive areas.
- l. That the following shall be accomplished prior to the issuance of an occupancy permit:
  - 1. Removal of vines and other vegetation from fencing and gates.
  - 2. Repair and paint all fencing, or replace all fencing and install privacy slats in east and west fencing and gates. Privacy slats and fencing color(s) shall be complementary to the building color(s).
  - 3. Remove the skeletal steel structure at the intersection of St. Patrick Street and Blake Avenue.
  - 4. Remove of all barbed wire.
- m. That all signs be professionally made, comply with the zoning ordinance requirements and be submitted for review and approval by the Director of City Development.
- n. That all codes and ordinances be complied with and required permits acquired.
- o. 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.

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

Fiscal Note: N/A

56. [06-2481](#)

**Subject:** (Direct Referral). Request from Tim Hunt seeking a conditional use permit for a roofing contractor's office and storage facility at 1414 Rapids Drive.

**Recommendation:** That the request by Tim Hunt seeking a conditional use permit to operate a roofing contractor's office and storage facility at 1414 Rapids Drive be granted, subject to the following conditions:

That the plans stamped "Received August 29, 2006" and presented to the Plan Commission on September 13, 2006 be approved subject to the conditions contained herein.

That an occupancy permit and all other applicable permits be requested from the Building Department.

- c. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.
- d. That all parking and drive areas be paved and striped by June 1, 2007.
- e. That the outside storage of junked vehicles, vehicle parts, materials, and equipment be prohibited. However, outside storage of new construction materials within a screened area is allowed. There shall be no storage of construction debris.
- f. The outside storage of one boat being the possession of an owner or employee of the contractor's operation is permitted.
- g. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.
- h. That all aspects of the operation of this business be conducted indoors including vending machines, product displays, or sales.
- i. That the maximum hours of operation be from 6:00 a.m. to 6:00 p.m. Monday through Saturday with no hours on Sunday.

- j. That all trash, recyclables, and dumpsters be stored in closed containers and screened from view.
- k. That all fencing and gates be repaired and painted in a uniform color, or replaced. Privacy slats shall be installed in the fencing along Rapids Drive, and along the east and east fencing for a distance of 100 feet from Rapids Drive. Remnant vine and wooded materials shall be removed from the fence.
- l. That all signs be professionally made, comply with the zoning ordinance requirements and be submitted for review and approval by the Director of City Development. The existing obsolete sign shall be removed or refaced by October 1, 2006.
- m. That all codes and ordinances be complied with and required permits acquired.
- n. 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.
- o. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

57. [06-2482](#) **Subject:** (Direct Referral). Request by Mitan Pandya seeking a minor amendment to a conditional use permit (Res.06-7142) for an addition to a convenience store at 2500 Lathrop Avenue to strike the requirement that a driveway be closed.

**Recommendation:** That the condition for driveway closure remain, but that multiple clearance warning signs be installed under the canopy at appropriate location.

Fiscal Note: N/A

58. [06-2514](#) **Subject:** ZOrd.0008-06 to rezone Michigan Boulevard between Dodge and Hamilton Streets.

**Recommendation:** That the ordinance be adopted.

**Committee of the Whole Report, by Ald. Weidner**

59. [06-2357](#) **Subject:** Communication from Alderman of the 10th District requesting an ordinance be created to increase the annual compensation for Alderman to \$6,900 effective April 15, 2008.

**Recommend:** that the ordinance be adopted.

60. [06-2456](#) **Subject:** Communication from the Alderman of the 7th District requesting that a resolution be drafted for healthcare, to be placed on the November ballot.

**Recommend:** that the City Clerk place the following referendum question on the November 7, 2006 ballot:

"Should the Wisconsin Legislature establish a plan that will reduce health care costs by at least 15% and guarantee access to universal, affordable health care coverage for all Wisconsin residents and families by 2008?"

#### **Office of the Mayor Report, by Ald. Weidner**

61. [06-2505](#) **Subject:** Communication from Mayor Becker nominating appointments/reappointments to the following Boards and Commissions for the City of Racine.

**Cable Commission:**

Appoint Mark Fornal, 815 8th Street, for a 3-year term (replacing David Ley) ending in May 2009.

**Waterworks Commission:**

Appoint Kathy DeMatthew, 2908 Chatham Street, to fill an unexpired term (William Pugh) ending in October 2009.

**Wastewater Commission:**

Appoint Kathy DeMatthew, 2908 Chatham Street, to fill an unexpired term (William Pugh) ending in October 2009.

Appoint Roberto Garza, 1909 N. Wisconsin Street, as an alternate, for a 4-year term ending in October 2010.

## **H. Resolutions**

62. [Res.06-7216](#) Professional Services Agreement with J.H. Meyer for Consulting Services

Resolved, that the Mayor and City Clerk be authorized and directed to sign a



professional service agreement with J.H. Meyer and Associates, to enable the City to receive consulting services related to the Wisconsin Regional Hazardous Materials Response Team.

Fiscal Note: The cost of the one-year extension is \$6,000 in Account 268.000.5610 State Haz Mat Consulting Fees.

Sponsors: David L. Maack and James T. Spangenberg

63. [Res.06-7217](#) Waive Formal Bidding Procedures for Purchase of Breathing Air Compressor

Resolved, that formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to purchase a Bauer Breathing Air Compressor from Jefferson Fire and Safety.

Fiscal Note: Funds are available in Account 101.300.5770, Machinery and Equipment, Fire.

Sponsors: David L. Maack and James T. Spangenberg

64. [Res.06-7218](#) Accept OJA Grant and enter into agreement

Resolved, that the Racine Fire Chief be authorized and directed to accept the Homeland Security/Mutual Aid Interoperability OJA Grant HS-04-IC-0399, and that the Mayor and City Clerk be authorized and directed to enter into a \$97,290 agreement with the Office of Justice Assistance, Homeland Security/Mutual Aid Interoperability Grant (Grant Control No. 2006-025), to be utilized to reprogram and purchase radios for the Racine Fire and Police Departments.

Fiscal Note: 10% match required on \$20,000 and 25% match required on \$77,290 on the part of the City.

Sponsors: David L. Maack and James T. Spangenberg

65. [Res.06-7219](#) Apply and accept State of Wisconsin Emergency Management Grant

Resolved, that the Racine Fire Chief be authorized and directed to apply for and accept the \$122,500 grant from the State of Wisconsin - Wisconsin Emergency Management (Grant Control No. 2006-040) for services to be rendered as part of the State of Wisconsin Level A Regional Hazardous Materials Team.

Further resolved, that the Mayor and City Clerk be authorized and directed to enter into the grant agreement with the State of Wisconsin - Wisconsin Emergency Management (Grant Control No. 2006-040) for \$122,500 for services to be rendered as part of the State of Wisconsin Level A Regional Hazardous Materials Team.

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

Sponsors: David L. Maack and James T. Spangenberg

66. [Res.06-7220](#) Final payment for Professional Services for redesign of Monument Square by MSA

Resolved, that final payment for Professional Services for the redesign of Monument Square by MSA be made in the amount of \$2,254.81 for a total contract amount of \$68,737.73.

Fiscal Note: This contract was approved by Resolution 6534 of June 21, 2005.

Sponsors: David L. Maack

67. [Res.06-7221](#) Change Order for Monument Square Site and Landscape Improvements

Resolved, that Change Order #2, be amended to Change Order #3, on Contract 27-05 (K5-034), Monument Square Site and Landscape Improvement, and the Change Order would be an increase of \$9,320.

Fiscal Note: This contract was authorized by Resolution No. 6515 of June 7, 2005.

Sponsors: David L. Maack

68. [Res.06-7222](#) Accept 2006 Weed and Seed Grant

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a \$200,000 agreement with the 2006 Weed and Seed Grant (Grant Control No. 2006-017) to be utilized for the south side Weed and Seed area.

Fiscal Note: There is a 25% soft match on the part of the City.

Sponsors: James T. Spangenberg

69. [Res.06-7223](#) Apply and Accept 2007-2009 Office of Justice Assistance Funding Grant

Resolved, that the Deputy Chief of Police apply for and accept the 2007 - 2009 Office of Justice Assistance Funding Grant (Grant Control No. 2006-037) to be utilized for Beat Patrol Officers.

Fiscal Note: There is a 25% match on the part of the City, which must be provided in the 2007 budget, for a total grant amount of \$151,228.

Sponsors: James T. Spangenberg

- 70. [Res.06-7224](#) Apply for and accept 2006 Wisconsin Office of Justice Assistance Juvenile Accountability Block Grant

Resolved, that the City apply for and accept a \$30,000 grant with the 2006 Wisconsin Office of Justice Assistance Juvenile Accountability Block Grant (Grant Control No. 2006-039) on behalf of Safe Haven.

Fiscal Note: There is a 10% match, which is the responsibility of Safe Haven and will be supplied by Racine County, for a total grant amount of \$33,333.

Sponsors: James T. Spangenberg

- 71. [Res.06-7225](#) Waive formal bidding procedures for purchase of Storage Area Network equipment

Resolved, that formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to purchase Storage Area Network (SAN) equipment from Genesis Imaging, LLC with the stipulation that the equipment be competitively priced.

Fiscal Note: Funds are available in Account 984.120.5010, Document Imaging and Storage.

Sponsors: James T. Spangenberg

- 72. [Res.06-7226](#) Processing fees for Industrial Revenue Bonds

RESOLVED, that the following Processing Fees for Industrial Revenue Bonds, Revelopment Revenue Bonds and Multi-Family Revenue Bonds be approved:

Size of Bond Issue	Fee
\$500,000 or less . . . . .	\$3,000
\$500,001 thru \$1,000,000 . . . . .	\$4,000
\$1,000,001 thru \$1,500,00 . . . . .	\$5,000
\$1,500,001 thru \$2,000,000 . . . . .	\$6,000
\$2,000,001 thru \$3,500,000 . . . . .	\$8,000
Over \$3,500,000 . . . . .	\$10,000

Further resolved, that this fee structure is inclusive of all costs, including the City Attorney's review of the bond documents and all publication fees.

Further resolved, that the terms of payment are 50% prior to the Common Council's adoption of the initial resolution (if the initial resolution is adopted by the Common Council, this 50% installment payment is non-refundable). The remaining 50% is due at the time of closing (or pre-closing) on the bond sale.

Fiscal Note: N/A

Sponsors: James T. Spangenberg

73. [Res.06-7227](#) Amend contract with Virchow Krause to evaluate Cemetery operations

Resolved, that the contract with Virchow Krause, Health Department Auditors, be amended to authorize audit of the Cemetery operations in depth on a time and material basis or by fixed fee and be included as part of an addendum to the Health Department's audit.

Fiscal Note: The cost will be less than \$10,000.

Sponsors: James T. Spangenberg

74. [Res.06-7228](#) Resolution authorizing the borrowing of \$7,145,000; providing for the issuance and sale of General Obligation Refunding Bonds, Series 2006a, therefor; and levying a tax in connection therewith

WHEREAS, the Common Council of the City of Racine, Racine County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of refunding certain outstanding obligations of the City, to wit: \$7,000,000 Note Anticipation Notes, dated June 26, 2006 (the "2006 Notes") (hereinafter the refinancing of the City's 2006 Notes shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said costs; and WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the 2006 Notes for the purpose of providing permanent financing for the projects financed by the 2006 Notes; and WHEREAS, cities are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and to issue general obligation refunding bonds to refinance their outstanding obligations; and WHEREAS, the Common Council now deems it to be necessary, desirable and in the best interest of the City to authorize the issuance of and to award the sale of its general obligation refunding bonds to Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin.

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

Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of SEVEN MILLION ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$7,145,000) from Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin (the "Purchaser") in accordance with the terms and conditions of its purchase proposal (the "Proposal") attached hereto as Exhibit A and incorporated herein by this reference.

Section 1A. Sale of the Bonds. To evidence such indebtedness, 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, General Obligation Refunding Bonds, Series 2006A, aggregating the principal amount of SEVEN MILLION ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$7,145,000) (the "Bonds") for the sum set forth on the Proposal,

plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2006A"; shall be dated October 5, 2006; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall bear interest at the rates and shall mature on December 1 of each year, in the years and principal amounts as set forth on the schedule prepared by the Purchaser and attached hereto as Exhibit B (the "Schedule"). Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2007.

Section 3. Redemption Provisions. At the option of the City, the Bonds maturing on December 1, 2017 and thereafter shall be subject to redemption prior to maturity on December 1, 2016 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP (the "Mandatory Redemption Provisions") and incorporated herein by this reference.

Section 4. Form of the Bonds. The Bonds 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 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2006 through 2019 for the payments due in the years 2007 through 2020 in the amounts set forth on the Schedule.

The direct annual irrepealable tax hereby levied shall be carried onto the tax roll and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account for the Bonds created below.

Section 6. Segregated Debt Service Fund Account. There is hereby established in the City treasury a fund account separate and distinct from all other funds or accounts of the City designated "Debt Service Fund Account for \$7,145,000 City of Racine General Obligation Refunding Bonds, Series 2006A, dated October 5, 2006", which fund account shall be used solely for the purpose of paying the principal of and interest on the Bonds. There shall be deposited in said fund account all accrued interest paid on the Bonds at the time the Bonds are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 5 hereof, and all other sums as may be necessary to pay principal of and interest on the Bonds as the same become due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds, shall be maintained for such purpose until such indebtedness is 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 income

tax regulations (the "Regulations").

Section 7. Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Bonds.

Section 8. Arbitrage Covenant. The City shall not take any action with respect to the Bond Proceeds which, if said action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of delivery of and payment for the Bonds (the "Closing") would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the City hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of the Code or Regulations. The City covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The City Clerk, or other officer of the City charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the City, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the City regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 9. Additional Tax Covenants; Six Month Expenditure Exemption from Rebate. The City hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the City as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the City to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes throughout their term.

The City covenants that it is a governmental unit with general taxing powers and that the Bonds are not "private activity bonds" as defined in Section 141 of the Code.

In accordance with Section 148(f)(4)(B) of the Code, the City covenants that ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the City and that 100% of the proceeds of the Bonds will be expended for the governmental purposes of the issue within

six months of the Closing. If for any reason the City did not qualify for the six month exemption from the rebate requirements of the Code, the City covenants that it would take all necessary steps to comply with such requirements.

Section 10. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by its fiscal agent, if any, 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. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

Section 11. Payment of the Bonds. The principal of and interest on the Bonds shall be paid in lawful money of the United States of America by the City Clerk or City Finance Director/Treasurer.

Section 11A. Persons Treated as Owners; Transfer of Bonds. The City shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond 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 Bond 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 Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the City Clerk, 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 Bond or Bonds of a like aggregate principal amount, series and maturity and the City Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The City Clerk shall cancel any Bond surrendered for transfer.

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

The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds 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 13. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a

written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (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 holders of the Bonds or by the Purchaser on behalf of such holders (provided that the rights of the holders 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 Bonds).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, 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 14. Bond Insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the City to insure the Bonds may reasonably request and which are acceptable to the Mayor and City Clerk, including provisions regarding restrictions on investment of Bond 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 Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 15. Payment of the 2006 Notes. The 2006 Notes shall be paid on their December 28, 2006 maturity date.

Section 16. 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.

Fiscal Note: \$7,000,000 Note Anticipation Notes funded the 2006 Capital Improvements.

Sponsors: James T. Spangenberg

75. [Res.06-7229](#) Resolution authorizing the borrowing of \$4,040,000; providing for the issuance and sale of general obligation refunding bonds, series 2006b,therefor; and levying a tax in connection therewith

WHEREAS, the Common Council of the City of Racine, Racine County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of refunding certain outstanding obligations of the City, to wit: \$2,000,000 Note Anticipation Notes, dated July 30, 2003 (the "2003 Notes") and \$2,000,000 Note Anticipation Notes, Series 2004B, dated August 10, 2004 (the "2004 Notes") (hereinafter the refinancing of the City's 2003 Notes and 2004 Notes shall be referred to as the "Refunding"), and there are insufficient funds



on hand to pay said costs; and

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the 2003 Notes and 2004 Notes for the purpose of providing permanent financing for the projects financed by the 2003 Notes and 2004 Notes; and

WHEREAS, cities are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and to issue general obligation refunding bonds to refinance their outstanding obligations; and

WHEREAS, the Common Council now deems it to be necessary, desirable and in the best interest of the City to authorize the issuance of and to award the sale of its general obligation refunding bonds to Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin.

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

Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of FOUR MILLION FORTY THOUSAND DOLLARS (\$4,040,000) from Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin (the "Purchaser") in accordance with the terms and conditions of its purchase proposal (the "Proposal") attached hereto as Exhibit A and incorporated herein by this reference.

Section 1A. Sale of the Bonds. To evidence such indebtedness, 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, General Obligation Refunding Bonds, Series 2006B, aggregating the principal amount of FOUR MILLION FORTY THOUSAND DOLLARS (\$4,040,000) (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2006B"; shall be dated October 5, 2006; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall bear interest at the rates and shall mature on December 1 of each year, in the years and principal amounts as set forth on the schedule prepared by the Purchaser and attached hereto as Exhibit B (the "Schedule"). Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2007.

Section 3. Redemption Provisions. At the option of the City, the Bonds maturing on December 1, 2017 and thereafter shall be subject to redemption prior to maturity on December 1, 2016 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP (the "Mandatory Redemption Provisions") and incorporated herein by this reference.

Section 4. Form of the Bonds. The Bonds 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 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the

principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2006 through 2024 for the payments due in the years 2007 through 2025 in the amounts set forth on the Schedule.

The direct annual irrepealable tax hereby levied shall be carried onto the tax roll and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account for the Bonds created below.

Section 6. Segregated Debt Service Fund Account. There is hereby established in the City treasury a fund account separate and distinct from all other funds or accounts of the City designated "Debt Service Fund Account for \$4,040,000 City of Racine General Obligation Refunding Bonds, Series 2006B, dated October 5, 2006", which fund account shall be used solely for the purpose of paying the principal of and interest on the Bonds. There shall be deposited in said fund account all accrued interest paid on the Bonds at the time the Bonds are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 5 hereof, and all other sums as may be necessary to pay principal of and interest on the Bonds as the same become due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds, shall be maintained for such purpose until such indebtedness is 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 income tax regulations (the "Regulations").

Section 7. Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Bonds.

Section 8. Arbitrage Covenant. The City shall not take any action with respect to the Bond Proceeds which, if said action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of delivery of and payment for the Bonds (the "Closing") would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the City hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of the Code or Regulations. The City covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The City Clerk, or other officer of the City charged with responsibility for issuing

the Bonds, shall provide an appropriate certificate of the City, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the City regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 9. Additional Tax Covenants; Six Month Expenditure Exemption from Rebate. The City hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the City as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the City to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes throughout their term.

The City covenants that it is a governmental unit with general taxing powers and that the Bonds are not "private activity bonds" as defined in Section 141 of the Code.

In accordance with Section 148(f)(4)(B) of the Code, the City covenants that ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the City and that 100% of the proceeds of the Bonds will be expended for the governmental purposes of the issue within six months of the Closing. If for any reason the City did not qualify for the six month exemption from the rebate requirements of the Code, the City covenants that it would take all necessary steps to comply with such requirements.

Section 10. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by its fiscal agent, if any, 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. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

Section 11. Payment of the Bonds. The principal of and interest on the Bonds shall be paid in lawful money of the United States of America by the City Clerk or City Finance Director/Treasurer.

Section 11A. Persons Treated as Owners; Transfer of Bonds. The City shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond 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 Bond 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 Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the City Clerk, 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 Bond or Bonds of a like aggregate principal amount, series and maturity and the City Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The City Clerk shall cancel any Bond surrendered for transfer.

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

The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds 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 13. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (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 holders of the Bonds or by the Purchaser on behalf of such holders (provided that the rights of the holders 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 Bonds).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, 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 14. Bond Insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the City to insure the Bonds may reasonably request and which are acceptable to the Mayor and City Clerk, including provisions regarding restrictions on investment of Bond 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 Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal

bond insurance policy shall be made in the form of Bond provided herein.  
Section 15. Payment of the 2003 Notes and 2004 Notes. The 2003 Notes and 2004 Notes shall be paid on their December 1, 2006 maturity date.  
Section 16. 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.

Fiscal Note: The grant total of \$4,000,000 Note Anticipation Notes funded projects in TIF 10, the former Jacobson-Textron property.

Sponsors: James T. Spangenberg

76. [Res.06-7230](#) Stipulations for Party on the Pavement

Resolved, that permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 7th Street and Sixth Street from Main Street and Grand Avenue, on Saturday, October 7, 2006, from 12:00 p.m. to 7:00 p.m., for the 4th annual "Party on the Pavement" event.

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

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. Sponsor shall notify all abutting property occupants 72 hours in advance of the event;
- E. The sponsor shall be responsible for the signing of the necessary detours for the State Highway route; and
- F. The sponsor shall pay a special event fee of \$700.00.

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

Fiscal Note: There will be nominal costs incurred on a regular shift basis to provide limited assistance to implement this event.

Sponsors: Ronald D. Hart

77. [Res.06-7231](#) Transfer of Lease Agreement from Schubert Media to Adams Outdoor

Resolved, that the City of Racine accept the transfer of the lease agreement from Schubert Media Group, Inc., to Adams Outdoor Advertising.

Fiscal Note: There will be no impact on the revenues received for the transfer of City owned property for the placement of billboard advertising.

Sponsors: Ronald D. Hart

78. [Res.06-7232](#) Transfer of Walker property to Racine Water Utility

Resolved, that the northerly portion of the Walker site which was designated for use by the Racine Water Utility be transferred from City ownership to Racine Water Utility ownership and that the legal description for the property be registered with the Register of Deeds office.

Further resolved, that the Racine Water Utility pay all costs associated with the transfer and registration of this property.

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

Sponsors: Ronald D. Hart

79. [Res.06-7233](#) Final payment for Professional Services for Relocation Services Memorial Drive and Maiden Lane

Resolved, that the professional services provided by HNTB under Contract 49-03 (K3-060), Professional Services for Relocation Services for Memorial Drive and Maiden Lane, be accepted and final payment authorized for a total contract amount of \$9,684.88 from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 5410, dated July 15, 2003.

Sponsors: Ronald D. Hart

80. [Res.06-7234](#) Final payment by HVAC work at City Hall to Johnson Controls

Resolved, that the work done by Johnson Controls, Inc. under Contract 26-06 (K6-027), HVAC System and Controls at City Hall, be accepted and final payment authorized for a total contract amount of \$42,493.00 from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 6782, dated December 5, 2005.

Sponsors: Ronald D. Hart

81. [Res.06-7235](#) Agreement with S.C. Johnson, Inc. for fire department training

Resolved, that the City of Racine enter into an agreement with S.C. Johnson, Inc. to allow the Racine Fire Department to conduct non-destructive and destructive training at 1428 and 1432 Racine Street.

Fiscal Note: The ability to conduct training exercises in actual residential property is a benefit to the Racine Fire Department. These buildings will be demolished by S.C. Johnson, Inc. after training is completed and the properties restored as green spaces.

Sponsors: Ronald D. Hart

82. [Res.06-7236](#) Grant application for recycling program

WHEREAS, the City of Racine hereby requests financial assistance under Wis. Stat. § 287.23, chapters NR 542, 544 and 549, Wis. Admin. Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in Wis. Stat. § 287.11(2)(a) to (h).

Now, therefore, be it resolved, that the City of Racine hereby authorizes Richard M. Jones, Commissioner of Public Works, to act on its behalf to submit a grant application to the State of Wisconsin Department of Natural Resources for financial assistance under Wis. Stat. § 287.23, chapters NR 542, 544 and 549, Wis. Admin Code.

Fiscal Note: These grant applications must be submitted on a yearly basis in order to continue to receive recycling funds from the State of Wisconsin.

Sponsors: Ronald D. Hart

83. [Res.06-7237](#) Grant application for electrical needs at City Hall

Resolved, that the Commissioner of Public Works be authorized and directed to submit the necessary grant applications to maximize the non-City dollars used for the implementation of a 37 KW solar energy electrical generating system to meet a portion of the needs of the City Hall Annex electrical demand.

Fiscal Note: The estimated total cost of the project is \$235,000.00, of which \$135,000.00 is expected to be received through the submittal of these grant applications. The remaining \$100,000.00 of funds will be provided in the City's Capital Improvement Program budget for the implementation of this project.

Sponsors: Ronald D. Hart

84. [Res.06-7238](#) Final payment to Earth Tech for Traffic Signal Conversion Professional Services

Resolved, that the professional services provided by Earth Tech, Inc. under Contract 19-03 (K3-026), Professional Services - Traffic Signal Conversion, be accepted and final payment authorized for a total contract amount of \$109,156.67, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 5120, dated February 19, 2003.

Sponsors: Ronald D. Hart

85. [Res.06-7239](#) Final payment to Earth Tech for professional services Street Light Conversion to GIS

Resolved, that the professional services provided by Earth Tech, Inc. under Contract 3-04 (K4-004), Street Light Conversion to GIS, be accepted and final payment authorized for a total contract amount of \$102,421.79 from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 5745, dated January 20, 2004.

Sponsors: Ronald D. Hart

86. [Res.06-7240](#) Conditional Use Permit for 1414 Rapids Drive

Resolved, that the request by Tim Hunt seeking a conditional use permit to operate a roofing contractor's office and storage facility at 1414 Rapids Drive be granted, subject to the following conditions:

- a. That the plans stamped "Received August 29, 2006" and presented to the Plan Commission on September 13, 2006 be approved subject to the conditions contained herein.
- b. That an occupancy permit and all other applicable permits be requested from the Building Department.
- c. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.
- d. That all parking and drive areas be paved and striped by June 1, 2007.
- e. That the outside storage of junked vehicles, vehicle parts, materials, and equipment be prohibited. However, outside storage of new construction materials within a screened area is allowed. There shall be no storage of construction debris.
- f. The outside storage of one boat being the possession of an owner or



employee of the contractor's operation is permitted.

g. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.

h. That all aspects of the operation of this business be conducted indoors including vending machines, product displays, or sales.

i. That the maximum hours of operation be from 6:00 a.m. to 6:00 p.m. Monday through Saturday with no hours on Sunday.

j. That all trash, recyclables, and dumpsters be stored in closed containers and screened from view.

k. That all fencing and gates be repaired and painted in a uniform color, or replaced. Privacy slats shall be installed in the fencing along Rapids Drive, and along the east and east fencing for a distance of 100 feet from Rapids Drive. Remnant vine and wooded materials shall be removed from the fence.

l. That all signs be professionally made, comply with the zoning ordinance requirements and be submitted for review and approval by the Director of City Development. The existing obsolete sign shall be removed or refaced by October 1, 2006.

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

n. 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.

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

Fiscal Note: N/A

Sponsors: Gregory Holding

87. [Res.06-7241](#) Conditional Use Permit for 1600 North Memorial and 1700 St. Patrick Street

Resolved, that the request from Mark Rose representing J.B. Construction and B.A.T. Trucking seeking a conditional use permit to operate a construction yard and truck terminal at 1600 North Memorial Drive and 1700 St. Patrick Street be approved, subject to the following conditions:

a. That the plans stamped "Received August 31, 2006" and presented to the Plan Commission on September 13, 2006 be approved subject to the conditions contained herein.

b. That an occupancy permit and other applicable permits be obtained from the

Building Department.

- c. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.
- d. That the maximum hours the operation is to be open to the public are from 6:00 a.m. to 9:00 p.m. Monday Through Saturday, with no operational hours on Sunday.
- e. That all employee and customer parking be contained on site.
- f. That the maneuvering of trucks, trailers, and equipment associated with this operation not hinder the free flow of traffic on N. Memorial Drive, St Patrick Street, and Blake Street.
- h. That there be no outside storage of junk, construction debris, or junked vehicles, and equipment. New construction materials may be stored outdoors in screened areas.
- i. That no more than three trailers be stored on the property at any one time, and that trailers not be used as storage structures.
- j. That all trash and recyclables be stored in closed containers and screened from view.
- k. That by June 1, 2006 the following shall be accomplished:
  - 1. Painting of the building in an earth-tone color(s).
  - 2. Paving of all parking and drive areas.
- l. That the following shall be accomplished prior to the issuance of an occupancy permit:
  - 1. Removal of vines and other vegetation from fencing and gates.
  - 2. Repair and paint all fencing, or replace all fencing and install privacy slats in east and west fencing and gates. Privacy slats and fencing color(s) shall be complementary to the building color(s).
  - 3. Remove the skeletal steel structure at the intersection of St. Patrick Street and Blake Avenue.
  - 4. Remove of all barbed wire.
- m. That all signs be professionally made, comply with the zoning ordinance requirements and be submitted for review and approval by the Director of City Development.
- n. That all codes and ordinances be complied with and required permits acquired.
- o. 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.
- p. That this permit is subject to Plan Commission review for compliance with the

listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

88. [Res.06-7242](#) City Clerk Place Referendum Question On Health Care on November Ballot

Whereas, escalating health insurance costs are a major hardship for City of Racine residents, businesses, and local units of government; and

Whereas, such high costs discourage business expansion and job creation in the City of Racine and burden individual citizens with high costs and the fear of losing health insurance coverage; and

Whereas, according to a recent study, Wisconsin health insurance costs are almost 1/3 higher than the rapidly rising national average; and

Whereas, by some measures the Racine area has among the highest health care costs in the nation, including the eighth highest physician costs in the United States according to a Government Accountability Office (GAO) report last year; and

Whereas, the GAO study demonstrates that these skyrocketing health care costs are a result of changes in the health insurance market which are beyond the control of local government; and

Whereas, despite the steep escalation in health insurance costs, the State Legislature (which does have the power to remedy this situation), has failed to seriously address comprehensive health care reform; and

Whereas, the following advisory referendum question is an effective way to determine whether the citizens believe that the next session of the State Legislature should take action:

"Should the Wisconsin Legislature establish a plan that will reduce health care costs by at least 15%, and guarantee access to universal, affordable health care coverage for all Wisconsin residents and families in 2008?"

Now, therefore, be it resolved that the Common Council of the City of Racine hereby directs the Racine City Clerk to place the question set forth above on the November ballot as an advisory referendum question.

Be it further resolved, that a copy of this resolution be forwarded to the area legislators, Governor Jim Doyle, and the League of Wisconsin Municipalities.

Fiscal Note: N/A

Sponsors: Sandy Weidner and Raymond DeHahn

89. [Res.06-7243](#) Moratorium on Pawnbrokers

Whereas, the City of Racine currently has no licensed pawnbrokers; and

Whereas, current ordinances concerning pawnbrokers were last updated 15 years ago and still require written paper and ink records; and

Whereas, the services offered by pawnbrokers provide an opportunity for individuals to readily transfer stolen property to those businesses; and

Whereas, tracking pawnbroker transactions and investigating claims of stolen property could increase the workload of the Racine Police Department and increase the financial burden to all property taxpayers; and

Whereas, pawnbrokers charge as much as 60% for what is in essence a collateralized loan and consumer protection regulation is warranted in transactions involving these businesses; and

Whereas, the public health, safety, and general welfare of the citizens of Racine should be protected by legislation restricting the location and record keeping requirements of such businesses and establishing consumer protections pursuant to the authority granted in Wis. Stat. sec. 134.71.

Now, therefore, be it resolved, that the Common Council of the City of Racine hereby imposes a 90 day moratorium upon the granting of any occupancy permit for a pawnbroker business or pawnbroker's license to provide time for the Common Council to develop and implement ordinances containing appropriate restrictions for the establishment of such businesses.

Fiscal Note: N/A

Sponsors: Gregory Holding

## I. Ordinances

### 90. [Ord.35-06](#) Ordinance No. 35-06

To amend the salaries of the aldermen of the City of Racine, Wisconsin.

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

#### Part 1:

The salaries of the aldermen of the City of Racine are amended as follows:

"The salary for each alderman of the City of Racine shall be \$6,900 per year."

#### Part 2:

This ordinance shall take effect April 15, 2008.

Passed by the Common Council:

\_\_\_\_\_

Approved:

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Fiscal Note: N/A

Sponsors: Thomas Friedel

**J. Miscellaneous Business**

**K. Adjourn**