



City of Racine

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

Meeting Agenda - Final Common Council

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

Tuesday, July 1, 2008

7:00 PM

Room 205, City Hall

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

Refer to Finance and Personnel Committee, by Ald. Friedel

08-2329

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to accept a \$5,000.00 donation from the Racine Community Foundation for the Stay in School/Back to School program.

08-2337

Subject: Communication from the Commissioner of Public Works/City Engineer requesting funding for the purchase of salt for the 2008-2009 winter season.

08-2343

Subject: Communication from the Municipal Court Judge requesting authorization and funding in an amount no greater than \$10,000 for the purchase and installation of a recording system for proceedings held in municipal court.

08-2349

Subject: Communication from the Public Health Administrator requesting permission to accept additional grant funding from the State of Wisconsin Department of Natural Resources for the Wisconsin Beach Monitoring Program.

08-2350

Subject: Communication from the Public Health Administrator

requesting permission to accept grant funds from the United Way of Racine for the Home Visitor position for Family Smart/Kid Friendly.

[08-2360](#)

Subject: Communication from the Chief of Police, requesting to discuss the waiver of formal bidding for sole-source procurement of ten X3C AutoCite units.

(Also refer to Public Safety & Licensing Committee.)

[08-2362](#)

Subject: Communication from the Public Health Administrator requesting permission to accept grant funds in the amount of \$29,563 from Wisconsin Coastal Management. (Grant Control #2007-052).

[08-2378](#)

Subject: Communication from Aldermen of the sixth and eighth District requesting that interest and penalties be waived by the City and/or County for the last installment of 2007 real estate property taxes for property owners in flood damaged areas through the end of October 2008.

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

[08-2334](#)

Subject: Communication from the Pentecost Lutheran Church requesting permission to close Jerome Boulevard, between Coolidge Avenue and Case Avenue, on Saturday, August 16, 2008, from 7 a.m. until 9 p.m., for their 7th Annual Neighborhood Block Party.

[08-2369](#)

Subject: Communication from the Aldermen of the 5th and 12th Districts requesting that the fee for National Night Out block parties be waived.

[08-2368](#)

Subject: Communication from the Ophelia Project of Southeastern Wisconsin requesting to use public right-of-way for a run/walk on August 16, 2008.

ALSO REFER TO THE BOARD OF PARKS, RECREATION AND CULTURAL SERVICES.

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

[08-2363](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services to request permission that formal bidding procedures be waived and to allow the Purchasing Agent to negotiate with H K Sports Fields for the renovation of Horlick Athletic Field and Douglas Park baseball fields.

[08-2366](#) **Subject:** The following renewal application for "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor Licenses for 2008-2009.

Alejandro & Gloria Horbatenko 509 Sixth Street
(Tango Bar)
Alejandro D. Horbatenko, Agent

[08-2367](#) **Subject:** (New) Application of Joey's on Lathrop, LLC, Joey LeGath, Agent for "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2054 Lathrop Avenue. (11th District)

Refer to Traffic Commission, by Ald. Holding

[08-2316](#) **Subject:** (Direct Referral) Communication from JoAnne Nissen, Chairperson for the Starving Artists Outdoor Fair, requesting the use of "Temporary No Parking" signs to be used on the east side of S. Main Street, between 10th St. and 11th St. with restriction for the hours of 9:00 A.M. - 4:00 P.M. for Sunday, August 3, 2008; also requesting the "No Parking at Any Time" restrictions on 10th St. and 11th St. east of S. Main Street be waived for daylight hours prior to 9:00 A.M. and for a period not to exceed one (1) hour from 4:00 P.M. - 5:00 P.M. on Sunday, August 3, 2008. **JoAnne Nissen invited to the meeting.**

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Friedel

[08-2279](#) **Subject:** Communication from Kiwanis Baseball Coach requesting to reduce the rate for the use of Horlick Athletic Field to the rate granted to them in 2007. (Res.08-0903)

Recommendation of the Finance & Personnel Committee on 06-23-08: That a rate of \$36.00 per game be charged for Racine Youth teams to use Horlick Field and the rate of \$55.00 per game be charged if lights are needed.

Fiscal Note: Normal rates are \$176.00 per game and an additional \$55.00 if lights are needed.

[08-2290](#) **Subject:** Communication from the Public Health Administrator requesting permission to accept additional grant funds from the Division of Public Health, Department of Health and Family Services for the Women, Infants and Children Program. (Res.08-0904)

Recommendation of the Finance & Personnel Committee on

06-23-08: The Mayor and City Clerk be authorized and directed to enter into an amended contract with the State of Wisconsin Department of Health and Family Services for the Women, Infants and Children Program for additional grant funds. (Grant Control No. 2006-049)

Fiscal Note: Additional grant funds in the amount of \$11,347. No match required on the part of the City.

08-2291

Subject: Communication from the Public Health Administrator requesting permission to accept additional grant funds from the Division of Public Health, Department of Health and Family Services for the Wisconsin Well Woman Program. (Res.08-0905)

Recommendation of the Finance & Personnel Committee on

06-23-08: The Mayor and City Clerk be authorized and directed to enter into an amended contract with the Department of Health and Family Services for the Wisconsin Well Woman Program for additional grant funds. (Grant Control No. 2007-046)

Fiscal Note: Additional grant funds in the amount of \$5,068. No match required on the part of the City.

08-2317

Subject: Communication from Deborah L. Embry, Grant Facilitator requesting permission to apply for the Youth Gang Diversion 2009 Grant Announcement through the Wisconsin Office of Justice Assistance in the amount of \$96,900. (Grant Control No. 2008-023) (Res.08-0906)

Recommendation of the Finance & Personnel Committee on

06-23-08: Permission granted for the Grant Facilitator to apply for the Youth Gang Diversion 2009 Grant Announcement through the Wisconsin Office of Justice Assistance in the amount of \$96,900.

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

08-2338

Subject: (Direct Referral) Communication from the Public Health Administrator submitting a mid year report regarding the wellness program.

Recommendation of the Finance & Personnel Committee: To receive and file.

Fiscal Note: N/A

08-2339

Subject: (Direct Referral) Communication from the Finance Director

requesting permission to appear before the Finance and Personnel Committee to discuss the elimination of a soon to be vacated position of Data Entry Clerk III and the creation of another new position of Financial Data Technician in the Finance Department.

Recommendation of the Finance & Personnel Committee on

06-23-08: That permission be granted for the Finance Director to eliminate the position of Data Entry Clerk III when vacated and create the new position of Financial Data Technician in the Finance Department.

Fiscal Note: No cost to the City as both positions are pay grade SU-10.

08-2344

Subject: Ordinance 12-08 of 06-17-08 to create Section 2-455 of the Municipal Code of the City of Racine, Wisconsin relating to Appointment of election officials.

Recommendation of the Finance & Personnel Committee on

06-23-08: Ordinance 12-08 be adopted.

Fiscal Note: N/A

Public Works and Services Committee Report, by Ald. Holding

08-2108

Subject: Resolution No. 08-0805, date May 6, 2008, relating to the following alley improvements:

PORTLAND CEMENT CONCRETE PAVING

Alley - Kearney Avenue to Hickory Grove; Twenty-first Street to Twentieth Street

Alley - Jay Eye See to Phillips Avenue; Twenty-first Street to Twentieth Street

Alley - DeKoven Avenue to Twentieth Street; East of Phillips Avenue

Alley - DeKoven Avenue to Twentieth Street; Case Avenue to Jay Eye See

Alley - DeKoven Avenue to Eighteenth Street; Clark Street to Racine Street

Alley - Jay Eye See to Case Avenue; Twentieth Street to Twenty-first Street

Recommendation of the Public Works and Services Committee on

5-13-08: That Resolution No. 08-0805, of May 6, 2008, be adopted.

Fiscal Note: Funds will be appropriated in the 2009 C.I.P. for these alley improvements, and special assessments will be paid by the abutting property owners for the alley improvements.

Recommendation of the Public Works and Services Committee on

6-24-08: That Resolution No. 08-0805 of May 6, 2008, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

Alley - DeKoven Avenue to Twentieth Street; Case Avenue to Jay Eye See
Alley - DeKoven Avenue to Eighteenth Street; Clark Street to Racine Street

and, as amended, that Resolution No. 08-0805 of May 6, 2008, be adopted.

Fiscal Note: Funds will be appropriated in the 2009 C.I.P. for these street improvements and special assessments will be paid by the abutting property owners for the alley improvements.

08-2113

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 1 to Contract 36-07 (K7-042), Professional Services - City Hall Renovations - Phase II, ARC Architectural Group LLC, consultant. (Res.08-0912)

Recommendation of the Public Works and Services Committee on

6-24-08: That Amendment No. 1 to Contract 36-07 (K7-042), Professional Services - City Hall Renovations - Phase II, ARC Architectural Group LLC, consultant, as submitted, be approved in the amount of \$9,920.00.

Further recommends that funding to defray the cost of these professional services be appropriated from the following accounts:

\$2,900.00 - Account 986.300.5040, Fire Station 1 - Female Locker Room
\$7,020.00 - Account 986.100.5010, City Hall - Facility Plan Implementation
\$9,920.00

Fiscal Note: Funds are available as herein delineated.

08-2207

Subject: Communication from Godske Awnings & Textiles, Inc. requesting permission to install awnings over city right-of-way at 1439 N. Main Street. (Res.08-0907)

Recommendation of the Public Works and Services Committee on

6-24-08: The property owner of 1439 N. Main Street be granted permission to install stationary, projecting awnings, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

Further recommends that the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the

Register of Deeds office.

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

08-2215

Subject: (Direct Referral) Communication from Globe Contractors, Inc. requesting permission to use the Michigan Boulevard Parking Lot for storage of materials for city contracts. (Res.08-0909)

Recommendation of the Public Works and Services Committee on 6-24-08: That the agreement to utilize the Walker site, which was approved through Resolution 08-0666 dated March 4, 2008, be amended with the following conditions:

1. That the date be extended to November 1, 2008.
2. That the City of Racine may cancel the agreement with a thirty (30) day written notice.

Fiscal Note: Not applicable.

08-2216

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 24-07 (K7-028), Festival Hall Roof Repair, Industrial Roofing Services, Inc., consultant. (Res.08-0911)

Recommendation of the Public Works and Services Committee on 6-24-08: That the professional services provided by Industrial Roofing Services, Inc. on Contract 24-07 (K7-028), Festival Hall Roof Repair, be accepted and final payment authorized for a total contract amount of \$2,050.00, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution 07-0077, dated February 21, 2007.

08-2254

Subject: Communication from the Mayordomia 2008 Committee requesting permission to use public right-of-way for a parade to commemorate the Mayordomia 2008 and Senor Tlacolula on August 30, 2008. (Res.08-0908)

Recommendation of the Public Works and Services Committee on 6-24-08: That the Mayordomia 2008 Committee be granted permission to close Festival Park Drive from 5th Street to 6th Street, Sam Johnson Parkway from Festival Park Drive to Lake Avenue, and Lake Avenue from 6th Street to 5th Street, on Saturday, August 30, 2007, from 3:00 p.m. to 4:00 p.m., for the Senor de Tlacolula parade.

Further recommends that permission be granted with the following

stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall pay a \$400.00 special event fee.

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

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

08-2332

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 48-07 (K8-056), Festival Hall Sealant & Glazing Restoration, Wisconsin Restoration, Inc., contractor. (Res.08-0910)

Recommendation of the Public Works and Services Committee on 6-24-08: That the work of Wisconsin Restoration, Inc. on Contract 48-07 (K8-056), Festival Hall Sealant & Glazing Restoration, be accepted and final payment authorized for a total contract amount of \$24,160.00, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution 07-0359, dated August 6, 2007.

08-2322

Subject: (Direct Referral) Communication from the Purchasing Agent submitting bids for the underground utilities for the Boat Pump Out Station. (Res.08-0920)

Recommendation of the Public Works and Services Committee on 6-24-08: That formal bidding be waived and that the bid of Wanasek Corporation, as submitted to the Purchasing Agent in the amount of \$44,226.00, be approved.

Further recommends that the Mayor and City Clerk be authorized and directed to enter in an agreement with Wanasek Corporation for the work to install a boat pump out station.

Further recommends that funds are available from the following sources:

- \$ 5,000.00 - Wisconsin Waterways Commission
- \$15,000.00 - Wisconsin Department of Natural Resources Grant

\$24,226.00 - Racine Harbor Commission per Resolution 08-1607
\$44,226.00 - Total

Fiscal Note: Funds are available as herein delineated.

Public Safety and Licensing Committee Report, by Ald. Shakoor

08-2163

Subject:(Direct Referral) Communication from Roundy's Supermarkets, (Mega Marts), 2406 S. Green Bay Road, requesting to appear before the Committee to discuss recent incidents regarding their Change of Agent(s), application for new Change of Agent, and their renewal of their 2008-2009 "Class A" license.

Recommendation of the Public Safety & Licensing Committee on 06-23-08: That the application for a Change of Agent, Patricia Berger, Roundy's Supermarkets, (Mega Marts), 2406 S. Green Bay Road be approved and the renewal application of Roundy's Supermarkets, (Mega Marts), 2406 S. Green Bay Road for "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor Licenses for 2008-2009 be approved.

Fiscal Note: N/A

08-2120

Subject: (New) Application of Time in Time Out, Inc., David Martinez, Agent for "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1632 Douglas Avenue. (4th District)

Recommendation of the Public Safety & Licensing Committee on 06-09-08: The item be deferred for two weeks.

Recommendation of the Public Safety & Licensing Committee on 06-23-08: That the new application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1632 Douglas Avenue be approved.

Fiscal Note: N/A

08-2282

Subject: Communication from the Chief of Police, requesting to apply for the 2008 Bureau of Justice Assistance Edward Byrne Justice Assistance Grant (JAG), grant control #2008-020. (Res. 08-0897)

Recommendation of the Finance & Personnel Committee on 06-23-08: Permission granted for the Chief of Police to apply for the 2008 Bureau of Justice Assistance Edward Byrne Justice Assistance Grant (JAG). (Grant Control No. 2008-020)

Recommendation of the Public Safety & Licensing Committee on

06-23-08: That permission be granted for the Chief of Police to apply for the 2008 Bureau of Justice Assistance Edward Byrne Justice Assistance Grant (JAG). (Grant Control No. 2008-020)

Fiscal Note: The City's portion will be \$12,977.50, with no City match required.

[08-2285](#)

Subject: The following renewal applications for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009.

Sam's East Inc. 6200 Regency West Drive
(Sam's Club #6331)
Danna Topple, Agent

Phesal Ehmad Ckadan 1812 Sixteenth Street
(Twin Food Mart)

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

Recommendation of the Public Safety & Licensing Committee on

06-23-08: That the renewal application for Phesal Ehmad Ckadan, Twins Food Mart, 1812 Sixteenth Street be deferred and the balance of the renewal applications for "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009 be approved.

Fiscal Note: N/A

[08-2286](#)

Subject: The following renewal applications for a Class "A" Retail Fermented Malt Beverage license for 2008-2009.

Speedway SuperAmerica LLC 4620 Washington Avenue
(Speedway #2089)
Vicky Huska, Agent

Midtown Market 1229 Eleventh Street
(Midtown Market)
Harinder Kaur, Agent

Syed Mikhail's Inc. 930 Washington Avenue
(Total 24)
Omar Mansoor, Agent

Recommendation of the Public Safety & Licensing Committee on

06-23-08: That the renewal applications for a Class "A" Retail Fermented Malt Beverage license for 2008-2009 be approved.

Fiscal Note: N/A

[08-2287](#)

Subject: The following renewal applications for "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor Licenses for 2008-2009.

Brucker LTD 1921 Dekoven Avenue
(Tommy's)
Justin Coe, Agent

Yong Fa Inc. 2409 S. Green Bay Road
(New Buffet)
Mei H. Li, Agent

The Waterfront Grill LLC 303 Dodge Street
(Sandpiper Waterfront Grill)
Lori Ann Medendorp, Agent

Coasters of Racine, LTD 1301 N. Main Street
(Coasters)
Mike Kurhajec, Agent

Mario Aranda, Sr. 1240 Washinton Avenue
(The Club)

David J. Russell 600 High Street
(The Cornerstone)

Lush Life, LLC. 550 State Street
(Out of the Pan)
Roberta A. Schulz

CHANGE OF AGENT

Dino Dominici 1816 Sixteenth Street
(Dino's)

Lee Allen Gaither 1300 Sixteenth Street
(The Old School Way)

La Condes, LLC 1743 State Street
(La Condesa)
Margarita Vasquez, Agent

PUBLICATION FEE ONLY

Tinita, LLC 500 Sixth Street
(Tinita)
James W. McCann, Agent

Alice F. Warren 963 Dr. M.L. King, Jr. Dr.
(Bucks Lounge)

Kenny's on Main, LLC 1300 N. Main Street
(Kenny's on Main)
Kenneth R. Meyer, Agent

Recommendation of the Public Safety & Licensing Committee on 06-23-08: That the Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License application for Lush Life, LLC.,(Out of the Pan), Roberta A. Schulz, 550 State Street be granted upon completion of the Responsible Beverage Servers Course and that the following renewal applications for "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor Licenses for 2008-2009 be approved with the exception of Mario Aranda, Sr., (The Club), 1240 Washinton Avenue.

Fiscal Note: N/A

08-2288

Subject: The following renewal applications for a "CLASS B" **CLUB** Retail Fermented Malt Beverage and intoxicating Liquor License for 2008-2009.

Fifth Street Yacht Club of Racine, Inc. 761 Marquette Street
(Fifth Street Yacht Club)
James Walters, Agent

Recommendation of the Public Safety & Licensing Committee on 06-23-08: That the following renewal applications for a "CLASS B" **CLUB** Retail Fermented Malt Beverage and intoxicating Liquor License for 2008-2009 be approved.

Fiscal Note: N/A

08-2294

Subject: Request of the Committee for the appearance of Mario Aranda Sr., Agent for The Club, 1240 Washington Avenue, due to recent incidents at your establishment.

Recommendation of the Public Safety & Licensing Committee on 06-23-08: That the renewal application for "Class B" Fermented and Intoxicating Liquor for The Club, 1240 Washington Avenue, be referred

to a due process hearing to consider non-renewal or suspension of the license and the current 2007-2008 license be extended.

Fiscal Note: N/A

08-2295

Subject: Request of the Committee for the appearance of James O. Oliver, Agent for Mr. Kool's Sports Bar, 1330 Washington Avenue, due to recent incidents at your establishment and renewal application for "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009.

Recommendation of the Public Safety & Licensing Committee on 06-23-08: That the renewal application for "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009 be approved.

Fiscal Note: N/A

08-2296

Subject: The following renewal application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009.

Rosie H. Carothers 1333 Douglas Avenue
(Rosie's)

Recommendation of the Public Safety & Licensing Committee on 06-23-08: That the 2007-2008 "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License be extended pending the outcome of the Due Process hearing.

Fiscal Note: N/A

08-2298

Subject: Request of the Committee for the appearance of Maheshkumar K. Patel regarding the operation of the business and the renewal application for "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009.

Port of Call Liquors 918 West Boulevard
Maheshkumar K. Patel, Agent

Recommendation of the Public Safety & Licensing Committee on 06-23-08: That the renewal application for "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009 be approved.

Fiscal Note: N/A

[08-2299](#)

Subject: Request of the committee for the agent to appear to discuss recent sales to minor and renewal application for "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009.

Fresh Brands Distributing, Inc. 4011 Durand Avenue
(Piggly Wiggly)
Joseph M. Ligocki, Agent

Recommendation of the Public Safety & Licensing Committee on

06-23-08: That the matter of Fresh Brands Distributing, Inc., 4011 Durand Avenue, be referred to the City Attorney to come up with an agreement and the renewal application for "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009 be approved.

Fiscal Note: N/A

[08-2300](#)

Subject: Application of Speedway SuperAmerica, LLC, Sherie Joy White, Agent, for a Change of Agent for Class "A" license for 2110 S. Green Bay Road.

Recommendation of the Public Safety & Licensing Committee on

06-09-08: That the item be deferred until 06-23-08 at the applicant's request.

Recommendation of the Public Safety & Licensing Committee on

06-23-08: That the application for a Change of Agent, Sherie Joy White, Speedway SuperAmerica, LLC, 2110 S. Green Bay Road, be approved.

Fiscal Note: N/A

[08-2311](#)

Subject: Communication from the Chief of Police, requesting to apply for the U.S. Department of Justice COPS Secure Our Schools (SOS) 2008 grant program, Grant control No. 2008-021. (Res.08-0898)

Recommendation of the Finance & Personnel Committee on

06-23-08: Permission be granted for the Chief of Police to apply for the U.S. Department of Justice COPS Secure Our Schools (SOS) 2008 grant program. (Grant Control No. 2008-021)

Recommendation of the Public Safety & Licensing Committee on

06-23-08: That permission be granted for the Chief of Police to apply for the U.S. Department of Justice COPS Secure Our Schools (SOS) 2008 grant program. (Grant Control No. 2008-021)

Fiscal Note: Total project amount is \$789,538 with Racine Unified providing the match in the amount of \$398,570. There is no cost to the City of Racine. This is a pass-through grant.

08-2313

Subject: The following renewal application for CLASS "B" PUBLIC FACILITY Retail Fermented Malt Beverage Licenses for 2008-2009: (Res.08-0900)

Racine Zoological Society
Jay R. Christie, Agent

2131 N. Main Street

Recommendation of the Public Safety & Licensing Committee on 06-23-08: That the renewal application for CLASS "B" PUBLIC FACILITY Retail Fermented Malt Beverage Licenses for 2008-2009 be approved.

Fiscal Note: N/A

08-2318

Subject: Direct Referral, Change Order #5 Contract 52-07 (K7-061), Remodel Racine Zoological Gardens, Phase III, by Seater Construction Co., Inc. (Res.08-0899)

Recommendation of the Public Safety & Licensing Committee on 06-23-08: That Change Order #5 Contract 52-07 (K7-061), Remodel Racine Zoological Gardens, Phase III, by Seater Construction Co., Inc. would be an increased by \$22,175.00 for a total amount of \$1,753,692.42 be approved.

Fiscal Note: Funds are available as herein delineated.

08-2320

Subject: Communication from Robert Morrison, 1100 Florence Avenue requesting the City of Racine take a stand against large, dangerous, illegal fireworks and stop these items from entering the city limits. (Res.08-0919)

Recommendation of the Public Safety & Licensing Committee on 06-23-08: That Mr. Morrison and the City Attorney draft a letter urging the County to enforce compliance of existing fireworks ordinances to be approved by the Common Council at its 07-01-08 meeting.

Fiscal Note: N/A

08-2340

Subject: Communication from James W. McCann, Agent for Tinita, LLC (Tinita), 500 Sixth Street, regarding a change in their business plan.

Recommendation of the Public Safety & Licensing Committee on

06-23-08: That the matter be referred to the City Attorney to come up with an agreement between the agent and the City and the change in business plan be accepted and approved.

Fiscal Note: N/A

[08-2347](#)

Subject: (Direct Referral) (**Amendment**) Application of Salute Italian Restaurant, Gemma De Bartolo-Wells, Agent for "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 314 Main Street to **include a Sidewalk Cafe with Alcohol Permit.**

Recommendation of the Public Safety & Licensing Committee on

06-23-08: The new application for a Sidewalk Cafe Permit **with alcohol** for Salute Italian Restaurant, at 314 Main Street be approved.

Fiscal Note: N/A

[08-2348](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting bids for Grounds Maintenance and Burial Operations at Graceland and Mound Cemeteries. (Res.08-0901)

Recommendation of the Public Safety & Licensing Committee on

06-23-08: That the Official Notice #11, Grounds Maintenance and Burial Operations at Graceland and Mound Cemeteries be awarded to The Bruce Company of Wisconsin, Inc. at their bid price of \$374,000.00 per year be approved.

Fiscal Note: Funds to defray the cost of this project are available in Account 207.000.561, Professional Services.

Transit and Parking Commission Report, by Ald. DeHahn

[08-2283](#)

Subject: Communication from Ryan Rosenthal, Gaslight Pointe Marina Manager, requesting renting additional storage space at Gaslight Ramp. (Res.08-0914)

Recommendation: Gaslight Point Marina be authorized to construct an extension of 20 feet to the storage area they currently lease, with materials that match the existing storage area, subject to a Hold Harmless Agreement being provided.

Fiscal Note: The cost and construction of this addition will be provided by Gaslight Pointe Marina and will not impact their rental rate on the existing lease agreement.

[08-2346](#)

Subject: (Direct Referral) Communication from the Transit Planner

submitting the May 2008 monthly report for the Belle Urban System.

Recommendation: Receive and file.

Fiscal Note: N/A

08-2312

Subject: Communication from the Transit Planner wishing to discuss the need for the Belle Urban System to institute a fuel surcharge to help with fuel cost overruns.

Recommendation: The Transit and Parking Manager be authorized and directed to conduct a Public Hearing regarding the addition of a \$.25 fuel surcharge to all bus fares.

Fiscal Note: This recommendation only authorizes that a Public Hearing be conducted. Therefore, there is no fiscal impact at this time.

City Plan Commission Report, by Ald. Holding

08-2218

Subject: (Direct Referral) Request to rezone property at South Street and Mt. Pleasant Street from I-2 General Industrial District to I-2 with an I-P Industrial Park District Overlay. (ZOrd.0005-08)

Recommendation of City Plan Commission on 5-28-08: That this item be deferred.

Recommendation of City Plan Commission on 6-25-08: That an ordinance be prepared and a public hearing scheduled.

Fiscal Note: N/A

08-2263

Subject: (Direct Referral) ZOrd.001-08 is to rezone 3720 N. Main Street for the development of a 16-unit condominium project can proceed.

Recommendation of City Plan Commission on 6-25-08: That the ordinance be amended, subject to the following:

In Section 114-273 (16) c., strike the number "3" and replace it with the number "4".

In Section 114-273 (16) e., strike the word "secondhand

Further as amended, the ordinance be adopted.

Fiscal Note: N/A

[08-2273](#)

Subject: (Direct Referral) Request by Tony DeRango seeking to rezone the property at 1439 N. Main Street from O Restricted Office District to O with a FD Flex Development Overlay District. (ZOrd.0004-08)

Recommendation of City Plan Commission on 6-25-08: That an ordinance be prepared and a public hearing scheduled.

Fiscal Note: N/A

[08-2274](#)

Subject:(Direct Referral) Consideration of a use supplement for a flex development at 1438 - 1440 Main Street to facilitate a residential condominium at 1440 Main Street. (Res.08-0915)

Recommendation of City Plan Commission on 6-25-08: That the use supplement be adopted, subject to conditions.

Fiscal Note: N/A

[08-2275](#)

Subject: (Direct Referral) Consideration of a request by Keith Haas Manager of the Racine Water & Waste Water Utility seeking a conditional use permit for the installation of an emergency generator and associated equipment at 3213 Michigan Blvd. aka 3225 Michigan Blvd. (Res.08-0917)

Recommendation of City Plan Commission on 6-25-08: That the conditional use permit be approved, subject to conditions.

Fiscal Note: N/A

[08-2276](#)

Subject: (Direct Referral) Consideration of a request by Rossi Construction Co. representing Lakeview Pharmacy seeking an amendment to a conditional use permit to construct an addition to a building to expand vehicle storage activities at 1414 Layard Avenue. (Res.08-0918)

Recommendation of City Plan Commission on 6-25-08: That the conditional use permit be approved, subject to conditions.

Fiscal Note: N/A

[08-2277](#)

Subject: (Direct Referral) Consideration of a Conditional Use Permit to convert an existing apartment building to a 15 unit residential condominium at 1440 Main Street. (Res.08-0916)

Recommendation of City Plan Commission on 6-25-08: That the conditional use permit be approved, subject to conditions.

Fiscal Note: N/A

[08-2372](#)

Subject: (Direct Referral) ZOrd.0003-08 is to rezone 1438 and 1440 Main Street from R-2 Single Family District to R-2 with a FD Flex Development Overlay.

Recommendation of City Development on 6-25-08: That the ordinance be adopted.

Fiscal Note: N/A

[08-2373](#)

Subject: (Direct Referral) Res.08-0846 - vacation of alley and street dedication for the southwest corner of State and Spring Street.

Recommendation of City Development on 6-25-08: That the vacation and dedications are not in conflict with City plans and programs.

Further that the resolution be adopted.

Fiscal Note: N/A

G. Consent Agenda - Resolutions

[Res.08-0897](#)

Permission for Police Chief to apply for the 2008 Bureau of Justice Assistance Edward Byrne Grant

Resolved, that permission be granted for the Chief of Police to apply for the 2008 Bureau of Justice Assistance Edward Byrne Justice Assistance Grant (JAG). (Grant Control No. 2008-020)

Fiscal Note: The City's portion will be \$12,977.50, with no City match required.

Sponsors: Q.A. Shakoor, II and Thomas Friedel

[Res.08-0898](#)

Permission for Chief of Police to apply for US Dept. of Justice COP SOS 2008 Grant Program

Resolved, that permission be granted for the Chief of Police to apply for the U.S. Department of Justice COPS Secure Our Schools (SOS) 2008 grant program. (Grant Control No. 2008-021)

Fiscal Note: Total project amount is \$789,538 with Racine Unified providing the match in the amount of \$398,570. There is no cost to the City of Racine. This is a pass-through grant.

Sponsors: Q.A. Shakoor, II and Thomas Friedel

Res.08-0899 Change Order on contract for Remodel Racine Zoological Gardens, Phase III

Resolved, that Change Order #5 Contract 52-07 (K7-061), Remodel Racine Zoological Gardens, Phase III, by Seater Construction Co., Inc., be approved by an increase of \$22,175.00, for a total amount of \$1,753,692.42.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Q.A. Shakoor, II

Res.08-0900 Public Facility Permit

Resolved, that the following establishment be granted a public facility permit for the permit year July 1, 2008 through June 30, 2010:

Racine Zoological Society 2131 N. Main Street
Jay R. Christie, Agent

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

Res.08-0901 Official Notice #11 Grounds Maintenance and Burial Operations at Graceland and Mound Cemeteries be awarded to Bruce Company

Resolved, that Official Notice #11, Grounds Maintenance and Burial Operations at Graceland and Mound Cemeteries be awarded to The Bruce Company of Wisconsin, Inc. at their bid price of \$374,000.00 per year for a three year contract beginning August 16, 2008 and ending August 15, 2011.

Fiscal Note: Funds to defray the cost of this project are available in Account 207.000.561, Professional Services.

Sponsors: Q.A. Shakoor, II

Res.08-0902 Resolution Authorizing The Issuance Of \$7,600,000 general obligation promissory notes And The Issuance And Sale Of \$7,600,000 note anticipation notes in Anticipation thereof

WHEREAS, the City of Racine, Racine County, Wisconsin (the "City") is presently in need of the sum of \$7,600,000 for the public purpose of financing capital improvement projects and acquisitions set forth in the City's 2008 Capital Improvement Plan (the "Project");

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

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

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and covenant to issue general obligation promissory notes (the "Securities") to provide permanent financing for the Project;

WHEREAS, the Securities have not yet been issued or sold;

WHEREAS, cities are authorized by the provisions of Section 67.12(1)(b), Wisconsin Statutes, to issue note anticipation notes in anticipation of receiving the proceeds from the issuance and sale of the Securities;

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance and sale of note anticipation notes pursuant to Section 67.12(1)(b), Wisconsin Statutes (the "Notes"), in anticipation of receiving the proceeds from the issuance and sale of the Securities, to provide interim financing to pay costs of the Project; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to sell the Notes to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of its note purchase proposal or term sheet attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

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

Section 1. Authorization of General Obligation Promissory Notes. The City hereby authorizes the issuance and declares its intention and covenants to issue general obligation promissory notes pursuant to the provisions of Chapter 67, Wisconsin Statutes, in an amount of \$7,600,000 to retire any outstanding note anticipation notes issued for the purpose of paying costs of the Project (hereinafter, such notes shall be referred to as the "Securities"). There is hereby levied on all the taxable property in the City a direct, annual, irrevocable tax sufficient to pay the interest on said Securities as it becomes due, and also to pay and discharge the principal thereof.

Section 2. Authorization and Sale of the Note Anticipation Notes. In anticipation of the sale of the Securities, for the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of SEVEN MILLION SIX HUNDRED THOUSAND DOLLARS (\$7,600,000) from the Purchaser in accordance with the terms and conditions of the Proposal. To evidence the obligation of the City, the Mayor and City Clerk/Treasurer 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, note anticipation notes aggregating the principal amount of SEVEN MILLION SIX HUNDRED THOUSAND DOLLARS (\$7,600,000) (the "Notes") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 3. Terms of the Notes. The Notes shall be designated "Note Anticipation Notes"; shall be dated July 22, 2008; shall be either in the denomination of \$5,000 or any integral multiple thereof or in the denomination of \$100,000 or more as specified in the Notes; shall be numbered R-1 and upward; shall bear interest at the rate; and shall mature on December 15, 2008 as set forth on the schedule attached hereto as Exhibit B and incorporated

herein by this reference (the "Schedule"). Interest is payable at maturity. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 4. Redemption Provisions. The Notes shall not be subject to optional redemption.

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

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

Section 7. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City a separate and distinct fund account designated as the "Debt Service Fund Account for \$7,600,000 Note Anticipation Notes, dated July 22, 2008" ("Debt Service Fund Account"), and said account shall be maintained until the obligation evidenced by the Notes is fully paid or otherwise extinguished. The City Clerk/Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any proceeds of the Notes representing capitalized interest on the Notes or other funds appropriated by the City for payment of interest on the Notes, as needed to pay the interest on the Notes when due; (iii) proceeds of the Securities (or other obligations of the City issued to pay principal of or interest on the Notes); (iv) such other sums, including tax monies, as may be necessary at any time to pay principal of and interest on the Notes when due and which are appropriated by the Common Council for that purpose; and (v) surplus monies in the Borrowed Money Fund as specified in Section 9 hereof.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purposes other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and canceled; provided that such monies may be invested in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue as a part of the Debt Service Fund Account. Said account shall be used for the sole purpose of paying the principal of and interest on the Notes

and shall be maintained for such purpose until the Notes are fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable Treasury Regulations (the "Regulations").

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

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

(A) It shall issue and sell the Securities as soon as practicable, as necessary to provide for payment of the Notes;

(B) It shall segregate the proceeds derived from the sale of the Securities into the special trust fund herein created and established and shall permit such special trust fund to be used for no purpose other than the payment of principal of and interest on the Notes until paid. After the payment of principal of and interest on the Notes in full, said special trust fund may be used for such other purposes as the Common Council may direct in accordance with law; and,

(C) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness and the \$7,600,000 authorized for the issuance of the Securities shall at no time exceed its constitutional debt limit.

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

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

Section 11. Compliance with Federal Tax Laws. (a) The City represents and covenants that the Project financed by the Notes and its ownership, management and use will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if

applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk/Treasurer or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

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

Section 12. Execution of the Notes; Closing. The Notes shall be prepared in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk/Treasurer, 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 (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby directed and authorized to do all acts and execute all documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing.

Section 13. Payment of the Notes. The principal of and interest on the Notes shall be paid in lawful money of the United States of America by the City Clerk/Treasurer.

Section 14. Persons Treated as Owners; Transfer of Notes. The City shall keep books for the registration and for the transfer of the Notes. The persons in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the City Clerk/Treasurer, 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/Treasurer shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series

and maturity and the City Clerk/Treasurer shall record the name of each transferee in the registration book. No registration shall be made to bearer. The City Clerk/Treasurer shall cancel any Note surrendered for transfer. The City shall cooperate in any such transfer, and the Mayor and City Clerk/Treasurer are authorized to execute any new Note or Notes necessary to effect any such transfer.

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

Section 16. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk/Treasurer's office.

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

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") required by the Rule to provide timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

The City Clerk/Treasurer, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

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

Section 20. Bond Insurance. If the Purchaser of the Notes determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond

insurance. The Mayor and City Clerk/Treasurer are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk/Treasurer including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

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

Fiscal Note: Note Anticipation Notes issuance of approximately \$7,600,000 for 2008 CIP. Final debt amount will be determined by market conditions and total issuance costs.

Sponsors: Thomas Friedel

Res.08-0903 Reduce rates for Kiwanis Baseball Team games at Horlick Field

Resolved, that a rate of \$36.00 per game be charged for Racine Youth teams to use Horlick Field and the rate of \$55.00 per game be charged if lights are needed.

Fiscal Note: Normal rates are \$176.00 per game and an additional \$55.00 if lights are needed.

Sponsors: Thomas Friedel

Res.08-0904 Amended contract with State of Wisconsin for WIC Program

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an amended contract for additional funding of \$11,347 with the State of Wisconsin Department of Health and Family Services for the Women, Infants and Children Program for additional grant funds. (Grant Control No. # 2006-049). The WIC Contract Agreement covers the period of January 1, 2008 through December 31, 2008.

Fiscal Note: Additional grant funds in the amount of \$11,347. No match required on the part of the City.

Sponsors: Thomas Friedel

Res.08-0905 Amended contract with Department of Health and Family Services for Wisconsin Well Woman Program

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an amended contract with the Department of Health and Family Services for the Wisconsin Well Woman Program for additional grant funds. (Grant Control No. 2007-046). The contract period is January 1, 2008 through December 31, 2008.

Fiscal Note: Additional grant funds in the amount of \$5,068. No match required on the part of the City.

Sponsors: Thomas Friedel

Res.08-0906 Permission to apply for Youth Gang Diversion 2009 Grant

Resolved, that permission be granted for the Grant Facilitator to apply for the Youth Gang Diversion 2009 Grant Announcement through the Wisconsin Office of Justice Assistance in the amount of \$96,900, Grant Control No. 2008-023.

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

Sponsors: Thomas Friedel

Res.08-0907 Hold Harmless Agreement for 1439 N. Main Street

Resolved, that the property owner of 1439 N. Main Street be granted permission to install stationary, projecting awnings, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.

Further resolved, that the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

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

Sponsors: Gregory Holding

Res.08-0908 Permission to use public right-of-way on August 30, 2008 for Senor de Tlacolula Parade

Resolved, that the Mayordormia 2008 Committee be granted permission to close Festival Park Drive from 5th Street to 6th Street, Sam Johnson Parkway from Festival Park Drive to Lake Avenue, and Lake Avenue from 6th Street to 5th Street, on Saturday, August 30, 2007, from 3:00 p.m. to 4:00 p.m., for the Senor de Tlacolula parade.

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

A. A hold harmless agreement be executed.

- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall pay a \$400.00 special event fee.

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

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

Sponsors: Gregory Holding

Res.08-0909 Amend agreement with Globe Contractors for use of Walker site

Resolved, that the agreement to utilize the Walker site, which was approved through Resolution 08-0666 dated March 4, 2008, be amended with the following conditions:

1. That the date be extended to November 1, 2008.
2. That the City of Racine may cancel the agreement with a thirty (30) day written notice.

Fiscal Note: Not applicable.

Sponsors: Gregory Holding

Res.08-0910 Work accepted and final payment authorized for Festival Hall Sealant & Glazing Restoration - Wisconsin Restoration, Inc.

Resolved, that work of Wisconsin Restoration, Inc. on Contract 48-07 (K8-056), Festival Hall Sealant & Glazing Restoration, be accepted and final payment authorized for a total contract amount of \$24,160.00, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution 07-0359, dated August 6, 2007.

Sponsors: Gregory Holding

Res.08-0911 Professional services and final payment for Festival Hall Roof Repair - Industrial Roofing Services be approved

Resolved, that the professional services provided by Industrial Roofing Services, Inc. on Contract 24-07 (K7-028), Festival Hall Roof Repair, be accepted and final payment authorized for a total contract amount of \$2,050.00, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution 07-0077, dated February 21, 2007.

Sponsors: Gregory Holding

Res.08-0912 Amendment to contract for Professional Services - City Hall Renovations Phase II be approved

Resolved, that Amendment No. 1 to Contract 36-07 (K7-042), Professional Services - City Hall Renovations - Phase II, ARC Architectural Group LLC, consultant, as submitted, be approved in the amount of \$9,920.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from the following accounts:

\$2,900.00 - Account 986.300.5040, Fire Station 1 - Female Locker Room
\$7,020.00 - Account 986.100.5010, City Hall - Facility Plan Implementation
\$9,920.00

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.08-0914 Hold Harmless Agreement for Gaslight Pointe Marina

Resolved, that Gaslight Point Marina be granted permission to construct an extension of 20 feet to the storage area they currently lease, with materials that match the existing storage area in the Gaslight Pointe Parking Ramp Structure on Gaslight Drive, subject to the execution of a Hold Harmless Agreement with the City.

Fiscal Note: The cost and construction of this addition will be provided by Gaslight Pointe Marina and will not impact their rental rate on the existing lease agreement.

Sponsors: Raymond DeHahn

Res.08-0915 Use Supplement for 1438-1440 Main Street

Resolved, that a use supplement be adopted by a resolution of the Common Council in association with a flex development overlay district at 1438 - 1440 Main Street, subject to the following conditions:

- a. That all uses listed in the underlying R-2 Single Family Residence District are permissible by right or by conditional use permit unless otherwise specified herein.
- b. That all applicable permits are obtained from the Building Inspection Department.

- c. That the following flex uses are permitted as conditional use permit by Ordinance No. ZOrd.0003-08 in addition to those permitted in the R-2 Single Family Residence District: one six (6) unit multifamily structure at 1438 Main Street and one fifteen (15) unit multifamily structure at 1440 Main Street.
- d. That the following uses shall be prohibited: community living arrangements, educational institutions, group or family daycare; bed & breakfast establishments.
- e. That all aspects of the flex uses and all other uses shall be contained on site.
- f. That the Chief Building Inspector or Director of City Development may impose additional conditions on a single or a group of flex uses to mitigate potential negative impacts on the subject or surrounding properties. Decisions in this regard may be appealed by the affected operator(s) to the Plan Commission who will forward a recommendation to the Common Council.
- g. That upon consultation between the Chief Building Inspector and Director of City Development, additional uses not listed in this resolution may be permitted if found to comply with the spirit and intent of this flex development and the Flex Development Overlay District.
- h. That all applicable codes and ordinances be complied with and required permits acquired.
- i. That no minor changes be made from the conditions of this flex development without the approval of the Plan Commission, and no major changes be made without the approval of the Common Council.
- j. That this flex development is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.08-0916 Conditional Use Permit for 1440 Main Street

Resolved, that a conditional use permit for a fifteen (15) unit residential condominium building located at 1440 Main Street be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on June 11, 2008 be approved subject to the conditions contained herein.
- b. That occupancy permits and all other applicable permits be requested from the Building Department.
- c. That the use of the property at 1440 Main Street as a fifteen (15) unit residential condominium building is authorized by ZOrd.0003-08 and by the

use supplement recommended for approval by the Plan Commission on June 11, 2008, and adopted by a resolution of the Common Council.

d. That all buildings and grounds be maintained in a professional manner and on a daily basis.

e. That all appropriate condominium documents and easements be recorded at the register of deeds, following submittal for review and approval by the Director of City Development.

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

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

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

i. That this Conditional Use Permit is subject to review by the Plan Commission for Compliance with the listed condition.

j. 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.

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

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.08-0917 Conditional Use Permit for 3213 Michigan Boulevard

Resolved, that the request by Keith Haas, representing Racine Water & Wastewater Utilities, seeking a conditional use permit at 3213 Michigan Blvd. for an emergency generator be approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on June 11, 2008 be approved, subject to the conditions contained herein.

b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.

c. That the generator and all accessory items be painted a darker / pine green color so as to blend into the surrounding area.

d. The applicant shall provide proof of an access easement or similar legal document which allows for the generator and accessory items to be maintained & repaired. A copy of this easement or document shall be

submitted to the Director of City Development.

e. The applicant shall verify the desired location, labeled Option A or Option B, and advise the Director of City Development.

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

g. 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.

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

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.08-0918 Conditional Use Permit for 1414 Layard Avenue

Resolved, that a request from Pete Ciaramita seeking a conditional use permit for a building addition for vehicle storage at 1414 Layard Ave. be approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on June 25, 2008 be approved subject to the conditions contained herein.

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

c. That the hours in which establishment may operate are 9:00 a.m. - 5:00 p.m., Monday through Friday and the building be closed on weekends.

d. That no signage, except for signage which may be required by the City (ex: address visible from the street) be allowed anywhere on the exterior of the building.

e. That if any trash accrues on the site it shall be bundled, kept inside the building, and removed daily.

f. That the applicant submit building and site plans for the review and approval of the Access Corridor Development Review Committee.

g. 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.

h. The applicant shall work with Department of City Development and the Building Department to address the issue of maintenance of the left (west) side wall adjacent to Pizza Hut prior to issuance of any Building Permits.

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

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.08-0919 Urge Racine County to Enforce Compliance of existing fireworks ordinances

WHEREAS, in 2007, the Racine Police Department responded to 167 fireworks calls for service; and

WHEREAS, the National Fire Protection Association reports that more than 1,900 structural fires and 730 vehicle fires occur annually causing more than \$37 million dollars worth of damage; and

WHEREAS, more than 9,300 people are treated in emergency rooms annually as a result of fireworks injuries, two-thirds of which occur between June 16th and July 16 of each year; and

WHEREAS, the Wisconsin Department of Health and Family Services reports that almost one-half of all fireworks injuries involve children under the age of 15; and

WHEREAS, the current permit system does not prevent the entry of dangerous fireworks into the City of Racine; and

WHEREAS, state law does not currently provide for criminal penalties for the illegal sale, use or possession of firecrackers, bottle rockets, roman candles or mortars, and instead, only provides for forfeitures of up to \$1,000; and

WHEREAS, there is no legitimate purpose or use for a firecracker, roman candle, bottle rocket or mortar, Section 167.10 of the Wisconsin Statutes must be changed to prohibit the sale, use or possession of such items anywhere in the State of Wisconsin and to prohibit the issuance of a permit either by the state or any municipality.

NOW, THEREFORE, BE IT RESOLVED, that the City of Racine Common Council urges all local jurisdictions within and including Racine County;

(1) to communicate with our state assemblymen and senators, urging them to make the foregoing changes in our state statutes;

(2) to re-examine their respective ordinances for the purpose of limiting those items which are currently legal without a permit such as stationary cones and fountains, sparklers, smoke bombs, caps and toy snakes commencing in 2009;

(3) to urge the District Attorney for Racine County to monitor the sales of fireworks and firework permits by vendors pursuant to the attached

restrictions promulgated by the Wisconsin Department of Justice; and

(4) to urge local prosecutors to recommend maximum fines for individuals who are found by local municipal judges to have violated applicable statutes and/or ordinances relating to fireworks.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

Res.08-0920 Formal bidding be waived and bid of Wanasek Corporation be approved

Resolved, that formal bidding be waived and that the bid of Wanasek Corporation, as submitted to the Purchasing Agent in the amount of \$44,226.00, be approved.

Further resolved, that the Mayor and City Clerk be authorized and directed to enter in an agreement with Wanasek Corporation for the work to install a boat pump out station.

Further resolved, that funds are available from the following sources:

\$ 5,000.00 - Wisconsin Waterways Commission
 \$15,000.00 - Wisconsin Department of Natural Resources Grant
\$24,226.00 - Racine Harbor Commission per Resolution 08-1607
 \$44,226.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

H. Resolutions

Res.08-0913 Final - Ten (10) Year
 Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 24th day of June, 2008, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

PORTLAND CEMENT CONCRETE PAVING

Fifteenth Street from Wisconsin Avenue to Main Street
Alden Court from Lathrop Avenue to the cul-de-sac
Kentucky Street from Taylor Avenue to the cul-de-sac
Kings Circle from Oakwood Drive to cul-de-sac

Emstan Hills Road from Victorian Drive to Southwood Drive
Emstan Hills Road from Southwood Drive to Duchess Drive
Seventeenth Street from Virginia Street to Illinois Street

SEWER AND WATER LATERALS

Fifteenth Street from Wisconsin Avenue to Main Street

SANITARY SEWER

Fifteenth Street from Wisconsin Avenue to Main Street

CURB AND GUTTER

Alden Court from Lathrop Avenue to the cul-de-sac
Kings Circle from Oakwood Drive to the cul-de-sac
Emstan Hills Road from Victorian Drive to Southwood Drive
Emstan Hills Road from Southwood Drive to Duchess Drive

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Racine as follows:

1. That the report of the Commissioner of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.
2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner of Public Works.
3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.
4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.
5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.
6. That the assessments may be paid in cash or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer, deferred payments to bear

interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per annum.

7. The City Clerk is directed to publish this resolution in the official newspaper of the City of Racine as a Class I notice in the assessment district.

8. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll, whose post office address is known or can with reasonable diligence be ascertained.

Dated _____

Signed _____

Mayor

Published _____

Attest _____

City Clerk

Sponsors: Gregory Holding

I. Ordinances

ZOrd.0004-08 An Ordinance to Rezone 1439 N. Main Street

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:

The property known as 1439 N. Main Street and more particularly described as follows:

"Excepting the east 21 feet 2 inches, Lot 16, Block 44, of the Original Plat of the City of Racine, as recorded in the office of the Racine County Register of Deed's Office Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "O" Restricted Office District, to "O with a FD Flex Development Overlay District" and designated as Supplement No. _____, which Supplement is hereby made a part of this ordinance.

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest: _____
City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

ZOrd.0005-08 An Ordinance for Rezoning South Street and Mt. Pleasant Street

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:

Those properties known as 3026, 3100 3200 Mt. Pleasant Street & 2100, 2200, 2201, 2227, 2300 South Street and more particularly described as follows:

"3026 Mt. Pleasant Street; Block 1 Huck Industrial Park, as described on page 292-292A, volume 3568. 3100 Mt. Pleasant Street: Block 1 Huck Industrial Park part Lot 1 as described on pages 383-384, volume 2193 aka part Parcel 1 CSM No. 1094 recorded Volume 3, CSM pages 225-226 & excepting parts described Volume 3568 page 292. 3200 Mt. Pleasant Street; Block 1 Huck Industrial Park part Lot 1 as described on pages 886, Volume 1766 aka part Parcel 1 CSM No. 1094 recorded Volume 3, CSM pages 225-226. 2100 South Street; Block 1 Huck Industrial Park Lot 6, 2200 South Street; Block 1 Huck Industrial Park Lot 7, 2201 South Street; Block 1 Huck Industrial Park part Lot 2 CSM 1560 recorded April 16, 1992 Volume 4, pages 787-788. 2227 South Street; Block 1 Huck Industrial Park part Lot 1 & 2, CSM no. 1561 recorded April 16, 1992 Volume 4, CSM pages 789-790. 2300 South Street; Block 1 Huck Industrial Park part Lots 3 & 4, described as parcel 2, CSM No. 1056, recorded Volume 3, CSM pages 141-142, as recorded in the office of the Racine County Register of Deed's Office Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "I-2" General Industrial District, to "I-2 with an I-P Industrial Park District Overlay" 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

J. Miscellaneous Business

K. Adjourn

Office of The City Clerk

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