



City of Racine

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

Meeting Agenda - Final Common Council

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

Tuesday, October 7, 2008

7:00 PM

Room 205, City Hall

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

[08-2722](#) **Subject:** Presentation Award from the Wisconsin Chapter of the American Planning Association for the Uptown Plan and Artist Relocation Project.

E. Communications

[08-2752](#) **Subject:** Monthly Building Report for September, 2008.

Refer to Finance and Personnel Committee, by Ald. Friedel

[08-2376](#) **Subject:** Communication from the Chief of Police, requesting to apply for the 2009 DOT 2009 Alcohol Enforcement Mobilization Grant, grant control # 2008-035).

(Also refer to Public Safety & Licensing Committee.)

[08-2692](#) **Subject:** communication from the City Attorney submitting the claim of Nona Hiler for consideration.

[08-2693](#) **Subject:** communication from the City Attorney submitting the claim of Tracy Houdek for consideration.

[08-2740](#) **Subject:** communication from the City Attorney submitting the claim of

Shannon Figueroa for consideration.

- [08-2695](#) **Subject:** Communication from Mayor Becker requesting to accept the award for Racine Safe Neighborhood Alliance, Weed and Seed grant # 2008-WS-QX-0115 in the amount of \$150,000.
- [08-2700](#) **Subject:** Racine Water Utility Offer to Sell Land
- [08-2712](#) **Subject:** 2009 operating plan and special assessments for the Downtown Business Improvement District - BID No. 1.
- [08-2713](#) **Subject:** 2009 operating plan and special assessments for the West Racine Business Improvement District - BID No. 2.
- [08-2714](#) **Subject:** 2009 operating plan and special assessments for the Uptown Business Improvement District - BID No. 3.
- [08-2723](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from Wisconsin Coastal Management (City Grant Control #2008-033) for the North Beach Bathhouse roof replacement.
- [08-2739](#) **Subject:** Communication from Police Chief, requesting to apply for the DOT 2009 Speed Enforcement Mobilization grant, grant control # 2008-036.
- (Also refer to the Public Safety and Licensing Committee.)
- [08-2743](#) **Subject:** Communication from the Fire Chief requesting permission for the Mayor and City Clerk to accept the 2007 Urban Area Security Initiative Grant in the amount of \$50,000 from the Office of Justice Assistance (OJA). Reference Resolution: 08-1849; Grant Control Number: 2008-009.
- (Also refer to Public Safety and Licensing Committee)
- [08-2745](#) **Subject:** Communication from the Fire Chief requesting permission to apply for and accept a 2008 Urban Area Security Initiative Grant in the amount of \$253,000 for upgrading Mutual Aid radio communications equipment in Racine and Racine County. The Racine Fire Department will be the host agency for this grant. There is no grant match required. Grant Control Number: 2008-****

(Also refer to Public Safety and Licensing)

[08-2751](#) **Subject:** Communication from the Finance Director presenting the 2007 City of Racine's Financial Statements.

[08-2756](#) **Subject:** Communication from the Finance Director requesting to transfer \$25,000 from the Finance Department's Salaries account 101.191.5010 to the Finance Department Building Improvements account 101.191.5760 to be utilized for the design and installation of security upgrades.

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

[08-2701](#) **Subject:** Communication from Debbie Smith, 2236 N. Green Bay Rd., regarding the use of Segways on city property for a tour business.

[08-2705](#) **Subject:** Communication from the Southeastern Wisconsin Regional Planning Commission requesting confirmation of the City of Racine's intent to commit to the local share of the next phase of the KRM project in the amount of \$16,667.00.

[08-2730](#) **Subject:** Communication from CJ Engineering, LLC submitting a Storm Water Management Agreement and Storm Water Calculations for the Woodland Pointe Condominium project.

[08-2732](#) **Subject:** Communication from the Co-Race Director of the Jingle Bell Run for Arthritis Racine 2008 requesting permission to use City right-of-way on Saturday, December 6, 2008.

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

[08-2735](#) **Subject:** Communication from Mike Matson requesting permission to install an awning over city right-of-way at 107 Fourth Street.

[08-2737](#) **Subject:** Communication from the Assistant Commissioner of Public Works/ Engineering wishing to amend Sec. 82-123 required width for sidewalk construction.

[08-2738](#) **Subject:** Communication from Jay Poplawski requesting the right-of-way be vacated at the intersection of Wood Road and Biscayne Avenue in the Georgetown Subdivision.

[08-2755](#) **Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 on Contract 42-08 (K8-050), Roof Replacement at Library, Solid Waste and Incinerator Buildings, Walsdorf Roofing Co., Inc., contractor.

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

[08-2724](#) **Subject:** New Application of Avanti Brothers Wine Company, for a Wholesale License at 2034 Indiana Street, Suite B. (14th District)

[08-2733](#) **Subject: (New)** Application of Javier's Restaurant, Yecenia Ortega, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2815 Durand Avenue. (10th District)

Refer to Traffic Commission, by Ald. Holding

[08-2694](#) **Subject:** Communication from the Alderman of the 11th District, on behalf of Cherie Griffin - 2425 Washington Avenue, wishing to discuss her concerns about the intersection of Washington Avenue and Holmes Avenue.

[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.

Refer to City Plan Commission, by Ald. Holding

[08-2721](#) **Subject:** Communication from the Racine Public Library offering to purchase all available City-owned land not used by the Racine Water Utility bordered by Spring Street, Newman Road and Green Bay Road.

[08-2736](#) **Subject:** Communication from the Eleventh District Alderman requesting to discuss a change in the zoning restrictions on garage heights in the City of Racine.

Refer to Executive Committee, by Ald. Maack

[08-2758](#) **Subject:** Communication from Mayor Becker requesting to change the polling place from Knapp School to Workforce Development, 1717 Taylor Avenue beginning with the November 4, 2008 Election.

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

[08-2686](#) **Subject:** Communication from American Tower Company requesting to erect a lightpole/monopole structure in Lockwood Park for their client Cricket Communications.

[08-2750](#) **Subject:** Communication from Friends of Seniors, Inc. requesting permission to extend their rental lease for one year on the property

located at 201 Goold Street.

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Friedel

08-2498

Subject: (Direct Referral) Communication from Mayor Gary Becker requesting Police Chief Kurt Wahlen to address proactive and reactive steps taken by the Police Department in 2008, and to provide additional funding in the amount of \$200,000 to the Police Department Overtime budget. (Res.08-1030)

Recommendation: that the Item be referred to the Finance and Personnel Committee, with a recommendation that account # 101.311.5030, Overtime Salaries, be increased in budget year 2008 by the amount of \$200,000.00 to be funded by the reserve fund balance for the purpose of providing additional overtime for police officers.

Recommendation of the Finance & Personnel Committee on 09-22-08: Recommend that \$200,000.00 be appropriated from 101.990.5970, Contingency Fund and placed in account 101.311.5030, Police Overtime Salaries.

Fiscal Note: Sufficient funds are available for the transfer.

08-2623

Subject: A communication from the Grant Facilitator requesting permission to apply for the Brownfields Job Training Grant in the amount of \$200,000 (Grant Control No. 2008-032). (Res.08-1031)

Recommendation of the Finance & Personnel Committee on 9-22-08: That the Grant Facilitator be authorized to apply for the Brownfields Job Training Grant in the amount of \$200,000.

Fiscal Note: A soft match on the part of the City is preferred by the funding agency.

08-2638

Subject: Communication from the City Attorney submitting the claim of Janelle Jetzer for consideration.

Recommendation of the Finance & Personnel Committee on 09-22-08: The claim of Janelle Jetzer, be denied.

Fiscal Note: NA

08-2666

Subject: (Direct Referral) Communication from the Director of City Development wishing to discuss the request of Premier Aluminum, LLC,

that the City of Racine issue an industrial revenue bond to assist its expansion in the Olsen Industrial Park. (Res.08-1032 and Res.08-1033)

Recommendation of the Finance & Personnel Committee on

9-22-08: That the City of Racine issue an industrial revenue bond to assist Premier Aluminum, LLC's expansion in the Olsen Industrial Park.

Fiscal Note: No cost to the City.

[08-2687](#)

Subject: (Direct Referral) Communication from the City Attorney requesting authorization to settle the lawsuit filed in U.S. District Court, Eastern District of Wisconsin, under Case No. 05-C-0879, Jimmie Henderson vs. City of Racine, et al. in the amount of \$25,000. (Res.08-1029)

Recommendation of the Finance & Personnel Committee on

09-22-08: That the City Attorney be authorized to settle the lawsuit filed in U.S. District Court, Eastern District of Wisconsin, under Case No. 05-C-0879, Jimmie Henderson vs. City of Racine, et al. in the amount of \$25,000.

Fiscal Note: Sufficient funds are available in account 101.990.5910.

Public Works and Services Committee Report, by Ald. Holding

[08-2604](#)

Subject: Review of a sign proposal for Upurea, Inc. at 304 Main Street. (Res.08-1034)

Recommendation of the Public Works and Services Committee on

9-30-08: That the property owner of 304 Main Street be granted permission to install a stationary, projecting sign, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

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

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

[08-2617](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting a right-of-way plat for street dedication of Oakes Road. (Res.08-1026)

Recommendation of the Public Works and Services Committee on

9-9-08: That Oakes Road, from 16th Street to 21st Street, and more

particularly described as follows, be dedicated for street right-of-way purposes:

That part of the East ½ of the Northwest ¼ and the North ½ of the Southwest ¼ both of section 23, Township 3 North, Range 22 East; Thence North 89° 36'28" East, 1279.99 feet to the Point of Beginning; thence North 89° 36' 28" East, 40.01 feet; thence South 01° 36'45" East, 55.01 feet; thence North 89° 37' 01" East, 40.01 feet; thence South 01° 36' 45" East, 2433.03 feet; thence North 01° 02' 56" East, 99.16 feet; thence South 00° 29' 07" East, 361.72 feet; thence South 81° 38' 54" West, 32.09 feet; thence North 01° 37' 12" West, 16.62 feet; thence South 81° 38' 34" West, 83.81 feet; thence North 01° 39' 09" West, 99.69 feet; thence North 81° 38'43" East, 37.55 feet: thence north 00° 29' 33" West, 256.17 feet; thence North 01° 02' 56" West, 97.59 feet; thence North 01° 36' 45" West, 2489.75 feet to the Point of Beginning. Said land being in the City of Racine, Racine County, Wisconsin. Said described tract containing 5.44 acres more-or-less.

Further recommends that a resolution be introduced to the Common Council and referred to the City Plan Commission.

Recommendation of the City Plan Commission on 9-24-08: That the plat be Approved.

Fiscal Note: N/A.

[08-2624](#)

Subject: Communication from Commissioner of Public Works/City Engineer requesting permission to accept a financial incentive of up to \$50,000.00 for a Renewable Energy Project. (Res.08-1035)

Recommendation of the Public Works and Services Committee on 9-30-08: That the Commissioner of Public Works be authorized and directed to enter into a grant agreement on behalf of the City of Racine with WE Energies and to submit any reports necessary to comply with the WE Energies Customer Incentives Program which will provide up to \$50,000.00 of funding toward the cost of Phase II of the solar voltaic electric generating system for the City Hall Annex.

Fiscal Note: The City's share of this project is included in the 2009 Capital Improvement Program.

[08-2631](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 3 on Contract 13-08 (K8-014), Concrete Street Reconstruction, LaLonde Contractors, contractor. (Res.08-1039)

Recommendation of the Public Works and Services Committee on

9-30-08: That Change Order No. 3 on Contract 13-08 (K8-014), Concrete Street Reconstruction, LaLonde Contractors, contractor, be approved in the amount of \$6,914.12.

Further recommends that funding to defray the cost of this change order be appropriated from Account 988.908.5020, Concrete Pavement Replacement, Miscellaneous Locations.

Fiscal Note: Funds are available as herein delineated.

[08-2640](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting Amendment No. 3 to Contract 41-06 (K6-043), PS - Construction Management Southside Industrial Park Infrastructure, Earth Tech, consultant. (Res.08-1038)

Recommendation of the Public Works and Services Committee on

9-30-08: That Amendment No. 3 on Contract 41-06 (K6-043), Professional Services - Construction Management Southside Industrial Park Infrastructure, Earth Tech, Inc., consultant, as submitted, be approved in the not-to-exceed amount of \$7,600.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 970.000.5060, TID #10, Planning.

Fiscal Note: Funds are available as herein delineated.

[08-2667](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting Change Order No. 1 to Contract 30-08 (K8-034), Central Heating Plant Structural Repairs, Bane-Nelson, Inc., contractor. (Res.08-1041)

Recommendation of the Public Works and Services Committee on

9-30-08: That Change Order No. 1 on Contract 30-08 (K8-034), Central Heating Plant Structural Repairs, Bane-Nelson, Inc., contractor, be approved in the amount of \$41,461.50.

Further recommends that funding to defray the cost of this change order be appropriated from Account 988.220.5030, Central Heating Plant - Structural Repairs.

Fiscal Note: Funds are available as herein delineated.

[08-2688](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 53-08 (K8-061), City Hall Renovations - Phase II (R1).

Recommendation of the Public Works and Services Committee on 9-30-08: That Contract 53-08 (K8-061), City Hall Renovations - Phase II (R1), be awarded to Absolute Construction Enterprises, Inc., Racine, WI, at their bid price of \$1,045,000.00, they being the lowest responsible bidder.

Further recommends that this item be referred to the Finance and Personnel Committee for appropriate funding.

Fiscal Note: Not applicable at this time.

08-2699

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 18-07 (K7-021), Marino Park Storm Sewer/Manhole Repair, Mann Brothers, Inc., contractor. (Res.08-1037)

Recommendation of the Public Works and Services Committee on 9-30-08: That the work of Mann Brothers, Inc., under Contract 18-07 (K7-021), Marino Park Storm Sewer/Manhole Repair, be accepted and final payment authorized for a total contract amount of \$205,986.00 from funds heretofore appropriated.

Fiscal Note: Contract was approved under Resolution 07-0167, dated April 16, 2007.

08-2702

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 46-06 (K6-049), City Hall Data Center Improvements, Ricchio, Inc., contractor. (Res.08-1036)

Recommendation of the Public Works and Services Committee on 9-30-08: That the work of Ricchio, Inc., under Contract 46-06 (K6-049), City Hall Data Center Improvements, be accepted and final payment authorized for a total contract amount of \$449,369.14 from funds heretofore appropriated.

Fiscal Note: Contract was approved under Resolution 06-7356, dated December 19, 2006.

08-2703

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 2 on Contract 14-08 (K8-015), Street Paving, John's Concrete, contractor. (Res.08-1040)

Recommendation of the Public Works and Services Committee on 9-30-08: That Change Order No. 2 on Contract 14-08 (K8-015), Street Paving, John's Concrete, contractor, be approved in the amount of

\$4,013.26.

Further recommends that funding to defray the cost of this change order be appropriated from Account 986.908.5010, Miscellaneous Concrete Paving.

Fiscal Note: Funds are available as herein delineated.

08-2704

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 1 on Contract 26-08 (K8-030), Curb and Gutter Repair, C.D.B.G., D.C. Burbach, Inc., contractor. (Res.08-1042)

Recommendation of the Public Works and Services Committee on 9-30-08: That Change Order No. 1 on Contract 26-08 (K8-030), Curb and Gutter Repair, C.D.B.G., D.C. Burbach, Inc., contractor, be approved in the amount of \$45,676.98.

Further recommends that funding to defray the cost of this change order be appropriated from the following accounts:

\$ 3,168.38 - Account 986.908.5520, Sidewalk Replacement
\$ 1,978.31 - Account 986.908.5010, Miscellaneous Concrete Paving
\$ 4,440.00 - Account 988.908.5530, Crosswalk Ramps
\$36,090.29 - Account 898.030.5510, Curb & Gutter Replacement,
CDBG
\$45,676.98

Fiscal Note: Funds are available as herein delineated.

08-2707

Subject: Direct Referral. Communication from the Alderman of the 12th District requesting to pave the alley bounded by Arthur and Blaine Avenues and Kinzie and Lindermann Avenues with Portland cement concrete pavement.

Recommendation of the Public Works and Services Committee on 9-30-08: That the request of the alderman be granted.

Further recommends that a preliminary resolution be introduced for the paving of the alley bounded by Arthur Avenue, Blaine Avenue, Kinzie Avenue and Lindermann Avenue with Portland Cement Concrete.

Fiscal Note: All costs associated with the paving of the alley are 100% assessable to the abutting property owners.

Public Safety and Licensing Committee Report, by Ald. Shakoor[08-2609](#)

Subject: (Direct Referral) Renewal application of Abdul G. Hafiz, Racine Yellow Cab, LLC, for a Public Passenger Vehicle Operator's Business License.

Recommendation of the Public Safety & Licensing Committee on

09-8-08: That the item be deferred for two weeks.

Recommendation of the Public Safety & Licensing Committee on

09-22-08: That the license be granted.

Fiscal Note: N/A

[08-2612](#)

Subject: The Chief of Police requesting permission to enter into an agreement with Property Room.com Inc. for the auction and disposition of unneeded property and evidence.

Recommendation of the Finance & Personnel Committee on

09-08-08: Permission granted for the Chief of Police to enter into an agreement with Property Room.com Inc. for the auction and disposition of unneeded property and evidence.

Recommendation of Public Safety and Licensing Committee on

9-22-08: That the Chief of Police be granted permission to enter into an agreement with Property Room.com Inc. for the auction and disposition of unneeded property and evidence and the language in the fiscal note be amended.

Fiscal Note of Public Safety and Licensing Committee: There will be no up-front costs to the City. The City will receive a minimum of 50% or more of the winning bid less any applicable fees.

Fiscal Note of Finance & Personnel: There will be no up-front costs to the City with revenues totaling 50% of the winning bid for each item sold.

[08-2627](#)

Subject: (New) Application of 1834 Ventures, Ltd., Lyssa King for a Secondhand Jewelry Dealer License for 5538 Durand Avenue. (14th District)

Recommendation of the Public Safety & Licensing Committee of

09-22-08: That the license be granted.

Fiscal Note: N/A

08-2641

Subject: (New) Application of PJ Doghouse, Inc. (Dog House Sportsbar Grille), Mario Passarelli, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2322 Lathrop Avenue. (11th District)

Recommendation of the Public Safety & Licensing Committee on

09-22-08: That the new application of PJ Doghouse, Inc. (Dog House Sportsbar Grille), for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2322 Lathrop Avenue be approved.

Fiscal Note: N/A

08-2661

Subject:(Direct Referral) Communication from the Purchasing Agent submitting the monthly report for the sale of abandoned vehicles for September 15, 2008.

Recommendation of the Public Safety & Licensing Committee on

09-22-08: That the item be received and filed.

Fiscal Note: This will generate \$5,751.01 in revenues.

08-2696

Subject: Res.08-1018 of September 16, 2008 relating to Chief of Police being granted permission to enter into agreement for auction and disposition of unneeded property and evidence, be approved with an amendment to the language of the fiscal note to read as follows:

There will be no up-front costs to the City. The City will receive a minimum of 50% or more of the winning bid less any applicable fees.

Recommendation of Public Safety and Licensing Committee on

9-22-08: That Resolution 08-1018 be adopted as amended.

Fiscal Note: There will be no up-front costs to the City. The City will receive a minimum of 50% or more of the winning bid less any applicable fees.

08-2697

Subject: Ord.13-08 of 09-16-08 to repeal and recreate Sec.66-57 and to amend Sec. 66-58 of the Municipal Code of the City of Racine, Wisconsin relating to Possession or Discharge of Weaponry; Concealed Weapon - Possessing dangerous weapon.

Recommendation of the Public Safety and Licensing Committee on

09-22-08: Ordinance 13-08 be adopted.

Fiscal Note: N/A

Traffic Commission Report, by Ald. Holding

08-2473

Subject: Communication from the Alderman of the Fourth District, asking to address parking issues at Racine's Blue Wave Beach (North Beach) during special events.

Recommendation of the Public Safety & Licensing Committee on 08-11-08: That the item be referred to the Traffic Committee.

Fiscal Note: N/A

Recommendation of the Traffic Commission (9-15-08): Refer to the Board of Park, Recreation and Cultural Services.

Fiscal Note: N/A

08-2532

Subject: Communication from the Alderman of the 10th District wishing to discuss restricted parking on the west side of Hamilton Avenue near the corner of Durand Avenue.

Recommendation: The request to install No Parking at Any Time on Hamilton Avenue, west side, from Durand Avenue north 40 feet be granted.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$100.00 and an annual maintenance cost of \$40.00.

08-2536

Subject: Communication from the Assistant Commissioner of Public Works/Engineering wishing to discuss parking restrictions on Oakes Road, from 16th Street to 21st Street.

Recommendation: The request to install No Parking at Any Time on Oakes Road, both sides, from 16th Street south 2,900 feet be granted.

Fiscal Note: The cost of signage is paid for through shared revenue funding.

08-2564

Subject: Communication from the Assistant Commissioner of Public Works/Engineering, on behalf of the Mayor, requesting the removal of parking restrictions on Albert, between Memorial and Blake.

Recommendation: The request to remove No Parking from 8:00 A.M. to 5:00 P.M. except on Saturdays, Sundays and holidays on Albert Street, north side, from 160 feet west of North Memorial Drive, west 80

feet be granted.

Fiscal Note: There is a nominal cost to remove the signs.

08-2595

Subject: Communication from the Alderman of the 15th District requesting to meet with the appropriate committee to discuss off-road accidents at South and Main St. where moving a road sign, adding street lights and cutting tree limbs may improve the intersection.

Recommendation: Receive and file.

Fiscal Note: N/A

08-2685

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 (1) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking at any time" be amended:

By Including:

1. Hamilton Avenue, west side, from Durand Avenue north 40 feet.
2. Oakes Road, both sides, from 16th Street south 2,900 feet.

B. Recommends that Section 94-141 (1f) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking from 8:00 A.M. to 5:00 P.M. except on Saturdays, Sundays and holidays" be amended:

By Deleting:

1. Albert Street, north side, from 160 feet west of North Memorial Drive, west 80 feet.

Transit and Parking Commission Report, by Ald. DeHahn

08-2593

Subject: Communication from the Commissioner of Public Works/City Engineer submitting an Intergovernmental Cooperative Purchasing Agreement with Kenosha Transit. (Res.08-1023)

Recommendation: The Mayor and City Clerk be authorized to approve the Intergovernmental Cooperative Purchasing Agreement with Kenosha Transit.

Fiscal Note: N/A

08-2632

Subject: Communication from the Alderman of the 7th District requesting to change the BUS weekend service back to its original schedule. (Res. 08-1022)

Recommendation: To change the bus schedules to their previous time period for weekend service at a feasible time to make the changes.

Further recommends to open the Transit Center on Sundays from 11 A.M. to 4 P.M. through December 31, 2008, to accommodate riders in the winter months.

Fiscal Note: Funds are included in the 2008 Belle Urban System operating budget to accommodate the changes.

08-2663

Subject: (Direct Referral) Communication from the Director of PTMR requesting that the Purchasing Agent be authorized to issue an RFP for the purchase of six (6) new paratransit vehicles. (Res.08-1024)

Recommendation: To authorize the purchasing agent to issue an RFP for the purchase of six paratransit vehicles.

Fiscal Note: The City of Racine will receive \$323,000 from the Wisconsin Department of Transportation Capital Grant for this purchase.

08-2664

Subject: (Direct Referral) Communication from the Director of PTMR requesting the Commission authorize the City of Racine to piggyback on the Kenosha contract with Gillig for the purchase of three new low-floor, 35' transit buses.

Recommendation: Receive and file.

Fiscal Note: N/A

City Plan Commission Report, by Ald. Holding

08-2402

Subject: Request of MDS Investments, LLC that A Business Improvement District be established on Douglas Avenue. (Res.08-1043)

Recommendation of the City Plan Commission 08-27-08: Deferred

Recommendation of the City Plan Commission 09-10-08: That the

proposed BID is in conformity with City plans and programs.

Further, that the operating plan be adopted.

Fiscal Note: The operating plan calls for total special assessments of \$68,855.88 on the properties in the district.

[08-2549](#)

Subject: (Direct Referral) Creation of Tax Incremental District No. 16 and adoption of its Project Plan. (Res.08-1044)

Recommendation of the City Plan Commission 08-27-08: That the proposed TID No. 16 is in conformity with the City Plans and programs.

Further, that the project plan be adopted.

Fiscal Note: Refer to project plan.

[08-2575](#)

Subject: (Direct Referral) Consideration of a request for a conditional use permit for a building materials recycling operation at 1425 North Memorial Dr.: a.k.a. Champion Steel. (Res.08-1045)

Recommendation of the City Plan Commission 08-27-08: That the conditional use permit be approved, subject to conditions.

Fiscal Note: Refer to terms of agreement.

[08-2603](#)

Subject: Communication from Extencicare Health Services, Inc., offering to purchase City-owned land bounded by Newman Road, Spring Street, and North Green Bay Road. (Res.08-1025)

Recommendation of the City Plan Commission on 9-24-08: That the sale of up to 12 acres is not in conflict with City plans and Programs.

Further, that the Mayor and City Clerk be authorized to execute a letter of intent for the sale of said lands with Extencicare Healthcare Services, Inc.

Fiscal Note: Pending negotiations.

[08-2617](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting a right-of-way plat for street dedication of Oakes Road. (Res.08-1026)

Recommendation of the Public Works and Services Committee on 9-9-08: That Oakes Road, from 16th Street to 21st Street, and more

particularly described as follows, be dedicated for street right-of-way purposes:

That part of the East ½ of the Northwest ¼ and the North ½ of the Southwest ¼ both of section 23, Township 3 North, Range 22 East; Thence North 89° 36'28" East, 1279.99 feet to the Point of Beginning; thence North 89° 36' 28" East, 40.01 feet; thence South 01° 36'45" East, 55.01 feet; thence North 89° 37' 01" East, 40.01 feet; thence South 01° 36' 45" East, 2433.03 feet; thence North 01° 02' 56" East, 99.16 feet; thence South 00° 29' 07" East, 361.72 feet; thence South 81° 38' 54" West, 32.09 feet; thence North 01° 37' 12" West, 16.62 feet; thence South 81° 38' 34" West, 83.81 feet; thence North 01° 39' 09" West, 99.69 feet; thence North 81° 38'43" East, 37.55 feet: thence north 00° 29' 33" West, 256.17 feet; thence North 01° 02' 56" West, 97.59 feet; thence North 01° 36' 45" West, 2489.75 feet to the Point of Beginning. Said land being in the City of Racine, Racine County, Wisconsin. Said described tract containing 5.44 acres more-or-less.

Further recommends that a resolution be introduced to the Common Council and referred to the City Plan Commission.

Recommendation of the City Plan Commission on 9-24-08: That the plat be Approved.

Fiscal Note: N/A.

08-2668

Subject: (Direct Referral) Request by Racine Commercial Airport Corp. seeking an amendment to their conditional use permit for the construction of a storage building at 3239 N. Green Bay Road. (Res.08-1027)

Recommendation: Approve subject to conditions.

Fiscal Note: N/A

08-2669

Subject: (Direct Referral) Request by Cricket Communications seeking a conditional use permit to co-locate a wireless communication facility at 2000 Oakes Road. (Res.08-1028)

Recommendation: Approve subject to conditions.

Fiscal Note: N/A

08-2711

Subject: (Direct Referral) Res. 08-1010 Oakes Road dedication from 16th Street to 21st Street.

Recommendation of the City Plan Commission on 9-24-08: That the

Dedication be accepted. Further, that the Resolution be Adopted.

Fiscal Note: N/A

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

[08-2717](#)

Subject: Request of the Dorsey Group to extend its option on 1321 State Street.

Recommendation of the Redevelopment Authority on 10-1-08: That the Common Council approve the action of the Redevelopment Authority extending the option of the Dorsey Group on 1321 State Street for 12 months.

Fiscal Note: The fee for the option is \$1,660.00 payable to the Authority.

[08-2719](#)

Subject: (Direct Referral) Consideration of proposals received in response to the Authority's Request for Proposals for 1130 Washington Avenue.

Recommendation of the Redevelopment Authority on 10-1-08: That the Common Council approve the action of the Redevelopment Authority granting a 90-day option on its properties at 1116, 1128, 1130 and 1152 Washington Avenue and 1309 Eleventh Street to Tom Tousis of Better Day BP.

Fiscal Note: The fee for the option is \$1,153.00 payable to the Authority.

Committee of the Whole Report, by Ald. Maack

[08-2269](#)

Subject: (Direct Referral) from Alderman of the 9th District wishing to discuss changing the time of the Public Safety and Licensing Committee meeting from 5:00 p.m. to 4:30 p.m.

Recommendation of the Public Safety & Licensing Committee on 06-23-08: That the item be deferred until 07-07-08.

Recommendation of the Public Safety & Licensing Committee on 07-07-08: That the item be deferred until 07-21-08.

Recommendation of the Public Safety & Licensing Committee on 07-21-08: That the item be referred to the Committee of the Whole.

Recommendation of the Committee of the Whole on 09-16-2008:

that the Item be received and filed.

Fiscal Note: N/A

08-2534

Subject: Communication from the Director of Parks, Recreation & Cultural Services wishing to meet with the Committee of the Whole on September 16, 2008 to discuss the 2009 proposed Parks, Recreation & Cultural Services user fees.

Recommendation: the Item be received and filed.

Fiscal Note: N/A

08-2562

Subject: Communication from the Alderman of the 15th District requesting to send a survey to taxpayers to find out their opinions/priorities concerning how the tax money is spent.

Recommendation: the Item be received and filed.

Fiscal Note: N/A

Office of the Mayor Report, by Ald. Maack

08-2709

Subject: Communication from Mayor Becker informing the Common Council that the Dr. Laurel Salton Clark Memorial Committee has completed its work.

Recommendation: That this committee be dissolved.

08-2731

Subject: Communication from Mayor Becker nominating appointments/reappointments to the following committees, commissions and boards for the City of Racine:

Wastewater Commission:

Reappoint Alderman Thomas Friedel, for a one year term ending October 1, 2009.

Reappoint Alderman Ronald Hart, for a one year term ending October 1, 2009.

Water Commission:

Reappoint Alderman Thomas Friedel, for a one year term ending October 1, 2009.

Reappoint Alderman Ronald Hart, for a one year term ending October 1, 2009.

Affirmative Action & Human Rights Commission:

Reappoint Olivia Castillo-Alcorta, 3718 Republic Ave, for a three year term ending May 1, 2011.

Downtown Area Design Review Commission:

Reappoint Alderman Jeff Coe, for a one year term ending November 1, 2009.

Water Works Committee Report, by Ald Hart

[08-2673](#)

Subject: Submittal of the Report of the Finance Committee of the Racine Waterworks Commission regarding year 2009 Water Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget Recommending Adoption

Recommendation of the Racine Waterworks Commission of

9-30-08: To adopt. Refer to the Finance and Personnel Committee.

Wastewater Commission Report, by Ald Hart

[08-2679](#)

Subject: Submittal of the Report of the Finance Committee of the Racine Wastewater Commission regarding year 2009 Wastewater Utility Operation & Maintenance Budget and the 2009-2013 Capital Improvements Budget Recommending Adoption

Recommendation of the Racine Wastewater Commission on

9-30-08: To adopt. Refer to the Finance and Personnel Committee.

G. Consent Agenda - Resolutions

[Res.08-1018](#)

Permission granted to Chief of Police to enter into agreement for auction and disposition of unneeded property and evidence

Resolved, that permission be granted to the Chief of Police to enter into an agreement with Property Room.com Inc. for the auction and disposition of unneeded property and evidence.

Fiscal Note: There will be no up-front costs to the City. The City will receive a minimum of 50% or more of the winning bid less any applicable fees.

Sponsors: Thomas Friedel

[Res.08-1022](#)

Change BUS weekend service schedule and open Transit Center on

Sundays during winter months

Resolved, that the bus schedules be changed to their previous time period for weekend service at a feasible time to make the changes.

Further resolved, that the Transit Center be open on Sundays from 11:00 a.m. to 4:00 p.m. through December 31, 2008, to accommodate riders in the winter months.

Fiscal Note: Funds are included in the 2008 Belle Urban System Operating Budget to accommodate the changes.

Sponsors: Raymond DeHahn

Res.08-1023 Approve Intergovernmental Cooperative Purchasing Agreement with Kenosha Transit

Resolved, that the Mayor and City Clerk be authorized and directed to approve and execute the Intergovernmental Cooperative Purchasing Agreement with Kenosha Transit.

Fiscal Note: N/A

Sponsors: Raymond DeHahn

Res.08-1024 Purchasing Agent be authorized to issue RFP for paratransit vehicles

Resolved, that the Purchasing Agent be authorized and directed to issue an RFP for the purchase of six paratransit vehicles.

Fiscal Note: The City of Racine will receive \$323,000 from the Wisconsin Department of Transportation Capital Grant for this purchase.

Sponsors: Raymond DeHahn

Res.08-1025 Sale of land to Extendicare Health Care Services and Letter of Intent for the sale

Resolved, that the sale of up to 12 acres of land at North Green Bay Road and Spring Street to Extendicare Healthcare Services, Inc., is not in conflict with City plans and programs.

Further resolved, that the Mayor and City Clerk be authorized and directed to execute a letter of intent for the sale of said lands with Extendicare Healthcare Services, Inc.

Fiscal Note: Pending negotiations.

Sponsors: Gregory Holding

Res.08-1026 Oakes Road Right-of-Way Plat be approved

Resolved, that the Oakes Road Right-of-Way Plat from 16th Street to 21st Street be approved.

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.08-1027 Conditional Use Permit at 3239 North Green Bay Road

Resolved, that the request by Racine Commercial Airport Corp for a Conditional Use Permit to Construct a 5,654 Sq. Ft. Storage Building at 3239 North Green Bay Road be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on September 24, 2008 be approved subject to the conditions contained herein.
- b. That revised building elevations be submitted to the Department of City Development, indicating the type of material to be used in construction of the building, and that the colors indicated as "Building Color A" and "Siding Color B" be shown where they are proposed to be on the building. Additionally, the revised plan shall include the 4' high course of masonry on South, East, and West elevations.
- c. That all building codes and ordinances be complied with and required permits acquired.
- d. That the building be used for the storage of snow removal equipment for the airport. Different uses shall require Plan Commission review.
- e. All proposed signage shall be submitted for the review and approval of the Director of City Development prior to issuance of building permits.
- f. 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.
- g. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.08-1028 Conditional Use Permit for 2000 Oakes Road, Cricket Communications, Inc.

Resolved, that the request from Lisa Bera on behalf of Cricket Communications, Inc., seeking a Conditional Use Permit for a Wireless Communication Facility Co-location at 2000 Oakes Road be approved subject to the following conditions:

- a. That the plans presented to the Plan Commission on September 24, 2008 be approved subject to the conditions contained herein.
- b. That all codes and ordinances be complied with and that all required

permits be obtained.

c. That all conditions of approval of the original monopole from Common Council Resolution No. 3217 be complied with unless modified herein.

d. That all appropriate FAA approvals be obtained and submitted to the Department of City Development prior to the issuance of a building permit.

e. That the operator provide to the City/County Communications Office within the Racine Police Department a current listing of all frequencies utilized by this facility and the name of a contact in charge of radio frequencies for the operator, and notify the City/County Communications Office of any changes in frequencies for this facility.

f. Any proposed signage shall be submitted for review and approval prior to issuance of building permits.

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

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

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.08-1030 Transfer of funds to the Police Department Overtime Budget

Resolved, that \$200,000.00 be appropriated from Account 101.990.5970, Contingency Fund, and placed in Account 101.311.5030, Police Overtime Salaries, for the purpose of providing additional funding for police officers overtime.

Fiscal Note: Sufficient funds are available for the transfer.

Sponsors: Thomas Friedel

Res.08-1031 Permission for Grant Facilitator to apply for Brownfields Job Training Grant

Resolved, that the Grant Facilitator be granted permission to apply for the Brownfields Job Training Grant in the amount of \$200,000, Grant Control No. 2008-032.

Fiscal Note: A soft match on the part of the City is preferred by the funding agency.

Sponsors: Thomas Friedel

Res.08-1034 Hold Harmless Agreement for 304 Main Street

Resolved, that the property owner of 304 Main Street be granted permission

to install a stationary, projecting sign, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.

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

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

Sponsors: Gregory Holding

Res.08-1035 Permission granted to Commissioner of Public Works to enter into a grant agreement with WE Energies

Resolved, that the Commissioner of Public Works be authorized and directed to enter into a grant agreement on behalf of the City of Racine with WE Energies and to submit any reports necessary to comply with the WE Energies Customer Incentives Program which will provide up to \$50,000.00 of funding toward the cost of Phase II of the solar voltaic electric generating system for the City Hall Annex.

Fiscal Note: The City's share of this project is included in the 2009 Capital Improvement Program.

Sponsors: Gregory Holding

Res.08-1036 Work of Ricchio, Inc. for City Hall Data Center Improvements be accepted and final payment authorized

Resolved, that the work of Ricchio, Inc., under Contract 46-06 (K6-049), City Hall Data Center Improvements, be accepted and final payment authorized for a total contract amount of \$449,369.14 from funds heretofore appropriated.

Fiscal Note: Contract was approved under Resolution 06-7356, dated December 19, 2006.

Sponsors: Gregory Holding

Res.08-1037 Work of Mann Brothers, Inc. for Marino Park Storm Sewer/Manhole Repair be accepted and final payment authorized

Resolved, that the work of Mann Brothers, Inc., under Contract 18-07 (K7-021), Marino Park Storm Sewer/Manhole Repair, be accepted and final payment authorized for a total contract amount of \$205,986.00 from funds heretofore appropriated.

Fiscal Note: Contract was approved under Resolution 07-0167, dated April 16, 2007.

Sponsors: Gregory Holding

Res.08-1038 Amendment No. 3 to contract for Professional Services - Construction Management Southside Industrial Park Infrastructure

Resolved, that Amendment No. 3 on Contract 41-06 (K6-043), Professional Services - Construction Management Southside Industrial Park Infrastructure, Earth Tech, Inc., consultant, as submitted, be approved in the not-to-exceed amount of \$7,600.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 970.000.5060, TID #10, Planning.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.08-1039 Change Order No. 3 on Contract 13-08 (K8-014), Concrete Street Reconstruction

Resolved, that Change Order No. 3 on Contract 13-08 (K8-014), Concrete Street Reconstruction, LaLonde Contractors, contractor, be approved in the amount of \$6,914.12.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 988.908.5020, Concrete Pavement Replacement, Miscellaneous Locations.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.08-1040 Change Order No. 2 on Contract 14-08 (K8-015), Street Paving

Resolved, that Change Order No. 2 on Contract 14-08 (K8-015), Street Paving, John's Concrete, contractor, be approved in the amount of \$4,013.26.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 986.908.5010, Miscellaneous Concrete Paving.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.08-1041 Change Order No. 1 on Contract 30-08 (K8-034), Central Heating Plant Structural Repairs

Resolved, that Change Order No. 1 on Contract 30-08 (K8-034), Central Heating Plant Structural Repairs, Bane-Nelson, Inc., contractor, be approved in the amount of \$41,461.50.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 988.220.5030, Central Heating Plant - Structural

Repairs.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.08-1042 Change Order No. 1 on Contract 26-08 (K8-030), Curb and Gutter Repair, C.D.B.G.

Resolved, that Change Order No. 1 on Contract 26-08 (K8-030), Curb and Gutter Repair, C.D.B.G., D.C. Burbach, Inc., contractor, be approved in the amount of \$45,676.98.

Further resolved, that funding to defray the cost of this change order be appropriated from the following accounts:

\$ 3,168.38 - Account 986.908.5520, Sidewalk Replacement
\$ 1,978.31 - Account 986.908.5010, Miscellaneous Concrete Paving
\$ 4,440.00 - Account 988.908.5530, Crosswalk Ramps
\$36,090.29 - Account 898.030.5510, Curb & Gutter Replacement, CDBG
\$45,676.98

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.08-1043 Business Improvement District No. 4, Douglas Avenue, be created and operating plan adopted

Whereas, an owner of commercial property in the Douglas Avenue commercial area, pursuant to Wis. Stat. sec. 66.1109 (2) (a), petitioned the City of Racine for the creation of a business improvement district for the area; and

Whereas, on August 27, 2008, the City Plan Commission conducted a public hearing on the creation of the district and its initial operating plan, and following the public hearing, recommended the creation of the district and adoption of the operating plan; and

Whereas, the required thirty day period between the public hearing and action by the Common Council has elapsed.

Resolved by the Common Council of the City of Racine that Business Improvement District No. 4, Douglas Avenue, is created and its initial operating plan is adopted.

Further resolved, that the Mayor is authorized and directed to appoint members to the district board pursuant to Wis. Stat. sec. 66.1109 (3) (a) and the adopted operating plan.

Further resolved, that the Finance Director is authorized and directed to collect the special assessments on the properties in the district in the amounts and manner described in the adopted operating plan.

Fiscal Note: The operating plan calls for total special assessments of \$68,855.88 on the properties in the district.

Sponsors: Gregory Holding

Res.08-1044 Create Tax Incremental District Number 16

WHEREAS, a public hearing was held before the City Plan Commission on August 27, 2008, for the proposed boundaries and project plan for Tax Increment District 16, and 40 days have lapsed since the date of hearing; and

WHEREAS, Wisconsin Statutes permit the Common Council to take final action on a tax increment financing district when at least 14 days have elapsed after the date of public hearing.

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

1. The district shall be known as "Tax Increment District Number 16, City of Racine, Wisconsin"; and
2. The boundaries of the district - generally described as follows: the properties on both sides of Washington Avenue (Hwy 20) between Tenth Street on the northeast and Phillips Avenue on the southwest, including properties on the following cross streets: Tenth Street between Hilker Place and Pearl Street, Eleventh Street between Hilker Place and the Union Pacific Railroad, Twelfth Street between Racine Street and Lockwood Avenue, Thirteenth Street between Racine Street and Memorial Drive, Fourteenth Street between Center Street and Washington Avenue, Fifteenth Street between Racine Street and Junction Avenue, Sixteenth Street between Racine Street and Memorial Drive, Racine Street between Eleventh Street and Sixteenth Street, Clark Street between Fourteenth Street and Sixteenth Street, Junction Avenue between Washington Avenue and Sixteenth Street, Ann Street between Washington Avenue and Sixteenth Street, Owen Avenue between Washington Avenue and Sixteenth Street, Memorial Drive between Thirteenth Street and Sixteenth Street, and Maiden Lane between Thirteenth Street and Bluff Avenue - as recommended by the City Plan Commission and as fully described in the district project plan, are approved; and
3. The district shall be created as of January 1, 2009.
4. The project plan for the district is hereby approved.

FURTHER RESOLVED, that the Common Council finds that:

1. Not less than 50 percent by area of the real property within the district is blighted or in need of rehabilitation and or conservation work; and
2. The improvement of the area is likely to enhance significantly the value

of substantially all other real property in the district and the project costs relate directly to eliminating blight or directly serve to rehabilitate or conserve the area; and

3. The equalized value of taxable property of the district plus the value increment of all existing districts does not exceed 12 percent of the total equalized value of taxable property within the city; and
4. The area is a blighted area and rehabilitation district.
5. The project plan for the district is feasible and in conformity with the master plan of the City of Racine.

FURTHER RESOLVED, that the Director of City Development is authorized and directed to submit the district project plan and supporting documentation to the Standing Joint Review Board for review and approval by the Board.

Fiscal Note: The Project Plan lists projects for the improvement of the Uptown area that are estimated to cost \$3,100,000.00.

Sponsors: Gregory Holding

Res.08-1045 Conditional Use Permit for 1425 North Memorial Drive

Resolved, that the request of E. G. Developments, LLC, d.b.a. Champion Environmental Services, Inc., for a conditional use permit for the processing, storage, and sale of recycled building materials and equipment at 1425 North Memorial Drive be approved, subject to the following conditions:

- a. That the plans dated July 21, 2008 and presented to the City Plan Commission on August 27, 2008 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the hours of outdoor operation shall be 8 a.m. to 5 p.m., Monday through Friday.
- d. That only E. G. Developments and its affiliated companies, or the City of Racine, shall store equipment, material, and vehicles on the property.
- e. That the operation shall not emit noise, odor, vibration or dust beyond the property, nor shall vehicles entering or leaving the property track dirt, etc. onto the public streets. Permit holder shall submit a dust reduction and abatement plan to the Director of City Development for his review and approval within 30 days of the approval of this permit.
- f. That all processing of metals shall be conducted indoors, except, if the size of the material to be processed is larger than the opening in the building, it may be cut to a size able to be moved indoors for further processing. The

permit holder shall notify the Chief Building Inspector if such outdoor metal cutting is expected to exceed four hours in any five working days.

g. That material stored within 100 feet of the perimeter wall or fence shall not exceed the height of the wall or fence and no material shall exceed 20 feet in height.

h. That the business shall be operated in a manner that the environmental condition of the property is not adversely affected. The report of Sigma Environmental Services, Inc. dated March 2008 (reference #10622) shall be the reference for the existing environmental condition of the property.

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

j. That this permit is subject to City Plan Commission review for compliance with the approved plans and conditions. The Commission shall conduct an automatic review six months from the date this permit is approved by the Common Council.

k. That this permit shall not run with the property but shall expire upon the termination of E. G. Development's ownership of or leasehold on the property.

Fiscal Note: N/A

Sponsors: Gregory Holding

H. Resolutions

Res.08-1029 Settlement of Lawsuit

Resolved, that the City Attorney be authorized and directed to settle the lawsuit filed in U.S. District Court, Eastern District of Wisconsin, under Case No. 05-C-0879, Jimmie Henderson vs. City of Racine, et al. in the amount of \$25,000.

Fiscal Note: Sufficient funds are available in Account 101.990.5910.

Sponsors: Thomas Friedel

Res.08-1032 City of Racine, Wisconsin Initial Resolution for Revenue Bonds which also constitutes a resolution declaring official intent to reimburse expenditures on the project with proceeds of a tax-exempt borrowing

WHEREAS, the City of Racine, Wisconsin (the "Municipality") is authorized by Wisconsin Statutes Section 66.1103 (the "Act") to issue Bonds to finance costs of certain projects including manufacturing facilities; and

WHEREAS, bonds issued pursuant to the Act are to be payable from amounts paid under a revenue agreement (as defined in the Act) relating to the project being financed and not from tax revenues or other funds of the Municipality;

and

WHEREAS, Premier Aluminum, LLC, a Delaware limited liability company (the "Borrower"), wishes to pursue the construction of improvements to an existing facility owned by the Borrower in the Municipality, construction of an addition to the facility, acquisition and installation of equipment for such facility and addition and related improvements (the "Project") for use in connection with the business of manufacturing permanent mold aluminum castings and related manufacturing and service activities; and

WHEREAS, the Borrower has asked the Municipality to indicate its intention to provide financing under the Act for all or a portion of the bonds and the Project before it proceeds; and

WHEREAS, the Borrower also has presented the Municipality with evidence of its intention to reimburse itself for expenditures relating to the Project which it pays with funds which are not the proceeds of revenue bonds issued under the Act; and

WHEREAS, the Borrower expects the reimbursement to be funded with the proceeds of qualified small issue private activity revenue bonds which will constitute reimbursement bonds to be issued on its behalf with respect to the Project and has indicated that it does not expect the aggregate principal amount of any bonds to be issued for the Project to exceed \$7,000,000; and

WHEREAS, the Borrower has represented that it expects that sixty-nine jobs are expected to be maintained at the Project site and twenty-four jobs are expected to be created at the Project site as a result of the Project and the Project is not expected to affect employment at any other locations in Wisconsin operated by the Borrower; and

WHEREAS, the Project will benefit the Municipality.

NOW, THEREFORE, IT IS RESOLVED:

1. The Municipality hereby declares its intent to assist the Borrower with respect to the financing of the Project by issuing the Bonds (the "Bonds") in one or more series in an amount not to exceed \$7,000,000 and, under Treas. Reg. Sec. 1.150-2, to reimburse any expenditures made on costs of the Project prior to issuance of the Bonds with proceeds of the Bonds.

2. To encourage the Borrower to undertake the Project, the Municipality will pursue a financing plan (the "Financing") under which it will:

(a) sell to one or more purchasers procured by the Borrower bonds under the Act;

(b) enter into one or more revenue agreements with the Borrower providing the Municipality with revenue sufficient to pay the principal of, premium, if any, and interest on the Bonds when due and requiring the Borrower to provide the portion of the Project to be financed with the Bonds; and

(c) assign any revenue agreements to the holders of the Bonds or to a trustee for their benefit and enter into any other appropriate arrangements requested by the Borrower to further secure the payment of the Bonds.

3. The Bonds shall never constitute an indebtedness of the Municipality within the meaning of any state constitutional provision or statutory limitation and shall not constitute or give rise to a pecuniary liability of the Municipality or its officers or a charge against the Municipality's general credit or taxing powers.

4. The appropriate officers of the Municipality are authorized to negotiate the terms of the Financing and all related documents. The terms of the Financing and all related documents will be subject to this Resolution and the Act and will not be binding until:

(a) the details of the Financing and the issuance of the Bonds are approved and authorized by further resolution of this Common Council;

(b) the electors of the Municipality have been given the opportunity to petition for a referendum as required by the Act and either (i) no petition is timely filed or (ii) if a petition is timely filed, a referendum approves the issuance of the Bonds;

(c) all documents required in connection with the Financing have been duly executed and delivered by the parties; and

(d) the Borrower has made arrangements for payment of all fees and costs of the Municipality, including attorneys' fees.

5. The City Clerk is directed to

(a) publish the Notice to Electors in substantially the form attached to this Resolution as a class 1 notice under Wisconsin Statutes Chapter 985, in a newspaper eligible to make such publication for the Municipality; and

(b) file with the Secretary of the Department of Commerce of the State of Wisconsin a copy of this Resolution and a copy of the Notice to Electors.

Information with respect to the job impact of the Project will be available at the time of consideration of the initial resolution.

Fiscal Note: N/A

Sponsors: Thomas Friedel

[Res.08-1033](#) City of Racine, Wisconsin Resolution Waiving the Public Bidding Requirements of Wisconsin Statutes Section 66.1103(11)(b)1

WHEREAS, the City of Racine, Wisconsin (the "Municipality"), has by resolution of its Common Council expressed its intent to issue bonds in one or more series pursuant to Wisconsin Statutes Section 66.1103 in an amount not to exceed \$7,000,000 for the purpose of financing on behalf of Premier

Aluminum, LLC, a Delaware limited liability company (the "Borrower"), all or a portion of the costs of the construction of improvements to an existing facility owned by the Borrower in the Municipality, construction of an addition to the facility, acquisition and installation of equipment for such facility and addition and related improvements (the "Project") for use in connection with the business of manufacturing permanent mold aluminum castings and related manufacturing and service activities;

WHEREAS, Wisconsin Statutes Section 66.1103(11)(b)1 provides that construction work which is let by contract and which has an estimated cost exceeding \$5,000 may be financed with industrial revenue bonds only if the contract is let to the lowest responsible bidder and proposals for the contract are advertised by publishing a class 2 notice under Wisconsin Statutes Chapter 985;

WHEREAS, representations have been made to the Municipality that compliance with the notice and public bidding requirements in Section 66.1103(11)(b)1 may impair the prompt and efficient completion of the Project (a) because of the delays associated with those requirements and (b) because they may prohibit the Borrower from using the contractors which, in the Borrower's judgment, are best suited to do work on the Project regardless of whether they are the "lowest responsible bidder" as that term is used in Wisconsin Statutes Section 66.1103(11)(b)1;

WHEREAS, Wisconsin Statutes Section 66.1103(11)(b)2 gives the Municipality authority to waive the requirements of Wisconsin Statutes Section 66.1103(11)(b)1;

NOW, THEREFORE, IT IS RESOLVED:

1. This Common Council finds that the imposition of the public notice and bidding requirements of Wisconsin Statutes Section 66.1103(11)(b)1 may impair the prompt and efficient completion of the Project because of the delays associated with those requirements and because they may prohibit the Borrower from using the contractors which, in the Borrower's judgment, are best suited to do work on the Project regardless of whether they are the "lowest responsible bidder" as that term is used in Wisconsin Statutes Section 66.1103(11)(b)1.
2. For the reasons stated above, this Common Council, pursuant to the authority granted to it by Wisconsin Statutes Section 66.1103(11)(b)2, waives the requirements of Wisconsin Statutes Section 66.1103(11)(b)1 with respect to the Project.

FURTHER RESOLVED, that the City Clerk is directed to publish this resolution as a class 1 notice under Wisconsin Statutes Chapter 985 (relating to publication of official notices) in a newspaper eligible to make such a publication for the Municipality.

Fiscal Note: N/A

Sponsors: Thomas Friedel

I. Miscellaneous Business

J. Adjourn

Office of The City Clerk

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