



City of Racine Meeting Minutes Common Council

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

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

Tuesday, September 18, 2007

7:00 PM

Room 205, City Hall

A. Call To Order

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

B. Pledge of Allegiance To The Flag

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

C. Approval of Journal of Council Proceedings (Minutes)

to Approve the Minutes

D. Public Comments

*George Meyers
Milton F. Dockery
Ola Bayieou*

E. Communications

[07-1142](#) **Subject:** Monthly Building Report August 2007.

Received and Filed

Refer to Finance and Personnel Committee, by Ald. Friedel

[07-1148](#) **Subject:** Communication from Police Chief Wahlen, requesting to transfer C.I.P. funds.

(Also refer to Public Safety & Licensing Committee.)

Referred to Finance and Personnel Committee

[07-1149](#) **Subject:** Communication from Police Chief Wahlen to waive formal bidding for the purchase of a 911 telephone system.

(Also refer to Public Safety & Licensing Committee.)

Referred to Finance and Personnel Committee

[07-1167](#)

Subject: Communication from the Public Health Administrator requesting permission to accept additional funding from the State of Wisconsin Department of Health and Family Services due to an increase/adjustment in the contracted WIC caseload.

(Also refer to the Board of Health.)

Referred to Finance and Personnel Committee

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

[07-1118](#)

Subject: Communication from the Co-Race Director of the Jingle Bell Run for Arthritis Racine 2007 requesting permission to use City right-of-way on Saturday, December 8, 2007.

Also refer to the Board of Parks, Recreation and Cultural Services.

Referred to Public Works and Services Committee

Referred to Board of Park, Recreation and Cultural Services

[07-1132](#)

Subject: Communication from Gorman & Company, Inc. requesting permission to allow an awning and railing which encroaches on City right-of-way to remain at the State and Main development project.

Referred to Public Works and Services Committee

[07-1133](#)

Subject: Communication from Ronald G. Halvorsen, 3444 8th Avenue, requesting the alley be re-approved for paving.

Referred to Public Works and Services Committee

[07-1144](#)

Subject: Communication from the Alderman of the 12th District requesting the installation of a new street lighting in the 700/800 block of Kentucky Street.

Referred to Public Works and Services Committee

[07-1151](#)

Subject: Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 44-06 (K6-047), Upgrade Temperature and HVAC Controls at Community Centers, Johnson Controls, Inc., contractor.

Referred to Public Works and Services Committee

[07-1162](#)

Subject: Communication from the Alderman of the 14th District requesting a street light in the 1400 block of Ostergaard Avenue.

Referred to Public Works and Services Committee

[07-1169](#) **Subject:** Communication from the Wisconsin Department of Transportation regarding the rerouting of STH 32.

Referred to Public Works and Services Committee

Refer to Transit and Parking Commission, by Ald. DeHahn

[07-1135](#) **Subject:** Communication from Perry Mueller, Disability Specialist for Community Care, Inc., requesting the authorization of D.A.R.T. tickets.

Referred to Transit and Parking Commission

[07-1137](#) **Subject:** Communication from the Transit Planner submitting a contract amendment regarding grant WI-03-0080 (2002).

Referred to Transit and Parking Commission

[07-1138](#) **Subject:** Communication from the Transit Planner wishing to discuss a grant that was awarded for the purchase and installation of bicycle racks on City buses, and a donation of \$1,500 from the KR Bike Club for this project.

Referred to Transit and Parking Commission

[07-1139](#) **Subject:** Communication from the Transit Planner requesting to discuss the City updating its Cooperative Planning Agreement with the Southeast Wisconsin Regional Planning Commission.

Referred to Transit and Parking Commission

[07-1146](#) **Subject:** Communication from the Transit Planner submitting a contract amendment reallocating capital grant funds in grant WI-03-0087 (2004) from Architect/Engineering to a Construction line item in the amount of \$278,462.78

Referred to Transit and Parking Commission

[07-1147](#) **Subject:** Communication from the Transit Planner submitting the August 2007 operating and financial report for the Wisconsin Coach Lines, Kenosha-Racine-Milwaukee intercity bus service.

Referred to Transit and Parking Commission

Refer to City Plan Commission, by Ald. Holding

[07-1170](#) **Subject:** Request by Adams Outdoor Advertising for a comprehensive revision the conditional use permits for its signs in the City of Racine and for the exchange of property in the City.

Referred to City Plan Commission

Refer to Executive Committee, by Ald. Spangenberg

[07-1166](#)

Subject: Communication from Mayor Becker requesting to change the polling place from Janes School to Emmanuel Lutheran Church, 725 High Street beginning with the 2008 Elections.

Referred to Executive Committee

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Friedel

[07-1011](#)

Subject: Request by Wisconsin Housing Preservation Corporation for issuance of bonds by the Elderly Housing Authority for the refinancing and renovation of property in the City.

Recommendation of the Elderly Housing Authority on 8-20-07: That the Common Council of the City of Racine approve the sale of bonds for the benefit of two properties owned by the Wisconsin Housing Preservation Corporation, Oakview Manor Apartments at 4720 Byrd Avenue and Lincoln School Apartments at 1840 State Street (a.k.a 1130 Carlisle Avenue).

Further that Resolution EDH 07-01 be adopted.

Recommendation of the Finance and Personnel Committee on 9-10-07: Approval of the sale of bonds for the benefit of two properties owned by the Wisconsin Housing Preservation Corporation, Oakview Manor Apartments at 4720 Byrd Avenue and Lincoln School Apartments at 1840 State Street (a.k.a. 1130 Carlisle Avenue).

Fiscal Note: The bonds will not be a financial liability of the Authority or the City.

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

[07-1109](#)

Subject: Request from Frank Tingle to make a donation to the City tree fund to offset airplane travel carbon emissions.

Recommendation of the Finance and Personnel Committee on 9-10-07: The City of Racine accept the donation. A revenue fund for the donation of funds to purchase trees will be set up through the Parks &

Recreation Department.

Fiscal Note: N/A

Recommendation of the Board of Parks, Recreation & Cultural Services 9-12-07: that the request be approved and the donation accepted.

Fiscal Note: minimal staff costs

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

07-1112

Subject: Communication from the Assistant City Attorney submitting the claim of Cornelius Gordon and Mary Gordon for consideration.

Recommendation of the Finance and Personnel Committee on 9-10-07: The claim of Cornelius Gordon and Mary Gordon be denied.

Fiscal Note: N/A

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

Council Action

A motion was made by Alderman Thomas Friedel to Adopt the Report.

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

Public Works and Services Committee Report, by Ald. Hart

07-0776

Subject: Communication from the Commissioner of Public Works/City Engineer submitting a request for the City to develop a policy regarding the sale of City owned properties.

Recommendation: The City of Racine adopt the following policy for the sale of excess city property:

POLICY REGARDING THE SALE OF CITY OWNED PROPERTY

The sale of City owned property should be done through a process which is in the best long term interest of the taxpayer and which is conducted in a fair and consistent manner.

Therefore, the following guidelines should be followed whenever City owned property is to be sold.

1. That the parcel of land is declared excess land by the Common Council.
2. That a "Notice of Sale" be published in the official newspaper stipulating the last date by which offers will be accepted.
3. That the City Assessor provide an estimate of fair market value.
4. That all sales are as is. All environmental studies are paid for by the prospective purchaser of the land.
5. That the actual sale price be no less than the City Assessor's estimate of fair market value, or the highest value if multiple proposals are received, unless purchaser agrees to invest dollars to improve the property. Such improvements may include demolition of existing structures, environmental remediation, provision of utilities, landscaping, storm water management, etc., as well as the construction of new buildings on the property.
6. Purchaser agrees to submit a plan for the property which details use, improvements, and a schedule for such improvements.
7. For each amount equal to the purchase price which is proposed to be invested in the improvements to the property or the total development, the sale price may be discounted by 1%.
8. City of Racine maintains the right to repurchase the property for the price paid by the purchaser if purchaser fails to begin development of the property as proposed within 12 months of closing date.
9. City of Racine maintains the right of first option to repurchase the property for the price paid plus the cost of any improvements if purchaser ever sells the property.
10. City of Racine maintains the right to repurchase the property for the price paid plus the cost of any improvements if purchaser fails to complete development within three years of closing date.
11. The sale of City owned property must be approved by a standing committee of the Common Council which shall set or agree to the sale price.
12. All proposed property sales shall then be referred to the City Plan Commission to determine if the proposed sale is in conformity with formally adopted City plans.

Fiscal Note: Not applicable.

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

07-1040

Subject: Communication from James Jackson, 2501 Douglas Avenue, requesting permission to hang flags over the public right-of-way.

Recommendation: The property owner of 2501 Douglas Avenue be granted permission to hang projecting flags over city right-of-way, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

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

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

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

07-1082

Subject: Communication from the Downtown Racine Corporation requesting to close portions of Main Street and Sixth Street for the 5th Annual Party on the Pavement on Saturday, October 6, 2007, from 12:00 p.m. to 7:00 p.m.

Recommendation: Permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 7th Street and Sixth Street from Main Street and Grand Avenue, on Saturday, October 6, 2007, from 7:00 a.m. to 10:00 p.m., for the 5th annual "Party on the Pavement" event.

Further recommends that permission be granted with the following stipulations:

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

F. The sponsor shall pay a special event fee of \$700.00.

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

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

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

07-1083

Subject: Communication from St. Paul Missionary Baptist Church requesting an extension of time to replace sidewalk in the 800 and 900 blocks of Carroll Street.

Recommendation: That an extension of time to September 1, 2008 be given to the property owner of 815, 819, 821, 823, 825, 829, 831, 835, 915 and 930 Carroll Street to complete sidewalk repairs with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A certificate of liability be filed with the City Attorney's office.
- B. A \$250.00 sidewalk extension fee be paid.

Further recommends that if the work is not completed by September 1, 2008, the City of Racine will proceed with the work.

Fiscal Note: Not applicable at this time.

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

07-1129

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 10-07 (K7-010), Gaslight Drive Renovations, Cornerstone Pavers, LLC, contractor.

Recommendation: Change Order No. 1 on Contract 10-07 (K7-010), Gaslight Drive Renovations, Cornerstone Pavers, LLC, contractor, as submitted, be approved in the credit amount of \$3,900.00.

Fiscal Note: Change Order No. 1 will result in a decrease in the contract price.

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

07-1130

Subject: Direct Referral. Communication from the Assistant

Commissioner of Public Works/Engineering submitting a request for Change Order No. 1 on Contract 12-07 (K7-012), 2007 Asphalt Paving, C.D.B.G., Payne & Dolan, Inc., contractor.

Recommendation: Change Order No. 1 on Contract 12-07 (K7-012), 2007 Asphalt Paving, C.D.B.G., Payne & Dolan, Inc., contractor, as submitted, be approved in the credit amount of \$3,900.00.

Fiscal Note: Change Order No. 1 will result in a decrease in the contract price.

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

07-1131

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a request for Change Order No. 2 to Contract 20-07 (K7-023), Local Road Improvement Program, Conerstone Pavers, LLC, contractor.

Recommendation: Change Order No. 2 on Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Pavers, LLC, contractor, as submitted, be approved in the credit amount of \$10,800.00.

Fiscal Note: Change Order No. 2 will result in a decrease in the contract price.

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 Ronald D. Hart to Adopt the Report.

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

Public Safety and Licensing Committee Report, by Ald. Shakoor

07-1032

Subject: (New) Application of Traci L. Mottl of Uptown Transfer, LLC., for a Secondhand Article Dealers License at 1410 Washington Avenue.

Recommendation of the Public Safety & Licensing Committee on 08-27-07: That the item be deferred until the September 10, 2007 meeting.

Recommendation of the Public Safety & Licensing Committee on 09-10-07: That the application of Traci L. Mottl of Uptown Transfer, LLC., for a Secondhand Article Dealers License at 1410 Washington Avenue be

granted.

Fiscal Note: N/A

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

07-1051

Subject: Communication from residents of the area around Wickham Boulevard and Luedtke Avenue wishing to discuss installing video camera in the alley between Wickham Boulevard and Luedtke Avenue due to home break-ins and theft to cars.

**Recommendation of the Public Safety & Licensing Committee on
09-10-07:** That the item be received and filed.

Further recommend that the Police Department keep the committee informed of the research development of the portable cameras.

Fiscal Note: N/A

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

07-1084

Subject: Application of Nicole Woods (The Rhino Bar & Grill, LLC) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1659 N. Main Street. (4th District)

**Recommendation of the Public Safety & Licensing Committee on
09-10-07:** That the Application of Nicole Woods (The Rhino Bar & Grill, LLC) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1659 N. Main Street be granted.

Fiscal Note: N/A

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

07-1094

Subject: Application of Mega Marts, LLC., # 6863, Charles L. Neu, Agent, for a Change of Agent for a "Class A" Retail Fermented Malt Beverage License for 2210 Rapids Drive. (7th District)

**Recommendation of the Public Safety & Licensing Committee on
09-10-07:** That the Change of Agent for Mega Marts, LLC, 2210 Rapids Drive be granted.

Fiscal Note: N/A

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

07-1095

Subject: Application of Bruce R. Veto for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2328 Douglas Avenue. (5th District)

Recommendation of the Public Safety & Licensing Committee on 09-10-07: That the application of Bruce R. Veto for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2328 Douglas Avenue be granted.

Fiscal Note: N/A

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

07-1096

Subject: Application of Spring Street Station, Robert Ruditys, Agent for a Class "A" Retail Fermented Malt Beverage License and Gasoline Station Owner/Managers license for 3441 Spring Street. (9th District)

Recommendation of the Public Safety & Licensing Committee on 09-10-07: That the application of Spring Street Station, Robert Ruditys, Agent for a Class "A" Retail Fermented Malt Beverage License and Gasoline Station Owner/Managers license for 3441 Spring Street be granted.

Fiscal Note: N/A

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

07-1104

Subject: Communication from the Fire Chief to waive formal bidding and instruct the Purchasing Agent to negotiate for the Fire Department on the purchase of a new rescue squad in 2008.

Recommendation of the Finance and Personnel Committee on 9-10-07: Formal bidding be waived and the City's Purchasing Agent negotiate and enter into a contract with Foster Coach for the purchase of a Ford/Medtec Ambulance in 2008.

Recommendation of the Public Safety & Licensing Committee on 09-10-07: That formal bidding be waived and the City's Purchasing Agent negotiate and enter into a contract with Foster Coach for the purchase of a Ford/Medtec Ambulance in 2008.

Fiscal Note: Funds will come from the 2008 CIP funds.

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

07-1105

Subject: Application of Pyte Khampane, Agent for Sticky Rice, 522 Sixth Street to amend Premise Description to include the adjacent parking lot on the eastside of the building.

Recommendation of the Public Safety & Licensing Committee on 09-10-07: That the application of Pyte Khampane, Agent for Sticky Rice, 522 Sixth Street to amend Premise Description to include the adjacent parking lot on the eastside of the building be granted.

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 Q.A. Shakoor II to Adopt the Report.

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

Community Development Committee Report, by Ald. Spangenberg

07-1114

Subject: Request of Racine Friendship Clubhouse, Inc. for a revision of its 2006 Community Development Block Grant Agreement.

Recommendation of the Community Development Committee on 9-13-07: That the request of Racine Friendship Clubhouse, Inc. to add energy conservation measures to its scope of services be approved.

Fiscal Note: There are sufficient funds available for this action.

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

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

NOES: 1 - Weidner

Redevelopment Authority of the City of Racine Report, by Ald. Spangenberg

07-0990

Subject: (Direct Referral). Request of the Dorsey Group, LLC to submit a development proposal for the Authority's property at 1321 State Street.

Recommendation of Redevelopment Authority on 8-1-07: That this

item be deferred.

Recommendation of the Redevelopment Authority on 9-5-07: That the action of the Redevelopment Authority granting a 12 month option to the Dorsey Group, LLC/Commonwealth Development Corporation on the property at 1321 State Street (parcel ID no. 03200004) under the terms and conditions set forth in Authority resolution 07-18 be approved.

Fiscal Note: The developer will pay \$1,660.00 for the option. Sale price for the property will be specified in the development agreement to be negotiated but is expected to be between \$75,000 and \$80,000 some or all of which may be deferred.

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

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

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

07-1050

Subject: Request of the Alderman of the Eleventh District for improved signage at the City of Racine Dog Park, welcoming visitors and stating that this is a City of Racine park and promoting Racine's downtown and other attractions.

Recommendation of the Board of Parks, Recreation & Cultural Services 9-12-07: that the request be approved.

Fiscal note: to be determined

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

07-1143

Subject: Direct Referral: Request of the Alderman of the first district to meet with the Board of Parks, Recreation & Cultural Services to discuss a change in the hours of the operation of the Pershing Park boat launch parking lot.

Recommendation of the Board of Parks, Recreation & Cultural Services 9-12-07: that the request be approved.

Fiscal note: N/A

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

[07-1145](#)

Subject: Direct Referral: Department of Parks, Recreation & Cultural Services Procedure for Disposing of Excess Property

Recommendation of the Board of Parks, Recreation & Cultural Services 9-12-07: that the plan be approved.

Fiscal note: N/A

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

[07-1150](#)

Subject: Direct Referral: Communication from Melissa Warner in regard to proposed Zoo parking at Lakeview Park.

Recommendation of the Board of Parks, Recreation & Cultural Services 9-12-07: that the communication be received and filed.

Fiscal note: N/A

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

Council Action

A motion was made by Alderman Aron Wisneski to Adopt the Report.

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

G. Resolutions

[Res.07-0408](#)

Waive formal bidding procedures for purchase of Smart Cyclor Add-On Processing Block for DIA

Resolved, that formal bidding procedures be waived and the Purchasing Agent be authorized and directed to negotiate directly with Cepheid for the purchase of one Smart Cyclor Add-On Processing Block for DIA and to transfer \$30,000 from account 101.490.5320, Health Department, Professional Supplies-Laboratory, to account 101.490.5770, Health Department Capital Outlay, Machinery and Equipment.

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

Alderman DeHahn requested that the resolution be amended to add after DIA the following:

"and to transfer \$30,000 from account 101.490.5320, Health Department, Professional Supplies-Laboratory, to account 101.490.5770, Health Department Capital Outlay,

Machinery and Equipment."

A motion was made by Alderman DeHahn that the Resolution be Adopted as Amended.

Res.07-0409 Waive formal bidding procedures for purchase of ambulance

Resolved, that formal bidding procedures be waived and that the City's Purchasing Agent be authorized to negotiate and enter into a contract with Foster Coach for the purchase of a Ford/Medtec Ambulance in 2008.

Fiscal Note: Funds will come from the 2008 CIP funds.

A motion was made by Alderman Shakoor that the Resolution be Adopted.

Res.07-0410 Approve Rental Housing Projects of the Elderly Housing Authority of the City of Racine, Wisconsin, and the Issuance of Revenue Bonds by Said Authority for the Financing Thereof

Whereas, Wisconsin Housing Preservation Corp., a Wisconsin nonstock corporation (the "Borrower"), has requested the Elderly Housing Authority of the City of Racine, Wisconsin (the "Authority") to issue revenue bonds to provide long term financing for a 79-unit rental housing facility for elderly persons located at 4720 Byrd Avenue and a 64-unit rental housing facility for elderly persons located at 1840 State Street (collectively, the "Projects") in the City of Racine, Wisconsin (the "City"), which are owned by WHPC-Oakview Manor, LLC and WHPC-Lincoln School, LLC, respectively, each of which is a Wisconsin limited liability company in which the Borrower is the sole member; and

Whereas, on September 10, 2007, a public hearing was held before a designee of the Authority with respect to the issuance of the Revenue Bonds (as hereinafter defined) by the Authority for the purpose of providing financing for the Projects; and

Whereas, notice of such public hearing, in the form attached as Exhibit A hereto and incorporated herein (the "Notice"), was published by at least one insertion in the official newspaper of the City for the publication of notices pursuant to Chapter 985 of the Wisconsin Statutes, which is a newspaper of general circulation in the City, no less than 14 days prior to the date of such public hearing; and

Whereas, such public hearing was conducted in a manner that provided a reasonable opportunity to be heard for persons with differing views on both issuance of the revenue bonds referred to in the Notice (the "Revenue Bonds") and the location and the nature of the Projects, which are to be financed and/or refinanced by the Revenue Bonds; and

Whereas, the representative of the Authority conducted such hearing has made a report of such public hearing to this body, which report this body has

considered; and

Whereas, this body is an elected legislative body of the City; and

Whereas, Wisconsin Statutes sections 66.1213 and 66.1202 to 66.1211 as amended (the "Act"), provide that this body shall approve any housing project to be undertaken by the Authority; and

Whereas, the Revenue Bonds shall be revenue obligations of the Authority payable solely from revenues provided by the Borrower and derived from the Projects and shall not constitute an indebtedness of the City within the meaning of any State constitutional provision or statutory limitation and shall not constitute or give rise to a pecuniary liability, direct or contingent, of any kind or degree whatsoever, of the City or a charge against its general credit or taxing powers.

Now, therefore, be it resolved:

1. Approval of Projects and Issuance of Bonds.

For the purposes of Section 147(f) of the Code and the Act, this body hereby approves the Projects and the financing of the Projects through the issuance of up to \$5,000,000 in principal amount of the Revenue Bonds by the Authority.

2. General Authorizations.

The Mayor and the Clerk and the appropriate deputies and officials of the City in accordance with their assigned responsibilities are hereby each authorized and directed to execute such documents and certifications, and to take such other actions as shall be necessary or desirable to accomplish the purposes of this resolution and the issuance of the Revenue Bonds by the Authority.

Fiscal Note: N/A. The Bonds are not a financial liability of the City or the Authority.

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

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

Res.07-0411 Apply for funding and enter into agreement with Department of Health and Family Services

Resolved, that the Public Health Administrator be authorized and directed to apply and accept funding from the Department of Health and Family Services (Grant Control #2007-044) to be utilized to support pandemic influenza readiness by completing activities defined in the guidance from the Centers for Disease Control.

Further resolved, that the Mayor and City Clerk be authorized and directed to enter into a \$26,296 agreement with the Department of Health and Family

Services (Grant Control #2007-044) to be utilized to support pandemic influenza readiness by completing activities defined in the guidance from the Centers for Disease Control.

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

A motion was made by Alderman Friedel that the Resolution be Adopted.

Res.07-0412 Party on the Pavement Event

Resolved, that permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 7th Street and Sixth Street from Main Street and Grand Avenue, on Saturday, October 6, 2007, from 7:00 a.m. to 10:00 p.m., for the 5th annual "Party on the Pavement" event.

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

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

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

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

A motion was made by Alderman Hart that the Resolution be Adopted.

Res.07-0413 Hold Harmless Agreement for 2501 Douglas Avenue

Resolved, that the property owner of 2501 Douglas Avenue be granted permission to hang projecting flags over city right-of-way, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

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

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

A motion was made by Alderman Hart that the Resolution be Adopted.

Res.07-0414 Hold Harmless Agreement for extension to complete sidewalk repairs

Resolved, that an extension of time to September 1, 2008 be given to the property owner of 815, 819, 821, 823, 825, 829, 831, 835, 915 and 930 Carroll Street to complete sidewalk repairs with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A certificate of liability be filed with the City Attorney's office;
- B. A \$250.00 sidewalk extension fee be paid.

Further resolved, that if the work is not completed by September 1, 2008, the City of Racine will proceed with the work.

Fiscal Note: Not applicable at this time.

A motion was made by Alderman Hart that the Resolution be Adopted.

Res.07-0415 Policy regarding sale of City-owned property

Resolved, that the City of Racine adopt the following policy for the sale of excess city property:

POLICY REGARDING THE SALE OF CITY-OWNED REAL PROPERTY

The sale of City-owned property should be done through a process that is in the best long term interest of the taxpayer and that is conducted in a fair and consistent manner.

Therefore, the following guidelines shall be followed whenever City-owned property is to be sold.

1. That the parcel of land is declared excess land by the Common Council.
2. That a "Notice of Sale" be published in the official newspaper stipulating the last date by which offers will be accepted.
3. That the City Assessor provide an estimate of fair market value.
4. That all sales are as is. All environmental studies are paid for by the prospective purchaser of the land.

5. That the actual sale price be no less than the City Assessor's estimate of fair market value, or the highest value if multiple proposals are received, unless purchaser agrees to invest dollars to improve the property. Such improvements may include demolition of existing structures, environmental remediation, provision of utilities, landscaping, storm water management, etc., as well as the construction of new buildings on the property.
6. Purchaser agrees to submit a plan for the property that details use, improvements, and a schedule for such improvements.
7. For each amount equal to the purchase price that is proposed to be invested in the improvements to the property or the total development, the sale price may be discounted by 1%.
8. City of Racine maintains the right to repurchase the property for the price paid by the purchaser if purchaser fails to begin development of the property as proposed within 12 months of closing date.
9. City of Racine maintains the right of first option to repurchase the property for the price paid plus the cost of any improvements if purchaser ever sells the property.
10. City of Racine maintains the right to repurchase the property for the price paid plus the cost of any improvements if purchaser fails to complete development within three years of closing date.
11. The sale of City-owned property must be approved by a standing committee of the Common Council, which shall set or agree to the sale price.
12. All proposed property sales shall then be referred to the City Plan Commission to determine if the proposed sale is in conformity with formally adopted City plans.

Fiscal Note: Not applicable.

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

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

Res.07-0416 Change Order on contract for Gaslight Drive Renovations

Resolved, that Change Order No. 1 on Contract 10-07 (K7-010), Gaslight Drive Renovations, Cornerstone Pavers, LLC, contractor, as submitted, be approved in the credit amount of \$3,900.00.

Fiscal Note: Change Order No. 1 will result in a decrease in the contract price.

A motion was made by Alderman Hart that the Resolution be Adopted.

Res.07-0417 Change Order on contract for 2007 Asphalt Paving

Resolved, that Change Order No. 1 on Contract 12-07 (K7-012), 2007 Asphalt Paving, C.D.B.G., Payne & Dolan, Inc., contractor, as submitted, be approved in the credit amount of \$3,900.00.

Fiscal Note: Change Order No. 1 will result in a decrease in the contract price.

A motion was made by Alderman Hart that the Resolution be Adopted.

Res.07-0418 Change Order on contract for Local Road Improvement Program

Resolved, that Change Order No. 2 on Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Pavers, LLC, contractor, as submitted, be approved in the credit amount of \$10,800.00.

Fiscal Note: Change Order No. 2 will result in a decrease in the contract price.

A motion was made by Alderman Hart that the Resolution be Adopted.

Res.07-0419 Revision of 2006 Community Development Block Grant Agreement with Racine Friendship Clubhouse

Resolved, that the request of Racine Friendship Clubhouse, Inc., for a revision of its 2006 Community Development Block Grant Agreement to add energy conservation measures to its scope of services be approved.

Fiscal Note: There are sufficient funds available for this action.

A motion was made by Alderman Spangenberg that the Resolution be Adopted.

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

Res.07-0420 Final - Ten (10) Year
Benefits & Damages

Whereas, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 11th day of September, 2007, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

PORTLAND CEMENT CONCRETE PAVING

Queens Court from Lighthouse Drive to the Cul-de-sac.
Oakdale Avenue from Wright Avenue to Athens Avenue.
Hillcrest Circle from Wright Avenue to the Cul-de-sac.
Oakes Road from 16th Street to approximately 3,000' south.
Victorian Drive from Emstan Hills Road to Maryland Avenue.

SEWER AND WATER

Oakdale Avenue from Wright Avenue to Athens Avenue.
Oakes Road from 16th Street to approximately 3,000' south.

SANITARY SEWER

Oakdale Avenue from Wright Avenue to Athens Avenue.

CURB AND GUTTER

Oakes Road from 16th Street to approximately 3,000' south.
Victorian Drive from Emstan Hills Road to Maryland Avenue.

SIDEWALK

Lathrop Avenue from 1703 Lathrop Avenue along back on Monroe Avenue.
West Boulevard from 16th Street to Wright Avenue.
Indiana Street at 2908 Indiana Street.

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

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

6. That the assessments may be paid in cash, or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer with deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per annum.

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

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

Dated _____

Signed _____
Mayor

Published _____

Attest _____
City Clerk

A motion was made to refer to the Public Works and Services Committee

I. Adjourn

The meeting was adjourned at 7:40p.m. by Alderman Shakoor. The next scheduled meeting of the Council is 10-2-07.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK