



City of Racine

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

Meeting Minutes - Final Common Council

Mayor John T. Dickert, Alderman Q.A. Shakoor, II, Alderman Michael Shields, Alderman Ronald D. Hart, Alderman Jim Kaplan, Alderman Dennis Wisner, Alderman Sandy Weidner, Alderman Terry McCarthy, Alderman Raymond DeHahn, Alderman Gregory Holding, Alderman Robert Mozol, Alderman O. Keith Fair, Alderman Melissa Kaprelian-Becker, Alderman James Morgenroth, Alderman Krystyna Sarrazin, Alderman Molly Hall

Tuesday, October 16, 2012

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

B. Pledge of Allegiance To The Flag

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

C. Approval of Journal of Council Proceedings (Minutes)

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

D. Public Hearings

No one appeared to speak on the public hearing.

Mayor Dickert declared the public hearing closed

[12-7893](#)

Subject: Communication from the Director of City Development requesting to designate Tax Incremental District No. 10 as a distressed TID. (Res. No. 12-3381)

Recommendation of the City Plan Commission on 10-10-12: That the resolution designating TID No. 10 as distressed be approved.

Fiscal Note: It is necessary to designate this industrial TID as distressed for it to receive shared increment from another TID. The designation will allow TID No. 10 to receive an estimated \$6.2 million in shared increment over five years. Although the designation as distressed would allow the extension of the District until 2036, the proposed increment sharing anticipates that the District will close out in 2017.

E. Public Comments

*Jeff Coe
Wayne Clingman*

F. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[12-8233](#) **Subject:** Communication from the Chief of Police requesting to Apply for and Accept the 2013 Beat Patrol Grant (Grant Control #2012-035)
Referred to Finance and Personnel Committee

[12-8247](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting permission to accept the received donation of \$500.00 from the Greater Racine Kennel Club to help better the city parks.
Referred to Finance and Personnel Committee

[12-8264](#) **Subject:** Communication from the Alderman of the 1st District requesting to know the amount of the settlement to William Bielefelt from the Mayor and the City of Racine.
Referred to the Finance and Personnel Committee

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

[12-8248](#) **Subject:** Communication from Raymond Biddle, Jr., Summit Industrial Park LLC, requesting to remove the sidewalk at 1520 Clark Street.
Referred to Public Works and Services Committee

[12-8208](#) **Subject:** Communication from the Race Director of the Ragnar Relay Chicago 2013 race requesting permission to use city right-of-way on Saturday, June 8, 2013.
Referred to Public Works and Services Committee

[12-8246](#) **Subject:** Communication from the Alderman of the 6th District requesting the City accept the donation of a commemorative plaque for the 7th Street/Washington Avenue and Roundabout Reconstruction Project.
Referred to Public Works and Services Committee

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

[12-8240](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting that the formal bidding be waived and the Purchasing Agent be authorized to negotiate with Miller & Associates, Inc. for the purchase of play equipment for West, Heck and Parker Parks.

Referred to Public Safety and Licensing Committee

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor

[12-8180](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to have Nassco provide a free on-site demonstration to strip and wax the gym floor at the Cesar Chavez Community Center. Materials and labor will be provided by Nassco as a donation. (Res. No. 12-3367)

Recommendation of the Finance & Personnel Committee on October 8, 2012: Permission be granted for the Director of Parks, Recreation & Cultural Services to have Nassco provide a free on-site demonstration to strip and wax the gym floor at the Cesar Chavez Community Center.

Fiscal Note: Materials and labor will be provided by Nassco as a donation. There will be no cost to the City.

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

[12-8182](#)

Subject: (Direct Referral) Consideration of authorization to accept US Economic Development Administration funds for small business loans. (RES No. 12-3364)

Recommendation of the Redevelopment Authority on 9-24-12: That the Common Council authorize the acceptance of an increase in the US EDA grant by \$100,000 to a total grant of \$600,000; that the Common Council authorize the Executive Director of RCEDC, the City Finance Director, the Mayor, and City Clerk to accept from the US EDA the increased grant, segregate and restrict funds for a required local match of \$100,000, and execute such amended grant agreement with the US EDA and RCEDC as may be necessary to implement this increase.

Recommendation of the Finance & Personnel Committee on October 8, 2012: Permission be granted for acceptance of an increase in the US EDA grant by \$100,000 to a total grant of

\$600,000; that the Common Council authorize the Executive Director of RCEDC, the City Finance Director, the Mayor, and City Clerk to accept from the US EDA the increased grant, segregate and restrict funds for a required local match of \$100,000, and execute such amended grant agreement with the US EDA and RCEDC as may be necessary to implement this increase.

Fiscal Note: The required local match of \$100,000 will be obtained from the Sewer Agreement Intergovernmental Revenue Sharing Funds as is consistent with provisions of Sec. 46-268 of the Municipal Code. This action will increase funds dedicated to the Industrial/Commercial Building Revolving Loan Fund to a total of \$1,200,000 (\$600,000 in City Sewer Agreement funds and \$600,000 in US EDA funds).

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

[12-8197](#)

Subject: communication from the City Attorney submitting the claim of Danielle Ours for consideration.

Recommendation of the Finance & Personnel Committee on October 8, 2012: The claim of Danielle Ours, requesting reimbursement in the amount of \$1,610.66 for alleged damages arising from a tree branch falling on her parked car on September 4, 2012 be denied.

Fiscal Note: N/A

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

[12-8198](#)

Subject: communication from the City Attorney submitting the claim of Roy Ours for consideration.

Recommendation of the Finance & Personnel Committee on October 8, 2012: The claim of Roy Ours, requesting reimbursement in the amount of \$1,082.95 for alleged damages arising from a tree branch falling on his parked car on September 4, 2012 be denied.

Fiscal Note: N/A

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

[12-8199](#)

Subject: communication from the City Attorney submitting the claim of John Huck for consideration.

Recommendation of the Finance & Personnel Committee on

October 8, 2012: The claim of John Huck, requesting reimbursement in the amount of \$462.44 for a shotgun that was destroyed by the Police Department in 2002, be denied.

Fiscal Note: N/A

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

[12-8200](#)

Subject: communication from the City Attorney submitting the claim of Janet Venegas for consideration.

Recommendation of the Finance & Personnel Committee on

October 8, 2012: The claim of Janet Venegas, requesting reimbursement in the amount of \$50,000.00 for alleged injuries sustained while the Fire Department rescued her from a malfunctioning chair lift on January 18, 2012 be denied.

Fiscal Note: N/A

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

[12-8235](#)

Subject:(Direct Referral) Communication from the Purchasing Agent requesting to discuss the results of Official Notice #14, Request for Proposal for Stop Loss Insurance Broker Services for the City of Racine, Wisconsin. (Res. No. 12-3366)

Recommendation of the Finance & Personnel Committee on

October 8, 2012: The Mayor and City Clerk be authorized and directed to enter into a contract with the Horton Group for the securing stop loss insurance for the City of Racine for the calendar year 2013.

Fiscal Note: Funds for this expenditure are available in account 405.000.5870 Stop Loss.

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

Council Action

A motion was made by Alderman Q.A. Shakoor, II, seconded by Alderman Terry McCarthy, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

Public Works and Services Committee Report, by Ald. Weidner

[12-8204](#)

Subject: Communication from the Assistant Commissioner of Public Works/City Engineer submitting a Professional Services Agreement from Bloom Companies, LLC. for West 6th Street Bridge and Memorial Drive Bridge Rehabilitation Reports. (Res. No. 12-3379)

Recommendation of the Public Works and Services Committee on 10-9-12: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Bloom Companies, Inc. for the West 6th Street Bridge and Memorial Drive Bridge Rehabilitation Reports, in the not-to-exceed amount of \$9,000.00.

Fiscal Note: Funding is available in the 2013 Capital Improvement Program.

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

[12-8206](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 55-10 (K0-070), Professional Services - Design Stage Renovations at Memorial Hall, Butterfield, Rudie & Seitz, consultant. (Res. No. 12-3371)

Recommendation of the Public Works and Services Committee on 10-9-12: That the professional services provided by Butterfield, Rudie & Seitz, under Contract 55-10 (K0-070), Professional Services - Design Stage Renovations at Memorial Hall, be accepted and final payment authorized for a total contract amount of \$47,350.00.

Fiscal Note: Contract was authorized under Resolution No. 10-2227, dated October 19, 2010.

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

[12-8207](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 30-12 (K2-032), Memorial Hall Stage Renovations, Camosy Construction, contractor. (Res. No. 12-3375)

Recommendation of the Public Works and Services Committee on 10-9-12: That the work done by Camosy Construction under Contract 30-12 (K2-032), Memorial Hall Stage Renovations, be accepted and final payment authorized for a total contract amount of \$242,838.00.

Fiscal Note: Contract was authorized under Resolution No. 12-3140,

dated May 15, 2012.

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

12-8215

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 56-12 (K2-068), Transit Center - Masonry and Roof Restoration. (Res. No. 12-3369)

Recommendation of the Public Works and Services Committee on 10-9-12: That Contract 56-12 (K2-067), Transit Center-Masonry and Roof Restoration, be awarded to Carlson Racine Roofing & Sheet Metal, Inc., Racine, WI, at their bid price of \$196,815.00, they being the only responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 105.900.5010, Transit Center Roof & Masonry.

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

12-8217

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 58-12 (K2-070), Construct Home-1232 Schiller Street. (Res. No. 12-3370)

Recommendation of the Public Works and Services Committee on 10-9-12: That Contract 58-12 (K2-069), Construct Home-1232 Schiller Street, be awarded to Land-Quest Construction LLC, Kenosha, WI, at their bid price of \$198,205.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 808.001.5700, City Development-1232 Schiller Street.

Alderman Weidner requested that item 12-8217 be considered separately.

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

AYES: 13 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Wisner, Kaplan, Shakoor, II, Hart, Sarrazin and Hall

NOES: 2 - Mozol and Weidner

12-8218

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 50-11 (K1-055), Professional Services - Racine Safety Building Parking Deck Review, Arnold & O'Sheridan, Inc., consultant. (Res. No. 12-3372)

Recommendation of the Public Works and Services Committee

on 10-9-12: That the professional services provided by Arnold & O'Sheridan, Inc., under Contract 50-11 (K1-055), Professional Services - Racine Safety Building Parking Deck Review, be accepted and final payment authorized for a total contract amount of \$13,000.00.

Fiscal Note: Contract was authorized under Resolution No. 11-2707, dated September 6, 2011.

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

[12-8221](#)

Subject: (Direct Referral) Communication from the Downtown Racine Corporation requesting to use city right-of-way for the annual Holiday Parade on Saturday, November 10, 2012. (Res. No. 12-3368)

Recommendation of the Public Works and Services Committee

on 10-9-12: That the Downtown Racine Corporation be granted permission to close Ontario Street, State Street between Ontario Street and Main Street, Main Street between State Street and Sixth Street, Sixth Street between Main Street and City Hall, on Saturday, November 10, 2012, from 4:00 p.m. to 6:30 p.m., for the Downtown Holiday Parade with the following conditions:

- A. A hold harmless agreement be executed and a \$62.50 processing fee paid;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. 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.
- F. The sponsor shall pay a \$750 special event fee.

Further recommend that the Commissioner of Public Works, City Engineer and Chief of Police provide any necessary 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.

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

[12-8223](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 8-12 (K2-008), HVAC Upgrades at Various Facilities, Johnson Controls, Inc., contractor. (Res. No. 12-3373)

Recommendation of the Public Works and Services Committee

on 10-9-12: That the work done by Johnson Controls, Inc. under Contract 8-12 (K2-008), HVAC Upgrades at Various Facilities, be accepted and final payment authorized for a total contract amount of \$67,640.00.

Fiscal Note: Contract was authorized under Resolution No. 12-2948, dated February 7, 2012.

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

12-8225

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 4 to Contract 53-11 (K1-058), City Hall Restroom Renovations, Absolute Construction Enterprises, Inc., contractor. (Res. No. 12-3376)

Recommendation of the Public Works and Services Committee

on 10-9-12: That Change Order No. 4 on Contract 53-11 (K1-058), City Hall Restroom Renovations, Absolute Construction Enterprises, Inc, contractor, be approved in the amount of \$11,814.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 991.100.5010, City Hall Facility Plan Implementation.

Alderman Fair requested that item 12-8225 be considered separately.

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

AYES: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

12-8226

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 4 to Contract 22-12 (K2-023), Safety Building-Replace Ceiling and Lights, Absolute Construction Enterprises, Inc., contractor. (Res. No. 12-3374)

Recommendation of the Public Works and Services Committee

on 10-9-12: That Change Order No. 4 on Contract 22-12 (K2-023), Safety Building Ceiling and Lights, Absolute Construction Enterprises, Inc, contractor, be approved in the amount of \$742.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 991.210.5040, Safety Building - Building

Updates.

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

12-8243

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 2 to Contract 9-12 (K2-009), Professional Services - Police Department Office Improvements, ARC Architectural Group LLC, consultant. (Res. No. 12-3377)

Recommendation of the Public Works and Services Committee on 10-9-12: That Amendment No. 2 to Contract 9-12 (K2-009), Professional Services - Police Department Office Improvements, ARC Architectural Group, consultant, as submitted, be approved in the amount of \$8,550.00.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 991.210.5040, Safety Building-Building Updates.

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

12-8244

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting an amendment to the contract with AT&T revised on September 4, 2007. (Res. No. 12-3378)

Recommendation of the Public Works and Services Committee on 10-9-12: The Mayor and City Clerk be authorized and directed to enter into a revised Telephone Service Agreement with AT&T for internet service for a 5-year period, in accordance with their submittal dated September 26, 2012, for the estimated cost of \$2,500.00 per month.

Fiscal Note: Funds to defray the cost of this agreement are available in Account 402.000.5530, Telephone Service Expense.

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

Council Action

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

AYES: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

Public Safety and Licensing Committee Report, by Ald. Holding[12-8174](#)

Subject: (New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Odd Fellows Bistro at 817 Main St., Emily J. Day, Agent. **(1st District)**

Recommendation of the Public Safety and Licensing Committee on 10-09-12: That the **(New)** Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Odd Fellows Bistro at 817 Main St., Emily J. Day, Agent be approved.

Fiscal Note: N/A

Alderman Kaprelian-Becker requested that item 12-8174 be considered separately.

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

AYES: 14 - Fair, Shields, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

NOES: 1 - Kaprelian-Becker

[12-8210](#)

Subject: (Direct Referral) Sale of Abandoned Vehicles 10-9-2012

Recommendation of the Public Safety and Licensing Committee on 10-09-12: That the item be received and filed.

Fiscal Note: This will generate \$18,768.00 in revenue

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

AYES: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

City Plan Commission Report, by Ald. Wiser[12-7890](#)

Subject: Communication from the Director of City Development requesting to amend the project plan of Tax Incremental District No. 8. (Res. No. 12-3382)

Recommendation of the City Plan Commission on 10-10-12: That the resolution for the amendment of the project plan for TID No. 8 be approved.

Fiscal Note: The Project Plan amendment is necessary to allow TID No. 8 to share approximately \$4.2 million in tax increment with TID No.

10 over a five year period, after which the donor and recipient districts will close.

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

[12-7891](#)

Subject: Communication from the Director of City Development requesting to amend the project plan of Tax Incremental District No. 9. (Res. No. 12-3383)

Recommendation of the City Plan Commission on 10-10-12: That the resolution for the amendment of the project plan for TID No. 9 be approved.

Fiscal Note: The Project Plan amendment is necessary to allow TID No. 9 to share approximately \$5.5 million in tax increment with TID Nos. 10, 11 and 15 over a five year period, after which the donor and recipient districts will close.

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

[12-7892](#)

Subject: Communication from the Director of City Development request to amend the project plan of Tax Incremental District No. 10. (Res. No. 12-3384)

Recommendation of the City Plan Commission on 10-10-12: That the resolution for the amendment of the project plan for TID No. 10 be approved.

Fiscal Note: It is necessary to amend the Project Plan for this industrial TID for it to receive shared increment from other TIDs. The amendment will allow TID No. 10 to receive an estimated \$6.2 million in shared increment over five years and close out in 2017.

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

[12-7893](#)

Subject: Communication from the Director of City Development requesting to designate Tax Incremental District No. 10 as a distressed TID. (Res. No. 12-3381)

Recommendation of the City Plan Commission on 10-10-12: That the resolution designating TID No. 10 as distressed be approved.

Fiscal Note: It is necessary to designate this industrial TID as distressed for it to receive shared increment from another TID. The designation will allow TID No. 10 to receive an estimated \$6.2 million in shared increment over five years. Although the designation as distressed would allow the extension of the District until 2036, the

proposed increment sharing anticipates that the District will close out in 2017.

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

12-8238

Subject: (Direct Referral) Request from Jhon Correa, representing Emmaus Lutheran Church, seeking an amendment to a conditional use permit for a community garden at 1909 Summit Avenue for the construction of a greenhouse. (Res. No. 12-3385)

Recommendation of the City Plan Commission on 10-10-12: That the item be approved subject to conditions.

Fiscal Note: N/A

Alderman Weidner requested that item 12-8238 be considered separately.

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

AYES: 14 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Sarrazin and Hall

NOES: 1 - Weidner

12-8239

Subject: (Direct Referral) Request from Tony DeRango of DeRango Real Estate Main, LLC seeking an amendment to a Flex Development Overlay District to include carryout restaurants as a permitted conditional use, and to amend an existing conditional use permit to allow a carryout restaurant. (Res. Nos. 12-3386 and 12-3387)

Recommendation of the City Plan Commission on 10-10-12: That the amendments to the flex development use supplement and the conditional use be approved subject to conditions.

Fiscal Note: N/A

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

12-8241

Subject: (Direct Referral) Communication from the Director of City Development requesting the termination of Tax Incremental District No. 5 (Olsen Industrial Park). (PC-12) (Res. No. 12-3380)

Recommendation of the City Plan Commission on 10-10-12: That the TID No. 5 Termination Resolution be approved.

Fiscal Note: TID No. 5 (Olsen Industrial Park) was created in 1985. The Wisconsin TID Law provides a maximum lifespan of 27 years for such TIDs and the district now must be closed out. This resolution provides authorization for the appropriate city officials to complete the

close out process and reporting.

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

Council Action

A motion was made by Alderman Dennis Wiser , seconded by Alderman Terry McCarthy, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

Office of the Mayor Report, by Ald. Kaplan.

12-8262

Subject: Communication from Mayor Dickert nominating appointments/reappointments to the following committees, boards and/or commissions:

Appoint Alderman James Morgenroth 1500 Monroe Ave Racine, 53405 to the Waterworks Commission for a 1 year term, expiring October 1, 2013

Appoint Alderman James Morgenroth 1500 Monroe Ave Racine, 53405 to the Wastewater Commission for a 1 year term, expiring October 1, 2013

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

AYES: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

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

12-8165

Subject: Communication from Charlie Manning, Commodore, Racine Yacht Club, requesting permission to use the Rooney Recreational Area open space on a temporary basis in case a portion of the space is needed to facilitate the upcoming dredging operation. (RES No. 12-3349)

Recommendation of the Public Works and Services Committee on 9-25-12: That the Mayor and City Clerk be authorized and directed to enter into a License to Use Real Estate Agreement with the Racine Yacht Club granting them permission to use the Rooney Recreational Area open space on a temporary basis in case a portion of the space is needed to facility the upcoming dredging with the following

stipulations:

- A. A Hold Harmless Agreement be executed and a \$62.50 processing fee paid;
- B. A Liability Insurance Certificate be filed;
- C. Racine Yacht Club provides environmental documentation that the materials are non-hazardous;
- D. They provide documentation that the project has been approved by the Wisconsin Department of Natural Resources; and
- E. All materials be removed from the site by October 31, 2013, with the caveat that the City may order its removal earlier, for any reason, with a 60 day written notice.

Fiscal Note: Not applicable.

Recommendation of the Board of Parks, Recreation & Cultural Services on 10-10-12: That Charlie Manning, Commodore, Racine Yacht Club, be granted permission to use the Rooney Recreational Area, open space on a temporary basis to facilitate the upcoming dredging operation.

- A. A Hold Harmless Agreement be executed and a \$62.50 processing fee paid;
- B. A Liability Insurance Certificate be filed;
- C. Racine Yacht Club provides environmental documentation that the materials are non-hazardous;
- D. They provide documentation that the project has been approved by the Wisconsin Department of Natural Resources; and
- E. All materials be removed from the site by October 31, 2013, with the caveat that the City may order its removal earlier, for any reason, with a 60 day written notice.

Fiscal Note: Not applicable.

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

AYES: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

H. Consent Agenda - Resolutions

[Res.12-3349](#)

Rooney Recreational Area

Resolved, that Charlie Manning, Commodore, Racine Yacht Club, is granted permission to use the Rooney Recreational Area, open space on a temporary basis to facilitate the upcoming dredging operation with the following conditions:

A. A Hold Harmless Agreement be executed and a \$62.50 processing fee paid;

B. A Liability Insurance Certificate be filed;

C. Racine Yacht Club provides environmental documentation that the materials are non-hazardous;

D. They provide documentation that the project has been approved by the Wisconsin Department of Natural Resources; and

E. All materials be removed from the site by October 31, 2013, with the caveat that the City may order its removal earlier, for any reason, with a 60 day written notice.

Fiscal Note: N/A

Sponsors: Terry McCarthy and Melissa Kaprelian-Becker

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

Res.12-3366

Official Notice #14 - Request for Proposal for Stop Loss Insurance Broker Services for the City of Racine, Wisconsin

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a contract with the Horton Group for securing stop loss insurance for the City of Racine for the calendar year 2013.

Fiscal Note: Funds for this expenditure are available in account 405.000.5870 Stop Loss.

Sponsors: Q.A. Shakoor, II

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

Res.12-3367

Nassco Free On-Site Demonstration

Resolved, that permission is granted for the Director of Parks, Recreation & Cultural Services to have Nassco provide a free on-site demonstration to strip and wax the gym floor at the Cesar Chavez Community Center.

Fiscal Note: Materials and labor will be provided by Nassco as a donation. There will be no cost to the City.

Sponsors: Q.A. Shakoor, II

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

APPROVED.**Res.12-3368**

Annual Holiday Parade on Saturday, November 10, 2012

Resolved, that the Downtown Racine Corporation is granted permission to close Ontario Street, State Street between Ontario Street and Main Street, Main Street between State Street and Sixth Street, Sixth Street between Main Street and City Hall, on Saturday, November 10, 2012, from 4:00 p.m. to 6:30 p.m., for the Downtown Holiday Parade with the following conditions:

A. A hold harmless agreement be executed and a \$62.50 processing fee paid;

B. A liability insurance certificate be filed prior to this event;

C. Any overtime costs incurred by any City department be charged to the sponsor;

D. 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.

F. The sponsor shall pay a \$750 special event fee.

Further resolved, that it is recommended that the Commissioner of Public Works, City Engineer and Chief of Police provide any necessary 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: Sandy Weidner

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

Res.12-3369

Contract 56-12 (K2-068), Transit Center - Masonry and Roof Restoration

Resolved, that Contract 56-12 (K2-067), Transit Center-Masonry and Roof Restoration, is awarded to Carlson Racine Roofing & Sheet Metal, Inc., Racine, WI, at their bid price of \$196,815.00, they being the only responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be

appropriated from Account 105.900.5010, Transit Center Roof & Masonry.

Sponsors: Sandy Weidner

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

Res.12-3371

Final Payment on Contract 55-10 (K0-070), Professional Services - Design Stage Renovations at Memorial Hall

Resolved, that the professional services provided by Butterfield, Rudie & Seitz, under Contract 55-10 (K0-070), Professional Services - Design Stage Renovations at Memorial Hall, is accepted and final payment authorized for a total contract amount of \$47,350.00.

Fiscal Note: Contract was authorized under Resolution No. 10-2227, dated October 19, 2010.

Sponsors: Sandy Weidner

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

Res.12-3372

Final payment on Contract 50-11(K1-055), Professional Services - Racine Safety Building Parking Deck

Resolved, that the professional services provided by Arnold & O'Sheridan, Inc., under Contract 50-11 (K1-055), Professional Services - Racine Safety Building Parking Deck Review, is accepted and final payment authorized for a total contract amount of \$13,000.00.

Fiscal Note: Contract was authorized under Resolution No. 11-2707, dated September 6, 2011.

Sponsors: Sandy Weidner

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

Res.12-3373

Final Payment on Contract 8-12 (K2-008), HVAC Upgrades at Various Facilities

Resolved, that the work done by Johnson Controls, Inc. under Contract 8-12 (K2-008), HVAC Upgrades at Various Facilities, is accepted and final payment authorized for a total contract amount of \$67,640.00.

Fiscal Note: Contract was authorized under Resolution No. 12-2948, dated February 7, 2012.

Sponsors: Sandy Weidner

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

Res.12-3374

Change Order No. 4 to Contract 22-12 (K2-023), Safety Building-Replace Ceiling and Lights

Resolved, that Change Order No. 4 on Contract 22-12 (K2-023), Safety Building Ceiling and Lights, Absolute Construction Enterprises, Inc, contractor, is approved in the amount of \$742.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 991.210.5040, Safety Building - Building Updates.

Sponsors: Sandy Weidner

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

Res.12-3375

Final Payment on Contract 30-12 (K2-032), Memorial Hall Stage Renovations

Resolved, that the work done by Camosy Construction under Contract 30-12 (K2-032), Memorial Hall Stage Renovations, is accepted and final payment authorized for a total contract amount of \$242,838.00.

Fiscal Note: Contract was authorized under Resolution No. 12-3140, dated May 15, 2012.

Sponsors: Sandy Weidner

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

Res.12-3376

Change Order No. 4 to Contract 53-11 (K1-058), City Hall Restroom Renovations

Resolved, that Change Order No. 4 on Contract 53-11 (K1-058), City Hall Restroom Renovations, Absolute Construction Enterprises, Inc, contractor, is approved in the amount of \$11,814.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 991.100.5010, City Hall Facility Plan Implementation.

Sponsors: Sandy Weidner

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

Res.12-3377

Amendment No. 2 to Contract 9-12 (K2-009), Professional Services - Police Department Office Improvements

Resolved, that Amendment No. 2 to Contract 9-12 (K2-009), Professional Services - Police Department Office Improvements, ARC Architectural Group, consultant, as submitted, is approved in the amount of \$8,550.00.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 991.210.5040, Safety Building-Building Updates.

Sponsors: Sandy Weidner

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

Res.12-3378

Amendment to Contract with AT&T - Revised on September 4, 2007

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a revised Telephone Service Agreement with AT&T for internet service for a 5-year period, in accordance with their submittal dated September 26, 2012, for the estimated cost of \$2,500.00 per month.

Fiscal Note: Funds to defray the cost of this agreement are available in Account 402.000.5530, Telephone Service Expense.

Sponsors: Sandy Weidner

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

Res.12-3379

Professional Services Agreement for West 6th Street Bridge and Memorial Drive Bridge Rehabilitation Reports

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a professional services agreement with Bloom Companies, Inc. for the West 6th Street Bridge and Memorial Drive Bridge Rehabilitation Reports, in the not-to-exceed amount of \$9,000.00.

Fiscal Note: Funding is available in the 2013 Capital Improvement Program.

Sponsors: Sandy Weidner

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

Res.12-3380

Termination of Tax Incremental District No. 5 (Olsen Industrial Park)

WHEREAS, the City of Racine passed a creation resolution creating Tax Incremental District No. 5 on September 17, 1985, and adopted a project plan that year; and

WHEREAS, all TIF District No. 5 projects were completed in the prescribed allowed time; and

WHEREAS, sufficient increment has been collected as of the 2012 tax roll, payable 2013, to cover TIF District No. 5 projects costs, and to escrow funds to cover any remaining outstanding debt;

NOW BE IT HEREBY RESOLVED, that the Common Council does terminate TIF District No. 5; and

BE IT FURTHER RESOLVED, that the City Clerk shall notify the Wisconsin Department of Revenue, within 60 days of this resolution, or prior to the deadline of May 15, 2013, whichever comes first, that the District has been terminated; and

BE IT FURTHER RESOLVED, that the City Clerk shall sign the required Wisconsin Department of Revenue final accounting form agreeing on a date by the which the city shall send final audited information to the Wisconsin Department of Revenue; and

BE IT FURTHER RESOLVED, that the Finance Director shall distribute any excess increment collected after providing for ongoing obligations of the District, to the affected taxing districts with proportionate shares to be determined by the final audit by the City's Auditors.

Fiscal Note: TID No. 5 (Olsen Industrial Park) was created in 1985. The Wisconsin TID Law provides a maximum lifespan of 27 years for such TIDs and the district now must be closed out. This resolution provides authorization for the appropriate city officials to complete the close out process and reporting.

Sponsors: Dennis Wiser

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

Res.12-3381

Designate Tax Incremental District No. 10 as a Distrissed TID

WHEREAS, the Common Council, after reviewing financial data has determined that the project costs incurred by Tax Incremental District No. 10 (the "District") exceed the amount of revenues from all sources that the City expects the District to generate to pay off such project costs during the life of the District; and

WHEREAS, the Common Council desires to designate the District as distressed under Section 66.1105(4e), Wis. Stats.; and

WHEREAS, the District meets all requirements to be designated as a distressed district insofar as: a) it was created before October 1, 2008; and b) the Common Council has not approved an amendment to the District's project plan after October 1, 2009; and

WHEREAS, a notice of the Plan Commission and Council public hearings were published on September 26, 2012, October 3, 2012, October 5, 2012 and October 9, 2012 as under Chapter 985, Wis. Stats.; and

WHEREAS, a copy of the public hearing notice was sent, prior to its publication, by 1st class mail to the chief executive officer or administrator of all local government entities having the power to levy taxes on property within the District, and to the school board of any school district that includes property located within the District; and

WHEREAS, a public hearing was held before the Common Council on October 16, 2012 at which time interest parties were afforded a reasonable opportunity to express their views on the proposed designation of the District as distressed; and

WHEREAS, the Plan Commission has amended the Project Plan of the District to reflect its distressed status.

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

1. The Common Council designates the District as distressed, and that its maximum life is extended to 10 years with a termination date of March 18th, 2036.
2. The project costs incurred by the District exceed the amount of revenues from all sources that the City expects the District to generate to pay off such project costs during the life of the District.
3. If the designation of the District as distressed is approved by the Standing Joint Review Board, the District may not:
 - a. Amend its project plan to add any new project costs.
 - b. Become part of a district with overlapping boundaries.

- c. Expend any funds outside of the District's boundaries.
 - d. Add any territory to the District.
 - e. Become a donor district.
 - f. Make any expenditure after its expenditure period, as determined before its designation as a distressed district expires.
4. If any tax increments allocated to the District exceed the amount needed to meet the District's annual expenditures identified in its existing project plan, the excess amount shall be used to retire any outstanding debt obligations of the District or to establish a reserve fund that may be used only to retire outstanding debt obligations of the District.

BE IT FURTHER RESOLVED THAT the City Clerk is directed to certify this resolution and forward a copy along with the supporting financial data to the Wisconsin Department of Revenue and to the Standing Joint Review Board.

Fiscal Note: It is necessary to designate this industrial TID as distressed for it to receive shared increment from another TID. The designation will allow TID No. 10 to receive an estimated \$6.2 million in shared increment over five years. Although the designation as distressed would allow the extension of the District until 2036, the proposed increment sharing anticipates that the District will close out in 2017.

Sponsors: Dennis Wiser

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

Res.12-3382

Amend Project Plan of Tax Incremental District No. 8

WHEREAS, the City of Racine (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 8 (the "District") was created by the City on July 17, 1990 as a blighted area district; and

WHEREAS, the City now desires to amend the Project Plan of the District in accordance with the provisions of Section 66.1105, Wisconsin Statutes (the "Tax Increment Law"); and

WHEREAS, such amendment will allow for the District to share surplus increments with Tax Incremental District No. 10 under the

provisions of Section 66.1105(6)(f) of the Wisconsin Statutes; and

WHEREAS, the Plan Commission has prepared an amended Project Plan for the District (the "Amendment") that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., Wisconsin Statutes, outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the Amendment of the District promotes the orderly development of the City;
- k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Section 66.1105(4)(f), Wisconsin Statutes.

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Racine County, the Racine Unified School District, and the Gateway Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax

Increment Law, the Plan Commission, on October 10, 2012 held a public hearing concerning the proposed Amendment to the Project Plan, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Plan Commission adopted, and subsequently recommended approval to the Common Council an amended Project Plan for the District.

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

1. The boundaries of "Tax Incremental District No. 8, City of Racine," remain unchanged.
2. That this Project Plan Amendment shall become effective as of the date of adoption of this resolution provided that it is further approved by the Standing Joint Review Board.
3. The Common Council finds and declares that:
 - a. Not less than 50%, by area, of the real property within the District, as amended, is a blighted area within the meaning of Section 66.1105(2)(a)1. of the Wisconsin Statutes. Furthermore, at the time of adoption of the creation resolution for this District, and any subsequent resolutions amending its boundaries, any property standing vacant for seven years immediately preceding adoption of the resolution(s) did not comprise more than 25% of the total area in the District as required by Section 66.1105(4)(gm)1 of the Wisconsin State Statutes.
 - b. Based upon the findings, as stated in 3.a. above, and the original findings as stated in the Resolution creating the District, the District remains declared as a blighted area district based on the identification and classification of the property included within the District.
 - c. There are no additional improvements as a result of this amendment.
 - d. The amount of retail businesses will not change as a result of this amendment.
 - e. The project costs will not change as a result of this amendment.
 - f. The amended Project Plan for "Tax Incremental District No. 8, City of Racine" is approved, and the City further finds the Plan is feasible

and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify the Wisconsin Department of Revenue, within 60 days of adoption of the amendment, that this amendment has taken place pursuant to the provisions of Section 66.1105(5)(cm), Wisconsin Statutes.

BE IT FURTHER RESOLVED THAT the City Assessor is hereby authorized and directed to make notations to the assessment roll under Section 70.45 of the Wisconsin Statutes, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Fiscal Note: The Project Plan amendment is necessary to allow TID No. 8 to share approximately \$4.2 million in tax increment with TID No. 10 over a five year period, after which the donor and recipient districts will close.

Sponsors: Dennis Wiser

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

Res.12-3383

Amend Project Plan of Tax Incremental District No. 9

WHEREAS, the City of Racine (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 9 (the "District") was created by the City on June 6, 2000 as a blighted area district; and

WHEREAS, the City now desires to amend the Project Plan of the District in accordance with the provisions of Section 66.1105, Wisconsin Statutes (the "Tax Increment Law"); and

WHEREAS, such amendment will allow for the District to share surplus increments with Tax Incremental Districts Nos. 10, 11 & 15 under the provisions of Section 66.1105(6)(f) of the Wisconsin Statutes; and

WHEREAS, the Plan Commission has prepared an amended Project Plan for the District (the "Amendment") that includes:

a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n.,

Wisconsin Statutes, outside of the District;

b. An economic feasibility study;

c. A detailed list of estimated project costs;

d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;

e. A map showing existing uses and conditions of real property in the District;

f. A map showing proposed improvements and uses in the District;

g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;

h. A list of estimated non-project costs;

i. A statement of the proposed plan for relocation of any persons to be displaced;

j. A statement indicating how the Amendment of the District promotes the orderly development of the City;

k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Section 66.1105(4)(f)., Wisconsin Statutes.

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Racine County, the Racine Unified School District, and the Gateway Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on October 10, 2012 held a public hearing concerning the proposed amendment to the Project Plan, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Plan Commission adopted, and subsequently recommended approval to the Common Council an amended Project Plan for the District; and

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

1. The boundaries of "Tax Incremental District No. 9, City of Racine," remain unchanged.

2. That this Project Plan Amendment shall become effective as of the date of adoption of this resolution provided that it is further approved by the Standing Joint Review Board.

3. The Common Council finds and declares that:

a. Not less than 50%, by area, of the real property within the District, as amended, is a blighted area within the meaning of Section 66.1105(2)(a)1. of the Wisconsin Statutes. Furthermore, at the time of adoption of the creation resolution for this District, and any subsequent resolutions amending its boundaries, any property standing vacant for seven years immediately preceding adoption of the resolution(s) did not comprise more than 25% of the total area in the District as required by Section 66.1105(4)(gm)1 of the Wisconsin State Statutes.

b. Based upon the findings, as stated in 3.a. above, and the original findings as stated in the Resolution creating the District, the District remains declared as a blighted area district based on the identification and classification of the property included within the District.

c. There are no additional improvements as a result of this amendment.

d. The amount of retail businesses will not change as a result of this amendment.

e. The project costs will not change as a result of this amendment.

4. The amended Project Plan for "Tax Incremental District No. 9, City of Racine" is approved, and the City further finds the Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify the Wisconsin Department of Revenue, within 60 days of adoption of the amendment, that this amendment has taken place pursuant to the provisions of Section 66.1105(5)(cm), Wisconsin Statutes.

BE IT FURTHER RESOLVED THAT the City Assessor is hereby authorized and directed to make notations to the assessment roll under Section 70.45 of the Wisconsin Statutes, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Fiscal Note: The Project Plan amendment is necessary to allow TID No. 9 to share approximately \$5.5 million in tax increment with TID Nos. 10, 11 and 15 over a five year period, after which the donor and recipient districts will close.

Sponsors: Dennis Wiser

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

Res.12-3384

Amendment of Project Plan for TID No. 10

WHEREAS, Tax Incremental District No. 10 (the "District") in the City of Racine, Wisconsin ("City") was created by the City on April 14, 2003 as an industrial district; and

WHEREAS, the City has initiated action to designate the District as distressed; and

WHEREAS, allocation of positive tax increments from Tax Incremental Districts Nos. 8 & 9 to the District would enhance the ability of the City to pay the District's project costs; and

WHEREAS, the Plan Commission has prepared an amended Project Plan for the District (the "Amendment") reflecting its distressed status and which includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., Wisconsin Statutes, outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;

- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the Amendment of the district promotes the orderly development of the City;
- k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Section 66.1105(4)(f), Wisconsin Statutes; and

WHEREAS, in accordance with the procedures specified in Section 66.1105, Wisconsin Statutes (the "Tax Increment Law"), prior to its publication, a copy of the notice of public hearings were sent to the chief executive officers of Racine County, the Racine Unified School District, and the Gateway Technical College District, and any other entities having the power to levy taxes on property located within the District; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on October 10, 2012 held a public hearing concerning the proposed Amendment to the Project Plan, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Plan Commission adopted, and subsequently recommended approval to the Common Council an amended Project Plan for the District; and

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

1. The boundaries of "Tax Incremental District No. 10, City of Racine," remain unchanged.
2. That this Project Plan Amendment shall become effective as of the date of adoption of this resolution provided that it is further approved by the Standing Joint Review Board.

3. The Common Council finds and declares that:

a. Not less than 50%, by area, of the real property within the District, as amended, is suitable for industrial sites and zoned for industrial use within the meaning of Section 66.1101, Wisconsin Statutes.

b. Based upon the findings, as stated in 3.a. above, and the original findings as stated in the Resolution creating the District, the District remains declared as an industrial district based on the identification and classification of the property included within the District.

c. There are no additional improvements as a result of this amendment.

d. The amount of retail businesses will not change as a result of this amendment.

e. The project costs will not change as a result of this amendment.

f. Any real property within the District that is found suitable for industrial sites and is zoned for industrial use will remain zoned for industrial use for the life of the District.

4. The amended Project Plan for "Tax Incremental District No. 10, City of Racine" is approved, and the City further finds the Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify the Wisconsin Department of Revenue, within 60 days of adoption of the amendment, that this amendment has taken place pursuant to the provisions of Section 66.1105(5)(cm), Wisconsin Statutes.

BE IT FURTHER RESOLVED THAT the City Assessor is hereby authorized and directed to make notations to the assessment roll under Section 70.45 of the Wisconsin Statutes, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Fiscal Note: It is necessary to amend the Project Plan for this industrial TID for it to receive shared increment from other TIDs. The amendment will allow TID No. 10 to receive an estimated \$6.2 million in shared increment over five years and close out in 2017.

Sponsors: Dennis Wisner

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

Res.12-3386

Amendment to Flex Development Overlay District

Resolved, that the request from Tony DeRango of DeRango Real Estate Main, LLC seeking an amendment for a conditional use permit is adopted by resolution of the Common Council in association with Common Council Resolution 08-0949 as it applies to 1439 N. Main Street is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on October 10, 2012 are approved, subject to the conditions contained herein.
- b. That the carryout restaurant is permitted of operate from 11:00 a.m. to 8:00 p.m., daily.
- c. That all other conditions as specified in Common Council Resolution No. 08-0949 shall be complied with unless otherwise amended herein.

Fiscal Note: N/A

Sponsors: Dennis Wiser

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

Res.12-3387

Amendment to Flex Development Overlay District

Resolved, that an amendment to a use supplement is adopted by resolution of the Common Council in association with a Flex Development Overlay District at 1439 Main Street as specified herein:

- a. That condition "c" of Resolution No. 08-0947 is amended to include a use allowed by a conditional use permit as a "carryout restaurant."
- b. That all other conditions as specified in Common Council Resolution No. 08-0947 (Version A) shall be complied with unless otherwise amended herein.

Fiscal Note: N/A

Sponsors: Dennis Wiser

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

Council Action

A motion was made by Alderman Jim Kaplan , seconded by Alderman Q.A. Shakoor, II, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Weidner, Sarrazin and Hall

Resolutions

Res.12-3370

Contract 58-12 (K2-070), Construct Home-1232 Schiller Street

Resolved, that Contract 58-12 (K2-069), Construct Home-1232 Schiller Street, is awarded to Land-Quest Construction LLC, Kenosha, WI, at their bid price of \$198,205.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 808.001.5700, City Development-1232 Schiller Street.

Sponsors: Sandy Weidner

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

AYES: 13 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Wisner, Kaplan, Shakoor, II, Hart, Sarrazin and Hall

NOES: 2 - Mozol and Weidner

Res.12-3385

Amendment to Conditional Use Permit for a Community Garden at 1909 Summit Avenue for Construction of a Greenhouse

Resolved, that the request from John Correa representing Emmaus Lutheran Church for an amendment to a conditional use permit to construct a 1,680 sq. ft. Greenhouse at 1909 Summit Avenue is approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on October 10, 2012, be approved subject to the conditions contained herein.

b. That approval is subject to the applicant obtaining all necessary permits and inspections from required City departments prior to construction or occupancy of the greenhouse. If revised plans are necessary to meet building code requirements, the Department of City Development shall be supplied a copy of said plans and those shall become the official approved plans for this structure.

c. That the greenhouse and its operations shall be the responsibility of

Emmaus Lutheran Church and subject to the rules and regulations established in this conditional use approval.

d. That no outdoor storage of supplies, other gardening materials, plant matter, or equipment shall be allowed.

e. That all trash and debris shall be removed from the site on a daily basis. Plant matter which is considered waste (such as weeds, unused soil or fertilizer, etc.) may not be allowed to accumulate on-site and shall also be removed a minimum of once per week.

f. That no minors shall be on-site without adult supervision as noted above, and shall not be on-site before dawn or after dusk on any occasion.

g. That the sole use of the greenhouse is for Emmaus Lutheran Church, its parishioners, and neighboring property owners. No retail sales shall result from the use of the greenhouse.

h. That access to the site shall be via public ways, or established areas within the site only. No trespassing through other properties shall be permitted at any time to access the greenhouse.

i. 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.

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

k. That the applicant works with Staff on a lighting plan, with said plan to be reviewed and approved by the Department of City Development.

Fiscal Note: N/A

Sponsors: Dennis Wiser

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

AYES: 14 - Fair, Shields, Kaprelian-Becker, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Sarrazin and Hall

NOES: 1 - Weidner

I. Adjourn

The meeting was adjourned at 8:53p.m. by Alderman Shakoor. The next scheduled meeting of the Council is Wednesday, November 7, 2012 .

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK