



# City of Racine

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

## Meeting Minutes - 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*

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Wednesday, November 5, 2008

7:00 PM

Room 205, City Hall

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### A. Call To Order

**PRESENT:** 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

President Maack presided over the Council meeting as Mayor Becker was excused.

### B. Pledge of Allegiance To The Flag

*President Maack 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 Spangenberg.*

**to Approve the Minutes**

### D. Public Hearings

#### Ord.14-08

Ordinance No. 14-08

To repeal and recreate Sec. 114-693 of the Municipal Code of the City of Racine, Wisconsin relating to Accessory buildings and structures - Height limitations.

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

#### Part 1:

Sec. 114-693 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“Sec. 114-693. Height limitations.

Detached Accessory Buildings may be no taller than 15' as measured from finished floor to peak of roof; or 75% of the house height, whichever is greater. In any case, the maximum height as measured from finished floor of accessory structure to peak of roof is 20'.”

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

*No one appeared.*

**President Maack declared the public hearing closed**

**E. Public Comments**

*Betty McCray*

*Kevin McCray*

**F. Communications**

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

[08-2821](#)

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

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

**Fiscal Note:** N/A

**Referred to Finance and Personnel Committee**

[08-2822](#)

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

**Staff recommendation to the Finance & Personnel Committee on 11-10-08:** The claim of Julie Schanke requesting reimbursement of \$720.64 for repair expenses to her vehicle arising out of a pothole on

08-06-08 be denied.

**Fiscal Note:** N/A

**Referred to Finance and Personnel Committee**

[08-2823](#)

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

**Staff recommendation to the Finance & Personnel Committee on**

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

**Fiscal Note:** N/A

**Referred to Finance and Personnel Committee**

[08-2841](#)

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

**Staff recommendation to the Finance & Personnel Committee on**

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

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

**Referred to Finance and Personnel Committee**

[08-2846](#)

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

**Staff recommendation to the Finance & Personnel Committee on**

**11-10-08:** Permission granted for 2007 and 2008 carry forward that was missed in the Intergovernmental Revenue Sharing and Special Assessment Funds last Spring.

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

**Referred to Finance and Personnel Committee**[08-2860](#)

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

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

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

**Referred to Finance and Personnel Committee**[08-2861](#)

**Subject:** Communication from the Public Health Administrator requesting permission for the Mayor and City Clerk to enter into a 2-year contract with Countryside Humane Society for animal control services.

**Staff recommendation to the Finance & Personnel Committee on 11-10-08:** The Mayor and City Clerk be authorized and directed to enter into a 2-year contract for animal control services with Countryside Humane Society from January 1, 2009 through December 31, 2010.

**Fiscal Note:** Total cost for 2009 will be \$175,282 and 2010 cost will be \$180,540.46.

**Referred to Finance and Personnel Committee**[08-2862](#)

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

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

**Fiscal Note:** The contract increased amount is \$255,807 based on

caseload with no match required on the part of the city.

**Referred to Finance and Personnel Committee**

**08-2865**

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

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

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

**Referred to Finance and Personnel Committee**

**08-2866**

**Subject:** Communication from the Grant Facilitator requesting permission to apply for the \$8,000 WE Energies Foundation grant to be utilized for the Racine Promise Study.

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

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

**Referred to Finance and Personnel Committee**

**08-2877**

**Subject:** Communication from the Alderman of the 1st District requesting that the Park and Recreation Department remove a fallen tree at 811 Eleventh Street.

**Staff recommendation to the Finance & Personnel Committee on 11-10-08:** None at this time.

**Fiscal Note:** N/A

**Referred to Finance and Personnel Committee**

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

**08-2831**

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

**Referred to Public Works and Services Committee**

[08-2842](#)      **Subject:** Traffic Control Signal Maintenance Service Agreement for intersection of Oakes Road and 16th Street between City of Racine and Village of Mt. Pleasant.

**Referred to Public Works and Services Committee**

[08-2867](#)      **Subject:** Communication from the Commissioner of Public Works/City Engineer submitting the bid award for salt for ice control for the 2008-2009 winter season.

**Referred to the Public Works and Services Committee**

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

[08-2824](#)      **Subject:** (NEW) Application of Rapids Drive Convenience, LLC, Stephen J. Grebe, Agent, for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3502 Rapids Drive. (6th District)

**Referred to Public Safety and Licensing Committee**

[08-2840](#)      **Subject:** Communication from West Sixth Street Neighborhood wishing to discuss concerns regarding the Neighborhood Pantry at 1511 West Sixth Street.

**Referred to Public Safety and Licensing Committee**

[08-2847](#)      **Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to enter in an agreement with STS to perform the necessary engineering services to apply for an "Exception to Construct on an Abandon Landfill" permit from the Wisconsin Department of Natural Resources. This work will be performed at Lockwood Park.

**Referred to Public Safety and Licensing Committee**

**Refer to Traffic Commission, by Ald. Holding**

[08-2845](#)      **Subject:** Communication from the Racine Police Department requesting all parking signs around Fratt School (3501 Kinzie Ave) be changed to "No Stopping/Standing" on the east side 7:00 AM to 4:00 PM, "Loading Zone" signs on west side 7:00 AM to 4:00 PM, and "Loading Zone" signs on Kinzie in the front of the school 7:00 AM to 4:00 PM.

**Referred to Traffic Commission**

[08-2864](#)      **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering wishing to discuss the speed limit on Oakes Road from 16th Street to 21st Street.

Referred to Traffic Commission

[08-2879](#)

**Subject:** Communication from the Alderman of the 2nd District, requesting additional parking spaces at the Wadewitz COP house at 1750 Mead Street.

Referred to the Traffic Commission

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

[08-2868](#)

**Subject:** Communication from the Commissioner of Public Works/City Engineer submitting the results of the public hearing for the Belle Urban System proposal to raise the basic fare from \$1.50 to \$1.75.

Referred to the Transit and Parking Commission

**Refer to Board of Health, by Ald. DeHahn**

[08-2863](#)

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

Referred to Board of Health

**Refer to Board of Parks, Recreation, and Cultural Services, by Ald. Wisneski**

[08-2844](#)

**Subject:** Communication from Charlie Manning requesting permission to park three trailered sailboats used in Sea Scout Ship 5750's sailing program in the Rooney Recreation Area over the winter months.

Referred to Board of Park, Recreation and Cultural Services

## G. Committee Reports

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

[08-2757](#)

**Subject:** communication from the City Attorney submitting the claim of Maximino Miranda for consideration.

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

**10-27-08:** The claim of Maximino Miranda requesting reimbursement of \$1,583.20 for alleged damages after he drove his car into the area near a storm water drain on 9-21-08 be denied.

Fiscal Note: N/A

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

[08-2759](#)

**Subject:** Communication from the Public Health Administrator

requesting permission for the City to enter into agreements with the Villages of Elmwood Park and Wind Point to provide Level 1 Health Services from January 1, 2009 through December 31, 2009. (Res.08-1079)

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

**10-27-08:** The Mayor and City Clerk be authorized to enter into agreements with the Villages of Elmwood Park and Wind Point to provide Level 1 Health Services from January 1, 2009 through December 31, 2009.

Fiscal Note: There is a 5% increase from last year.

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

[08-2780](#)

**Subject:** communication from the City Attorney submitting the claim of Sentry Insurance a Mutual Company (J. Hendrickson) for consideration.

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

**10-27-08:** The claim of Sentry Insurance a Mutual Company requesting reimbursement of \$1, 966.26 for repair expenses paid to their insured, Jewel Hendrickson, arising out of an accident involving a DPW salt truck on 12-29-07 be denied.

Fiscal Note: N/A

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

[08-2791](#)

**Subject:** communication from the City Attorney submitting the claim of Renta Varghese for consideration.

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

**10-27-08:** The claim of Renta Varghese, of Troy, Michigan, requesting reimbursement of \$50,000.00 for damages arising out of her employment with the Racine Unified School District in 2008 be denied.

Fiscal Note: N/A

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

[08-2801](#)

**Subject:** Communication from the Finance Director requesting to discuss refunding the outstanding 2008 note anticipation notes maturing on December 15, 2008. (Res.08-1085)

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

**10-27-08:** That the 2008 Capital Improvement Note Anticipation Notes



maturing on December 15, 2008 be refunded.

Fiscal Note: It is anticipated that General Obligation Bonds totaling \$7,680,000 maturing over a 15 year period will be issued.

*Alderman Friedel requested that item 08-2801 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 - Coe, Anderson, Shields, Kaplan, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**NON VOTING:** 1 - Maack

**08-2802**

**Subject:** Communication from the Grant Facilitator requesting permission to apply for the SC Johnson grant (Grant Control No. 2008-037) in the amount of \$50,000 to be utilized for the Ways to Work Program. (Res.08-1080)

**Recommendation of the Finance & Personnel Committee on 10-27-08:** The Grant Facilitator be authorized and directed to apply for the SC Johnson grant (Grant Control No. 2008-037) in the amount of \$50,000 to be utilized for the Ways to Work Program.

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

*Alderman Friedel requested that item 08-2802 be considered separately.*

*Motion made to suspend the rules to allow the Grant Facilitator to answer questions of council members.*

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

**AYES:** 11 - Anderson, Shields, Kaplan, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

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

**NON VOTING:** 1 - Maack

**08-2803**

**Subject:** Communication from the Grant Facilitator requesting permission to apply for the United Way of Racine County (Grant Control No. 2008-039) grant in the amount of \$8,000 to be utilized for the Racine Promise Study. (Res.08-1081)

**Recommendation of the Finance & Personnel Committee on 10-27-08:** The Grant Facilitator be authorized and directed to apply for the United Way of Racine County grant (Grant Control No. 2008-039) in the amount of \$8,000 to be utilized for the Racine Promise Study.

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

**A motion was made that this Communication be Received and Filed as**

Reported. The motion was **APPROVED**.

08-2804

**Subject:** Communication from the Grant Facilitator requesting to apply for the Racine Community Foundation grant (Grant Control No. 2008-038) in the amount of \$8,000 to be utilized for the Racine Promise Study. (Res.08-1082)

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

**10-27-08:** The Grant Facilitator be authorized and directed to apply for the Racine Community Foundation grant (Grant Control No. 2008-038) in the amount of \$8,000 to be utilized for the Racine Promise Study.

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

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

08-2805

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to purchase playground equipment for Lockwood Park using 2008 surplus operational funds within the Parks, Recreation & Cultural Services Department.

This playground equipment will be installed in 2009. (Res.08-1077)

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

**10-27-08:** The Director of Parks, Recreation & Cultural Services be authorized to purchase playground equipment for Lockwood Park using 2008 surplus operational funds within the Parks, Recreation & Cultural Services Department. Further recommend that \$15,000 from account 101.700.5020 Parks Other Salaries and \$65,000 from account 101.700.5510 Parks Utilities be transferred to account 101.700.5750 Parks Land Improvements.

Fiscal Note: The City's portion will be \$63,230, with a match from the Game Time grant.

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

08-2809

**Subject:** Communication from the Grant Facilitator requesting permission to apply for the Game Time Grant (Grant Control No. 2008-040) in the amount of \$63,230 to be utilized for the purchase of playground equipment for Lockwood Park. (Res.08-1083)

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

**10-27-08:** The Grant Facilitator be authorized and directed to apply for the Game Time grant (Grant Control No. 2008-040) in the amount of \$63,230 to be utilized for the purchase of playground equipment for Lockwood Park.

Fiscal Note: A \$63,230 match required on the part of the City.

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

**08-2810**

**Subject:** Communication from the Grant Facilitator requesting permission to accept \$63,230 from the Game Time 2008 Fighting Obesity Grant (Grant Control No. 2008-040) to be utilized for the purchase of playground equipment for Lockwood Park. (Res.08-1084)

**Recommendation of the Finance & Personnel Committee on 10-27-08:** The Mayor and City Clerk be authorized and directed to enter into a \$63,230 agreement with the Game Time 2008 Fighting Obesity Grant (Grant Control No. 2008-040) to be utilized for the purchase of playground equipment for Lockwood Park.

Fiscal Note: A \$63,230 match required on the part of the City.

**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 Thomas Friedel that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**NON VOTING:** 1 - Maack

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

**08-2629**

**Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 50-07 (K7-058), City Hall Annex - Photovoltaic Generation System, Magaw Electric Construction, Inc., contractor. (Res.08-1088)

**Recommendation of the Public Works and Services Committee on 9-30-08 and 10-14-08:** Defer

**Recommendation of the Public Works and Services Committee on 10-28-08:** That the work of Magaw Electric Construction, Inc., under Contract 50-07 (K7-058), City Hall Annex - Photovoltaic Generation System, be accepted and final payment authorized for a total contract amount of \$341,934.00, from funds heretofore appropriated.

**Fiscal Note:** Contract was authorized under Resolution No. 07-0482, dated November 6, 2007.

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

08-2760

**Subject:** Communication from Angel Georgian opposing the alternate street parking restrictions and would like to air her concerns regarding this matter.

**Recommendation of the Public Works and Services Committee on 10-28-08:** The communication be received and filed.

**Fiscal Note:** Not applicable.

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

08-2783

**Subject:** Communication from the Chief Building Inspector wishing to discuss proposed changes to the Electrical Ordinance. (Ord.17-08)

**Recommendation of the Public Works and Services Committee on 10-28-08:** That the Electrical Code be updated by amending the following sections of the Municipal Code of the City of Racine, as recommended:

Sec. 18-671. Residential electrical wiring work.  
Sec. 22-381. License or permit required.

**Fiscal Note:** Not applicable.

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

08-2789

**Subject:** Communication from the Downtown Racine Corporation requesting permission to close city streets for the annual Holiday Parade on November 8, 2008. (Res.08-1086)

**Recommendation of the Public Works and Services Committee on 10-28-08:** Permission be granted to the Downtown Racine Corporation to close Ontario Street, State Street between Erie Street and Main Street, Main Street between State Street and Sixth Street, and Sixth Street between Main Street and City Hall, on Saturday, November 8, 2008, from 4:00 p.m. to 6:30 p.m., for their annual Downtown Holiday Parade on the following conditions:

- 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. 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.**

08-2792

**Subject:** Communication from the Commissioner of Public Works/City Engineer wishing to discuss the debarment of a contractor from City of Racine public works projects.

**Recommendation of the Public Works and Services Committee on 10-28-08:** That the City proceed to hold a due process hearing on the potential debarment of John's Concrete, Inc. from bidding on public works contracts in accordance with Section 46-40, Debarment, of the Municipal Code.

**Fiscal Note:** Not applicable.

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

08-2800

**Subject:** Communication from the Assistant Commissioner of Public Works/Operations submitting a PECFA reimbursement for underground storage tank remediation at 1420 State Street. (Res.08-1089)

**Recommendation of the Public Works and Services Committee on 10-28-08:** The communication be received and filed.

**Fiscal Note:** The City of Racine received an additional check in the amount of \$6,238.06 for underground storage tank remediation at 1420 State Street.

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

08-2811

**Subject:** Communication from Globe Contractors, Inc. requesting an extension of time for use of the Michigan Boulevard Parking Lot in connection to City of Racine projects. (Res.08-1087)

**Recommendation of the Public Works and Services Committee**

**on 10-28-08:** That the agreement to utilize the Walker site, which was approved through Resolution 08-0666 dated March 4, 2008, and amended through Resolution 08-0909, be amended with the following condition:

1. That the date be extended to June 1, 2009.

**Fiscal Note:** Not applicable.

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

**08-2825**

**Subject:** Res. 08-1075, dated October 21, 2008, regarding alley and street improvements at:

**PORTLAND CEMENT CONCRETE PAVING**

**Hillcrest Circle** from Wright Avenue to cul-de-sac

**Alley** - Washington Avenue to 16th Street; Packard Avenue to Phillips Avenue

**BITUMINOUS CONCRETE PAVING**

**Kings Circle** from Oakwood Drive to cul-de-sac

**Recommendation of the Public Works and Services Committee**

**on 10-28-08:** That Resolution No. 08-1075, of October 21, 2008, be adopted.

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

**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 Gregory Holding that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**NON VOTING:** 1 - Maack

**08-2826**

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

**Recommendation of the Public Works and Services Committee**

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

Further recommend that this item be referred to the City Plan Commission for consideration.

**Fiscal Note:** Not applicable.

**This Communication was Referred to the City Plan Commission**

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

08-2476

**Subject:** (Direct Referral) The following renewal application for "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor Licenses for 2008-2009.

Wilbur Jones                      501 High Street  
(Vipers Lounge)

**Recommendation of the Public Safety & Licensing Committee on 08-25-08:** That the renewal application for "Class B" Fermented and Intoxicating Liquor for Vipers Lounge, 501 High Street, be referred to a due process hearing to consider non-renewal or suspension of the license.

IN THE MATTER OF:

Hearing on the License of Viper's Lounge for "Class B" Intoxicating Liquor and Fermented Malt Beverage License for 501 High Street, Racine, Wisconsin.

**Recommendation of the Public Safety & Licensing Committee on 10-27-08:** That the "Class B" intoxicating liquors and fermented malt beverages license for Wilbur Jones, doing business as Viper's Lounge at 501 High Street, Racine, Wisconsin be nonrenewed.

**Fiscal Note:** The approximate cost is \$8,000.00.

*Alderman Shakoor requested that item 08-2476 be considered separately.*

*Mr. Jones was given the opportunity to speak to council members.*

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

**AYES:** 10 - Kaplan, Weidner, McCarthy, DeHahn, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**NOES:** 4 - Coe, Anderson, Shields and Shakoor, II

**NON VOTING:** 1 - Maack

08-2843

**Subject:** (Direct Referral) Presentation of "The Club" agreement by City Attorney Weber.

**Recommendation of Public Safety & Licensing Committee on 10-28-08:** That the settlement agreement be accepted with the following amendment: that the agreement be accepted contingent on verification to the City Council that the video equipment is operative.

**Fiscal Note: N/A**

*Alderman Shakoor requested that item 08-2843 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:** 12 - Coe, Anderson, Shields, Kaplan, Weidner, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Hart

**NOES:** 2 - McCarthy and Mozol

**NON VOTING:** 1 - Maack

**Traffic Commission Report, by Ald. Holding**

[07-0184](#)

**Subject:** (Direct Referral) Communication from the Mayor wishing to discuss the elimination of parking restrictions on Memorial Drive, north of State Street.

**Recommendation (2-19-07):** Defer

**Recommendation (10-20-08):** Receive and file.

**Fiscal Note:** N/A

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

[08-2472](#)

**Subject:** Communication from the Alderman of the 4th District, submitting a petition on behalf of his constituents, requesting a 4-way stop sign be placed at the intersection of Hagerer St. and Green St.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

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

[08-2531](#)

**Subject:** Communication from the Alderman of the 10th District requesting a new stop sign on Gillen Street at Madison Street.

**Recommendation (9-15-08):** Defer



**Recommendation (10-20-08):** Receive and file.

**Fiscal Note:** N/A

*Alderman Friedel requested that item 08-2531 be deferred until the next Council meeting.*

**This Communication was Referred to the Common Council**

[08-2614](#)

**Subject:** Communication from the Alderman of the 6th District on behalf of the residents at the intersection of Clarence, Columbia and Carmel Streets for additional traffic signs.

**Recommendation (9-15-08):** Defer

**Recommendation (10-20-08):** Receive and file.

**Fiscal Note:** N/A

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

[08-2729](#)

**Subject:** Communication from Anita Vital, Education Manager for the Racine/Kenosha Community Action Agency Head Start Program, requesting a "No Parking/Bus Loading Zone" sign be placed at 1923 Green Street.

**Recommendation:** The request to install "No stopping, standing or parking from 7:30 A.M. to 4:30 P.M. on any school day except for school buses and mass transit vehicles owned and operated by the City" on Green Street, east side, from Yout Street south 130 feet be granted.

**Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

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

[08-2830](#)

**Subject:** In accordance with Section 2-95 of the Municipal Code of the general ordinances of the City of Racine, recommends that the following requests for changes in traffic code be granted:

**A. Recommends that Section 94-141 (9) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No stopping, standing or parking from 7:30 A.M. to 4:30 P.M. on any school day except for school buses and mass transit vehicles owned and operated by the City" be amended:**

**By Including:**

**1. Green Street, east side, from Yout Street south 130 feet.**

**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 Gregory Holding that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**NON VOTING:** 1 - Maack

**City Plan Commission Report, by Ald. Holding****08-2833**

**Subject:** (Direct Referral) Proposal to rezone the property at 3500 Kinzie Avenue from R-2 Single Family Residential District to R-2 with a FD Flex Development Overlay District. (ZOrd.012-08)

**Recommendation of the City Plan Commission on 10-29-08:** That an ordinance be prepared and a public hearing scheduled.

**Fiscal Note:** N/A

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

**08-2834**

**Subject:** (Direct Referral) Request by Robert Brooks seeking a conditional use permit for an establishment conducting sales, service and repair of appliances and upholstery repair at 1535 Douglas Avenue. (Res.08-1090)

**Recommendation of the City Plan Commission on 10-29-08:** That this item be approved subject to staff recommendations.

**Fiscal Note:** N/A

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

**08-2836**

**Subject:** (Direct Referral) Proposal to rezone the property at 2932 Northwestern Avenue from O-Restricted Office District to O with a FD Flex Development Overlay District. (ZOrd.013-08)

**Recommendation of the City Plan Commission on 10-29-08:** That an Ordinance be prepared and a public hearing scheduled.

**Fiscal Note:** N/A

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

[08-2859](#)

**Subject:** (Direct Referral) Ord. 14-08 An ordinance addressing the height of detached accessory buildings.

**Recommendation of the City Plan Commission on 10-29-08:** That the ordinance be Adopted.

**Fiscal Note:** N/A

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

Council Action

A motion was made by Alderman Gregory Holding that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**NON VOTING:** 1 - Maack

### Community Development Committee Report, by Ald. Friedel

[08-2630](#)

**Subject:** (Direct Referral) Development of 2009 CDBG program budget. (Res.08-1076)

**Recommendation of the Community Development Committee on 10-16-08:** That the recommended allocations of the 2009 Community Development Block Grant funds for public and non-public service activities be approved. If the funds received are in excess of those allocated, the funds be placed in the Local Option contingency fund, and if the funds received are less than those allocated, the Local Option contingency fund be reduced accordingly.

**Further,** that the appropriate City officials be authorized and directed to execute and submit the appropriate documents on the City's behalf to the U.S. Department of Housing and Urban Development (HUD) to secure the City's 2009 Community Development Block Grant funds.

**Further,** that the appropriate City officials be authorized to execute third-party contracts with agencies approved for the use of the 2009 Community Development Block Grant funds.

**Fiscal Note:** The City anticipates receiving a grant of \$1,975,000.

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

**AYES:** 13 - Coe, Anderson, Kaplan, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**ABSTENTIONS:** 1 - Shields

**NON VOTING:** 1 - Maack

### **Cemetery Commission Report, by Ald Weidner**

[08-2754](#)

**Subject: Direct Referral:** Bids for Contract 55-08 (K8-065) (R1) Garden Crypt and Niche Addition at Mound Cemetery. (Res.08-1078)

**Recommendation of the Public Safety & Licensing Committee on 10-13-08:** That Contract 55-08 (K8-065), Garden Crypt and Niche Addition at Mound Cemetery, be awarded to Bane-Nelson, Inc., Kenosha, WI, at their bid price of \$1,333,000,00, they being the second lowest responsible bidder.

Further recommend Mork Mausoleum Construction, Inc., the lowest responsible bidder be released of any liabilities and their bid bond be returned without malice and the item be referred to Finance and Personnel and the Cemetery Board.

**Recommendation of the Finance & Personnel Committee on 10-27-08:** That Contract 55-08 (K8-065) Garden Crypt and Niche Addition at Mound Cemetery be awarded to Bane-Nelson, Inc., Kenosha, WI, at their bid price of \$1,333,000 plus their alternate bid of \$20,000 for a total Contract price of \$1,353,000, they being the second lowest responsible bidder. Further recommend that the indoor niche construction be held in abeyance to allow for contingencies. Further recommend that Mork Mausoleum Construction, Inc., the lowest responsible bidder be released of any liabilities and their bid bond be returned without malice.

**Recommendation of Board of Cemetery Commission:** To approve.

**Fiscal Note:** Funds are available in account 207.000.5760, Mound Crypts.

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

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**NON VOTING:** 1 - Maack

## **H. Consent Agenda - Resolutions**

**Res.08-1076**

Allocation of 2009 Community Development Block Grant (CDBG) Funds

Resolved, that the allocation of Community Development Block Grant funds for public and non-public service activities be approved. If funds received are in excess of those allocated, the funds be placed in the Local Option Contingency Fund, and if the funds received are less than those allocated, the Local Option Contingency Fund be reduced accordingly.

Further resolved, that the appropriate City officials be authorized and directed to execute and submit the appropriate documents on the City's behalf to the U.S. Department of Housing and Urban Development (HUD) to secure the City's 2009 Community Development Block Grant funds.

Further resolved, that the appropriate City officials be authorized and directed to execute third-party contracts with agencies approved for the use of the 2009 Community Development Block Grant funds.

Fiscal Note: The 2009 Community Development Block Grant is estimated to be \$1,975,000.

Sponsors: David L. Maack

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

**AYES:** 13 - Coe, Anderson, Kaplan, Weidner, McCarthy, DeHahn, Shakoore, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**ABSTENTIONS:** 1 - Shields

**NON VOTING:** 1 - Maack

**Res.08-1077**

Director of Parks authorized to purchase playground equipment for Lockwood Park

Resolved, that the Director of Parks, Recreation & Cultural Services be authorized to purchase playground equipment for Lockwood Park using 2008 surplus operational funds within the Parks, Recreation & Cultural Services Department. The playground equipment will be installed in 2009.

Further resolved, that \$15,000 from Account 101.700.5020, Parks Other Salaries, and \$65,000 from Account 101.700.5510, Parks Utilities, be transferred to Account 101.700.5750, Parks Land Improvements.

Fiscal Note: The City's portion will be \$63,230, with a match from the Game Time grant.

Sponsors: Thomas Friedel

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

**Res.08-1078**

Contract for Garden Crypt and Niche Addition at Mound Cemetery be

awarded to Bane-Nelson, Inc.

Resolved, that Contract 55-08 (K8-065) Garden Crypt and Niche Addition at Mound Cemetery be awarded to Bane-Nelson, Inc., Kenosha, WI, at their bid price of \$1,333,000 plus their alternate bid of \$20,000, for a total Contract price of \$1,353,000, they being the second lowest responsible bidder.

Further resolved, that the indoor niche construction be held in abeyance to allow for contingencies.

Further resolved, that Mork Mausoleum Construction, Inc., the lowest responsible bidder, be released of any liabilities and their bid bond be returned without malice.

Fiscal Note: Funds are available in Account 207.000.5760, Mound Crypts.

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

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

**Res.08-1079**

Permission granted to enter into agreements with Villages of Elmwood Park and Wind Point to provide Level 1 Health Services

Resolved, that the Mayor and City Clerk be authorized and directed to enter into agreements with the Villages of Elmwood Park and Wind Point to provide Level 1 Health Services from January 1, 2009 through December 31, 2009.

Fiscal Note: There is a 5% increase from last year.

Sponsors: Thomas Friedel

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

**Res.08-1081**

Permission for Grant Facilitator to apply for United Way of Racine County Grant for the Racine Promise Study

Resolved, that the Grant Facilitator be authorized and directed to apply for the United Way of Racine County grant (Grant Control No. 2008-039) in the amount of \$8,000 to be utilized for the Racine Promise Study.

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

Sponsors: Thomas Friedel

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

**Res.08-1082**

Permission for Grant Facilitator to apply for the Racine Community Foundation Grant for Racine Promise Study

Resolved, that the Grant Facilitator be authorized and directed to apply

for the Racine Community Foundation grant (Grant Control No. 2008-038) in the amount of \$8,000 to be utilized for the Racine Promise Study.

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

Sponsors: Thomas Friedel

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

**Res.08-1083**

Permission for Grant Facilitator to apply for Game Time Grant

Resolved, that the Grant Facilitator be authorized and directed to apply for the Game Time grant (Grant Control No. 2008-040) in the amount of \$63,230 to be utilized for the purchase of playground equipment for Lockwood Park.

Fiscal Note: A \$63,230 match required on the part of the City.

Sponsors: Thomas Friedel

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

**Res.08-1084**

Permission for Grant Facilitator to accept Game Time 2008 Fighting Obesity Grant and Mayor and City Clerk enter into agreement

Resolved, that the Grant Facilitator be authorized and directed to accept the Game Time 2008 Fighting Obesity Grant and that the Mayor and City Clerk be authorized and directed to enter into a \$63,230 agreement with the Game Time 2008 Fighting Obesity Grant (Grant Control No. 2008-040) to be utilized for the purchase of playground equipment for Lockwood Park.

Fiscal Note: A \$63,230 match required on the part of the City.

Sponsors: Thomas Friedel

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

**Res.08-1086**

Permission for Downtown Racine Corporation to close City Streets for annual Holiday Parade and execute Hold Harmless Agreement

Resolved, that permission be granted to the Downtown Racine Corporation to close Ontario Street, State Street between Erie Street and Main Street, Main Street between State Street and Sixth Street, and Sixth Street between Main Street and City Hall, on Saturday, November 8, 2008, from 4:00 p.m. to 6:30 p.m., for their annual Downtown Holiday Parade on the following conditions:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;

- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. Sponsor shall notify all abutting property occupants 72 hours in advance of the event;
- E. The sponsor shall be responsible for the signing of the necessary detours for the State Highway route;
- F. The sponsor shall pay a \$750 special event fee.

Further resolved, 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: Gregory Holding

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

**Res.08-1087**

Permission for an extension of time for Globe Contractors use of Michigan Boulevard Parking Lot in connection with City of Racine projects

Resolved, that the agreement to utilize the Walker site, which was approved through Resolution 08-0666 dated March 4, 2008, and amended through Resolution 08-0909, with Globe Contractors, Inc., be amended with the following condition:

1. That the date be extended to June 1, 2009.

Fiscal Note: Not applicable.

Sponsors: Gregory Holding

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

**Res.08-1088**

Work be accepted on contract for City Hall Annex-Photovoltaic Generation System, Magaw Electric, contractor, and final payment authorized

Resolved, that the work of Magaw Electric Construction, Inc., under Contract 50-07 (K7-058), City Hall Annex - Photovoltaic Generation System, be accepted and final payment authorized for a total contract amount of \$341,934.00, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 07-0482, dated November 6, 2007.

Sponsors: Gregory Holding

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



**Res.08-1089**

Permission to accept PECFA reimbursement for underground storage tank remediation at 1420 State Street

Resolved, that permission be granted for the City of Racine to accept a PECFA reimbursement check in the amount of \$6,238.06 for underground storage tank remediation at 1420 State Street.

Fiscal Note: The City of Racine received an additional check in the amount of \$6,238.06 for underground storage tank remediation at 1420 State Street.

Sponsors: Gregory Holding

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

**Res.08-1090**

Conditional Use Permit for 1535 Douglas Avenue

Resolved, that a Conditional Use Permit to operate an establishment conducting repair, sales and service of appliances and repair of upholstery at 1535 Douglas Avenue be approved, subject to the following conditions:

- a. That the plans received October 8, 2008 and presented to the Access Corridor Development Review Committee on October 23, 2008 and the Plan Commission on October 29, 2008, be approved subject to the conditions contained herein.
- b. That all applicable permits be obtained from the Building Inspection Department.
- c. That the outside repair of vehicles and storage of vehicle parts, materials, appliances and equipment be prohibited.
- d. That all aspects of the operation of this business be conducted indoors including vending machines, product displays or sales.
- e. That the sale of vehicles and the performance of body work and painting of vehicles be prohibited at this location and repair of vehicles be limited to the installation of seats being reupholstered.
- f. That only employee vehicles, and customer vehicles awaiting repair shall be permitted to be parked or stored on site, and for no longer than 5 days. Outdoor storage of vehicles for more than 5 days is prohibited.
- g. That vehicles be confined to spaces that are striped, and that vehicles be positioned in a manner that does not constrict traffic circulation on the property.
- h. That the maximum hours of operation for the facility be from 7:00 a.m. to 8:00 p.m. Monday through Saturday, and no hours on Sunday.

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

j. That all signs building upgrades be professionally undertaken, comply with the zoning ordinance and design guideline requirements and be submitted to the Access Corridor Development Review Committee for review and approval. Plans for building upgrades are to be submitted by November 15, 2008. All upgrades are to be implemented by May 1, 2009.

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

l. 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.

m. That the two front windows be replaced within one year.

n. That a landscape plan be submitted to the Director of City Development for review and approval.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

#### Council Action

**A motion was made by Alderman Thomas Friedel that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**NON VOTING:** 1 - Maack

## I. Resolutions

### Res.08-1080

Permission for Grant Facilitator to apply for SC Johnson Grant for the Ways to Work Program

Resolved, that the Grant Facilitator be authorized and directed to apply for the SC Johnson grant (Grant Control No. 2008-037) in the amount of \$50,000 to be utilized for the Ways to Work Program.

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

Sponsors: Thomas Friedel

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

**AYES:** 12 - Coe, Anderson, Shields, Kaplan, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**NOES:** 2 - Weidner and McCarthy

**NON VOTING:** 1 - Maack

**Res.08-1085**

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$7,680,000 GENERAL OBLIGATION REFUNDING BONDS

WHEREAS, the Common Council of the City of Racine, Racine County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of refinancing certain outstanding obligations of the City, to wit: the \$7,600,000 Note Anticipation Notes, dated July 22, 2008 (the "Refunded Obligations") (hereinafter the refinancing of the City's Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost; and

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

WHEREAS, cities are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations; and

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 to sell general obligation refunding bonds to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of its bond purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

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

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of SEVEN MILLION SIX HUNDRED EIGHTY THOUSAND DOLLARS (\$7,680,000) from the Purchaser in accordance with the terms and conditions of the Proposal which is hereby accepted and the Mayor and City Clerk/Treasurer or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk/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, general obligation refunding bonds aggregating the principal amount of SEVEN MILLION SIX HUNDRED EIGHTY THOUSAND DOLLARS (\$7,680,000) (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds"; shall be dated December 9, 2008; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; shall bear interest at the rates per annum; and shall mature on December 1 of each year, in the years and principal amounts as set forth on the schedule attached hereto as Exhibit B and

incorporated herein by this reference (the "Schedule"). Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2009. 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 3. Redemption Provisions. The Bonds maturing on December 1, 2019 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on December 1, 2018 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP (the "Mandatory Redemption Provisions") and incorporated herein by this reference.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2008 through 2021 for the payments due in the years 2009 through 2022 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund. Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$7,680,000 General Obligation Refunding Bonds, dated December 9, 2008" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds 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 Bonds; (ii) any premium which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform 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 Bonds 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 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. 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 Bonds 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.

Section 8. 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 Bonds 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 Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and their ownership, management and use will not cause the Bonds or the Refunded Obligations 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 Bonds 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 Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds 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 Bonds 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 Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Execution of the Bonds; Closing. The Bonds shall be issued 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 Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the

Closing.

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

Section 12. Persons Treated as Owners; Transfer of Bonds. The City shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the City Clerk/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 Bond or Bonds 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 Bond surrendered for transfer.

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

Section 13. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk/Treasurer's office.

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

Section 16. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter

into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds 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 Bonds).

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

Section 17. Payment of the Refunded Obligations. The Bonds are being issued to refund the Refunded Obligations on their December 15, 2008 maturity date. Proceeds of the Bonds shall be applied to payment of the Refunded Obligations on that date.

Section 18. 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 Bonds in the Record Book.

Section 19. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, 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 Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 20. 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: It is anticipated that General Obligation Bonds totaling \$7,680,000 maturing over a 15 year period will be issued.

Sponsors: Thomas Friedel

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

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol



NON VOTING: 1 - Maack

**J. Ordinances**

Ord.16-08

Ordinance No. 16-08

To amend Sec. 2-64 of the Municipal Code of the City of Racine, Wisconsin relating to Administration - Order of business.

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

Part 1:

Sec. 2-64 of the Municipal Code of the City of Racine is hereby amended by inserting a new subsection "(3) Invocation or silent meditation", and by renumbering existing subsections "(3) - (12)" accordingly.

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: Jim Kaplan

**Referred to Committee of the Whole**

Ord.17-08

Ordinance No. 17-08

To amend Sec. 18-671 and Sec. 22-381 of the Municipal Code of the City of Racine, Wisconsin relating to Residential Electrical Wiring Work.

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

Part 1:

Sec. 18-671 of the Municipal Code of the City of Racine is hereby amended as follows:

By deleting in the first paragraph wherever it appears, “(11)” and inserting “(14)” in its place, and by deleting the phrase “increase in amperage” and inserting the word “modification” in its place.

Amend “(1)” by deleting “including both service conductors and equipment. Disconnecting means shall be provided and shall consist of a single main disconnecting means for a service in a multi-occupancy dwelling, up to and including six units, or, if over six units, a single service main shall be installed. The disconnection means shall be located at a readily accessible point nearest to the entrance of the conductors, either inside or outside the building.” and by adding at the end of the paragraph, the following sentence, “All services that are through-the-soffit shall be a minimum 2-inch IMC or rigid conduit. Metal tripods or 4 by 4 supports shall not be used.”

Amend “(2)” by adding after the word “two,” the phrase “20 ampere.”

Amend “(5) a.” by deleting “2” and inserting “3.” in its place, and in “(5) d.” by adding at the end of the sentence, “on adjacent/opposite walls.”

Amend “(6)” by deleting the phrase “that are replaced, that are within six feet of the kitchen sink” ,,,

Amend “(11)” by deleting the phrase “the three-wire grounded type. New receptacles installed in a garage shall be”... and by adding the following sentence at the end of the paragraph, “All garages shall have a disconnecting means.”

Amend at the end of the section by adding the following:

“(12) Closet lights and outdoor receptacles shall conform to current N.E.C. and Wisconsin Department of Commerce.

(13) Any other code violations inside or outside the premise shall be corrected.

(14) All banded/round meter sockets shall be replaced.”

Part 2:

Section 22-381 of the Municipal Code of the City of Racine is hereby amended by deleting in the “Exception” statement, the phrase “one and two” and inserting the word “single” in its place.

Part 3:

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

Passed by the Common Council:

\_\_\_\_\_

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

\_\_\_\_\_  
Mayor

Attest:

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

Fiscal Note: N/A

Sponsors: Gregory Holding

**Referred to Public Works and Services Committee**

**ZOrd.012-08**

An Ordinance rezoning 3500 Kinzie Avenue

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

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

Part 1:

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

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

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

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

\_\_\_\_\_  
Mayor

Attest:

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

Fiscal Note: N/A

Sponsors: Gregory Holding

**Referred to City Plan Commission**

**ZOrd.013-08**

An Ordinance rezoning 2932 Northwestern Avenue

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

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

Part 1:

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

"Block 3 of Wustum Addition Lots 11, 12, and west ½ of adjacent vacated alley, Lots 13, 14, 15, and adjacent vacated alley, Lots 16 , 17,and west ½ of adjacent vacated alley Said land being in the City of Racine, Racine County, Wisconsin" be rezoned from "O" Restricted Office District, to "O" with a FD Flex Development Overlay District, and designated as Supplement No. \_\_\_\_\_, which Supplement is hereby made a part of this ordinance.

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

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

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

**Referred to City Plan Commission**

**K. Miscellaneous Business**

Canvass of the November 4, 2008 General Election.

STATE OF WISCONSIN)  
                                                          ) SS  
COUNTY OF RACINE  )

We, the Board of Canvassers, DO HEREBY CERTIFY that the following statement is correct:

The whole number of votes cast at the General Election that was held on November 4, 2008 for the Referendum regarding “special initiatives overtime” line item in the police department budget is as follows:

YES    NO  
12,921  16,331

RESOLVED, THAT THE ABOVE REFERENDUM FAILED DUE TO LACK OF MAJORITY OF VOTES NEEDED.

Dated this 5th day of November, 2008  
BOARD OF CANVASSERS

GIGI OLIVER  
PATRICIA D. MCMILLIAN  
JANICE M. JOHNSON-MARTIN,  
CITY CLERK

**L. Adjourn**

*The meeting was adjourned at 8:25p.m. by Alderman Shakoor. The next scheduled meeting of the Council is November 18, 2008.*

ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK