



City of Racine

Meeting Minutes - Final

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, October 16, 2007

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel,
Holding, Wisneski, Spangenberg and Mozol
EXCUSED: 3 - Coe, Shakoor II and Hart

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

*Tresa Johnson
Joan Dyess*

E. Communications

[07-1247](#) **Subject:** Monthly Building Report September 2007.
Received and Filed

Refer to Finance and Personnel Committee, by Ald. Friedel

[07-1249](#) **Subject:** Communication transmitting the 2008 operating plan and
assessments for the downtown business improvement district (BID No. 1).
Referred to Finance and Personnel Committee

[07-1251](#) **Subject:** Communication transmitting the 2008 operating plan and
assessments for the West Racine business improvement district (BID No.
2).
Referred to Finance and Personnel Committee

- [07-1263](#) **Subject:** Communication from Mayor Becker requesting to appear before the Finance & Personnel Committee wishing to discuss the non-rep employee bumping rights.
Referredto Finance and Personnel Committee
- [07-1264](#) **Subject:** Communication from the Public Health Administrator requesting permission to apply for grant funding from the Department of Health and Family Services for Consolidated Contract #15835. (Grant Control #2007-046)
Referredto Finance and Personnel Committee
- [07-1265](#) **Subject:** Communication from the Public Health Administrator requesting permission to accept funding from the Department of Health and Family Services for Tobacco Prevention and Control (#15984). (Grant Control #2007-047)
Referredto Finance and Personnel Committee
- [07-1266](#) **Subject:** Communication from the Public Health Administrator requesting permission to accept funding from the Division of Employment and Training on behalf of the Department of Workforce Development for refugee screening and education. (Grant Control #2007-048)
Referredto Finance and Personnel Committee
- [07-1269](#) **Subject:** communication from the City Attorney submitting the claim of Leilani Bento for consideration.
Referredto Finance and Personnel Committee
- [07-1270](#) **Subject:** communication from the City Attorney submitting the claim of Ace Stamping & Machine Co, Inc. for consideration.
Referredto Finance and Personnel Committee
- [07-1271](#) **Subject:** communication from the City Attorney submitting the claim of Becky & Damion Knudtson for consideration.
Referredto Finance and Personnel Committee
- [07-1273](#) **Subject:** communication from the City Attorney submitting the claim of R&D Fashions Inc. for consideration.
Referredto Finance and Personnel Committee
- [07-1274](#) **Subject:** communication from the City Attorney submitting the claim of Andrew & Amanda Jordan-Heinowski for consideration.
Referredto Finance and Personnel Committee

- [07-1275](#) **Subject:** communication from the City Attorney submitting the claim of James & Amy Ketchum for consideration.
Referredto Finance and Personnel Committee
- [07-1277](#) **Subject:** communication from the City Attorney submitting the claim of Carla Ward for consideration.
Referredto Finance and Personnel Committee
- [07-1279](#) **Subject:** Communication from Chief of Police Wahlen, requesting to waive formal bidding for the purchase of four Panasonic Toughbook Arbitrator in-squad video cameras.

(Also refer to Public Safety & Licensing Committee.)
Referredto Finance and Personnel Committee
Referredto Public Safety and Licensing Committee
- [07-1280](#) **Subject:** Communication from Police Chief Wahlen, requesting permission to negotiate and sign an agreement with Automated Pawn System, to provide a collective, searchable database of pawn transactions, in order to comply with Ordinance No. 1-07.

(Also refer to the Public Safety and Licensing Committee.)
Referredto Finance and Personnel Committee
Referredto Public Safety and Licensing Committee
- [07-1285](#) **Subject:** Communication from Police Chief Wahlen, requesting permission to apply for, and accept, the 2008 Wisconsin Office of Justice Assistance Juvenile Accountability Block Grant (Grant Control #2007-049).

(Also refer to the Public Safety & Licensing Committee.)
Referredto Finance and Personnel Committee
Referredto Public Safety and Licensing Committee
- Refer to Public Works and Services Committee, by Ald. Hart**
- [07-1252](#) **Subject:** Communication from the Redevelopment Authority regarding the transfer of 1718 S. Memorial Drive to the City of Racine for storm water management purposes.
Referredto Public Works and Services Committee
- [07-1253](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer regarding the lease agreement with James J. Mauer for use of

river frontage at the terminus of Superior Street at the Root River.

Referred to Public Works and Services Committee

[07-1261](#)

Subject: Communication from D.N. Sterling Co., 2100 Douglas Avenue, requesting a variance for a depressed sidewalk.

Referred to Public Works and Services Committee

[07-1281](#)

Subject: Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 44-05 (K5-051), Laurel Clark Memorial Fountain, Bane-Nelson, Inc., contractor.

Referred to Public Works and Services Committee

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

[07-1259](#)

Subject: Application of The Waterfront Grill (Sand Pipers Waterfront Grill), Lori A. Medendorp, Agent, for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 303 Dodge Street. (4th District)

Referred to Public Safety and Licensing Committee

[07-1268](#)

Subject: (New) Application of Simone Enterprises, LLC., Harinder Kaur, Agent, for a Class "A" Retail Fermented Malt Beverage license for 1223 Eleventh Street. (1st District)

Referred to Public Safety and Licensing Committee

[07-1282](#)

Subject: Request of the Director of Parks, Recreation & Cultural Services to meet with Public Safety & Licensing Committee for approval of the extension of the Zoological Society contract.

Referred to Public Safety and Licensing Committee

Refer to Transit and Parking Commission, by Ald. DeHahn

[07-1248](#)

Subject: Communication from the Transit Planner submitting the August 2007 operating and financial report for the Belle Urban System bus service.

Referred to Transit and Parking Commission

[07-1250](#)

Subject: Communication from the Transit Planner submitting the September 2007 operating and financial report for the Wisconsin Coach Lines, Kenosha-Racine-Milwaukee intercity bus service.

Referred to Transit and Parking Commission

[07-1278](#)

Subject: Communication from the Transit Planner wishing to discuss weekend service improvements to routes and schedules of the Belle Urban

System.

Referred to Transit and Parking Commission

Refer to Community Development Committee, by Ald. Spangenberg

[07-1262](#)

Subject: Communication transmitting the Homeless Assistance Coalition's recommended allocation of 2007 Emergency Shelter Grant (ESG) funds.

Referred to Community Development Committee

Refer to Cable Television Commission, by Ald. Holding

[07-1260](#)

Subject: Participation Agreement for Formation of Cable Legislation Group

Referred to Cable Television Commission

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Friedel

[07-1202](#)

Subject: Communication from the City Attorney submitting the claim of Maria Rodriguez for consideration.

Recommendation of the Finance & Personnel Committee on

10-08-07: The claim of Maria Rodriguez, 1307 1/2 Summit Avenue be denied.

Fiscal Note: N/A.

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

[07-1203](#)

Subject: Communication from the City Attorney submitting the claim of HM Investments of Racine, LLC for consideration.

Recommendation of the Finance & Personnel Committee on

10-08-07: The claim of HM Investments of Racine, LLC be settled in the amount of \$7,334.64.

Fiscal Note: There are sufficient funds available in Account 101.990.5910, Judgments and Claims.

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

[07-1227](#)

Subject: Communication from the Fire Chief wishing to transfer funds to

cover the acquisition of computer hardware in order to support the new Windows XP-based Phoenix RMS/CAD software.

Recommendation of the Finance & Personnel Committee on

10-08-07: To approve a transfer of \$7,000 from Account 101.300.5030 (Overtime) to Account 101.300.5820 (Computer Hardware) to cover the acquisition of computer hardware in order to support the new Windows XP-based Phoenix RMS/CAD software.

Fiscal Note: There are sufficient funds in the Overtime Account (101.300.5030) to accomodate this request.

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

[07-1243](#)

Subject: (Direct Referral) Communication from Kathleen Fischer, Assistant Finance Director wishing to submit and review the 2006 Audited Financial Reports.

Recommendation of the Finance & Personnel Committee on

10-08-07: The item 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 Thomas Friedel to Adopt the Report. Adopted by the following vote:

AYES: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 3 - Coe, Shakoor II and Hart

Public Works and Services Committee Report, by Ald. Hart

[07-0674](#)

Subject: Request from River Bend Lofts, LLC to acquire the air space property interest in the space over the Racine Street right-of-way, pursuant to Wis. Stat. 66.0915(4).

This request is for rights above and beyond those approved under Resolution 06-7197.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into an Air Space Easement Agreement with River Bend Lofts LLC for the construction and placement of balconies above the public right-of-way on Racine Street between 6th Street and 8th Street, as

requested, in accordance with State Statute 66.0915(4), Air Rights.

Further recommends that the property owner be charged a \$50.00 fee to cover 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.**

07-0812

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a final payment request on Contract 8-07 (K7-008), 2007 Parking Ramp Maintenance, RAM Building Restoration & Waterproofing LLC, contractor.

Recommendation: The work done by RAM Building Restoration & Waterproofing, LLC, under Contract 8-07 (K7-00819), 2007 Parking Ramp Maintenance, be accepted and final payment authorized for a total contract amount of \$154,185.00, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 07-0074, dated February 21, 2007.

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

07-1144

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

Recommendation: In accordance with Section 2-94 of the Municipal Code of the general ordinances of the City of Racine, the following street lighting changes be approved: Install one (1) 100-watt high-pressure sodium street in the 700/800 block of Kentucky Street.

Fiscal Note: The estimated installation cost of this lighting is \$200.00 for installation and the annual operating cost is \$130.00.

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

07-1162

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

Recommendation: The communication be received and filed.

Fiscal Note: Not applicable.

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

07-1189

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 25-07 (K7-029), 2007 Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor.

Recommendation: Change Order No. 1 on Contract 25-07 (K7-029), 2007 Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor, as submitted, be approved in the amount of \$255,514.31.

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

\$201,402.53 - Account 987.908.5020, Conc. Pvmt. Repl. Misc. Locations
\$ 19,483.54 - Account 104.987.5420, Storm Sewers, Misc. Locations
\$ 25,820.80 - Account 987.907.5310, Sanitary Sewer Construction
\$ 1,227.44 - Account 987.590.5010, Replace City Circuits
\$ 7,580.00 - Wastewater Utility
\$255,514.31 - Total

Fiscal Note: Funds are available as herein delineated.

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

07-1192

Subject: Communication from Shirl Smith, 2629 Washington Avenue, requesting an extension of time to complete sidewalk repairs.

Recommendation: That an extension of time to September 1, 2008 be granted to the property owner of 2629 Washington Avenue to complete sidewalk repairs with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A certificate of liability insurance be filed with the City Attorney's office.
- B. A \$50.00 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.**

07-1195

Subject: Communication from Landmark Credit Union requesting the vacation of city right-of-way at 3413 Rapids Drive.

Recommendation: Since public interest requires it, that the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

Parts of Lots 3 and 4 and all of Lots 5 and 6 of Block 5 in "FOX ESTATE SUBDIVISION NO. 2" being a subdivision of a part of the Northeast 1/4 and the Southeast 1/4 of Section 6, Township 3 North, Range 23 East, in the City of Racine, County of Racine, State of Wisconsin.

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

Fiscal Note: Not applicable.

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

[07-1223](#)

Subject: Communication from the Downtown Racine Corporation requesting permission to close city streets for the annual Holiday Parade on November 10, 2007.

Recommendation: Permission be granted to the Downtown Racine Corporation to close Main Street between State Street and Sixth Street, and Sixth Street between Main Street and City Hall, on Saturday, November 10, 2007, from 4:00 p.m. to 6:30 p.m., for their annual Downtown Holiday Parade on the following conditions:

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

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

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

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

07-1234

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 17-07 (K7-020), 2007 Sidewalk Construction, Phase I, D.C. Burbach, Inc., contractor.

Recommendation: That Change Order No. 1 on Contract 17-07 (K7-020), 2007 Sidewalk Construction, Phase 1, D.C. Burbach, Inc., contractor, as submitted, be approved in the credit amount of \$5,099.05.

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.

07-1238

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 6 on Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving, Milwaukee General Construction Company, contractor.

Recommendation: That Change Order No. 6 on Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving, Milwaukee General Construction Company, contractor, as submitted, be approved in the credit amount of \$23,620.00.

Fiscal Note: Change Order No. 6 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.

07-1245

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 3 to Contract 1-07 (K7-001), City Hall Renovations - Phase I, Seater Construction Co., Inc., contractor.

Recommendation: That Change Order No. 3 to Contract 1-07 (K7-001), City Hall Renovations - Phase I, Seater Construction Co., Inc., contractor, as submitted, be approved in the amount of \$1,738.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 986.100.5010, City Hall Facility Plan Implementation.

Fiscal Note: Funds are available as herein delineated.

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

07-1246

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 4 to Contract 46-06 (K6-049), City Hall Data Center Improvements, Ricchio, Inc., contractor.

Recommendation: Change Order No. 4 on Contract 46-06 (K6-049), City Hall Data Center Improvements, Ricchio, Inc., contractor, as submitted, be approved in the amount of \$6,598.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 987.100.5030, City Hall-IS Computer Room HVAC.

Fiscal Note: Funds are available as herein delineated.

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 Pete Karas to Adopt the Report. Adopted by the following vote:

AYES: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 3 - Coe, Shakoor II and Hart

Public Safety and Licensing Committee Report, by Ald. Shakoor**07-1197**

Subject: Application of Oakland Food Service Management, Inc., Joseph D. Oakland, Agent, for a "Class B" Retail Fermented Malt Beverage and Intociating Liquor License for 555 Main Street. (1st District)

Recommendation of the Public Safety & Licensing Committee on 10-08-07: That the license be granted, pending records check.

Fiscal Note: N/A

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

07-1218

Subject: Request of the Director of Parks, Recreation & Cultural Services to meet with the Public Safety & Licensing Committee to enter in an agreement with Nielsen Madsen & Barber SC to prepare a property survey of N. Owen Davies Park.

Recommendation of the Public Safety & Licensing Committee on 10-08-07: That the Director of Parks, Recreation & Cultural Services be

granted permission to enter in an agreement with Nielsen Madsen & Barber SC to prepare a property survey of N. Owen Davies Park.

Fiscal Note: The cost is not to exceed \$5,640.00 plus reimbursable costs and funds are available in an account presently being prepared by the Finance Department.

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

07-1219

Subject: Request of the Director of Parks, Recreation & Cultural Services to meet with the Public Safety and Licensing Committee for permission to enter into an agreement with Southern Wisconsin Appraisal to conduct an appraisal of properties for the Zoological Society Entrance Complex Project.

Recommendation of the Public Safety and Licensing Committee on 10-08-07: That the Director of Parks, Recreation & Cultural Services be granted permission to enter into an agreement with Southern Wisconsin Appraisal to conduct an appraisal of properties for the Zoological Society Entrance Complex Project.

Fiscal Note: The cost is not to exceed \$5,500.00 plus reimbursable costs and funds are available in account # 987-740-5030 Entrance Complex.

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

07-1226

Subject: Communication from the Fire Chief requesting the Mayor and City Clerk be authorized and directed to enter into a Clinical Affiliation Agreement with Waukesha County Technical College (WCTC) to provide precepting of paramedic students at the Racine Fire Department.

Recommendation of the Finance & Personnel Committee on 10-08-07: The Mayor and City Clerk be authorized and directed to enter in a Clinical Affiliation Agreement with Waukesha County Technical College (WCTC) to provide precepting of paramedic students at the Racine Fire Department from November 1, 2007 through December 31, 2008.

Recommendation of the Public Safety and Licensing Committee on 10-08-07: That the Mayor and City Clerk be authorized and directed to enter in a Clinical Affiliation Agreement with Waukesha County Technical College (WCTC) to provide precepting of paramedic students at the Racine Fire Department from November 1, 2007 through December 31, 2008.

Fiscal Note: WCTC would reimburse the Fire Department \$1.50 per hour

for each student that is precepted, up to 250 hours per student; and the department would in turn pay \$1.00 per hour to Fire Department paramedics doing the precepting.

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

07-1228

Subject: Communication from Chief of Police Kurt S. Wahlen requesting authorization for the purchase of a personnel transport vehicle for the department's Special Investigations Unit.

Recommendation of the Finance & Personnel Committee on

10-08-07: Permission granted for Chief Wahlen to purchase a personnel transport vehicle for the department's Special Investigations Unit.

Recommendation of the Public Safety and Licensing Committee on

10-08-07: That permission be granted to purchase a personnel transport vehicle for the Police Department's Special Investigations Unit.

Fiscal Note: Funds up to the amount of \$50,000 to defray the purchase of requested vehicle and related equipment are available in Account 241.000.5780.

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

07-1111

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the monthly report for the sale of abandoned vehicles for September 20, 2007

Recommendation of the Public Safety & Licensing Committee on

10-08-07: That the item be received and filed.

Fiscal Note: This will generate \$12,223.02 in revenues.

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

Council Action

A motion was made by Alderman Gregory Holding to Adopt the Report. Adopted by the following vote:

AYES: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 3 - Coe, Shakoor II and Hart

City Plan Commission Report, by Ald. Holding

07-1127

Subject: (Direct Referral) Request by Kim Lunderskov and Nancy Foster

representing Maaco seeking a conditional use permit at 2617 Lathrop Avenue to accommodate an auto body repair and painting facility.

Recommendation of City Plan Commission on 9-26-07: That the item be deferred.

Recommendation of City Plan Commission on 10-10-07: That the request by Kim Lunderskov and Nancy Foster representing Maaco seeking a conditional use permit to operate an auto body repair and painting facility at 2617 Lathrop Avenue be approved, subject to the following conditions:

- a. That the plans received August 27 2007 and presented to the Plan Commission on September 26, 2007 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 all vapors, fluids and dust be contained and disposed of according to all applicable regulations.
- d. That there shall be no vehicle sales or salvage at this location.
- e. That all employee and customer parking shall be contained on site, or suitable arrangements be made to accommodate off-street parking at other locations by written agreement with the property owner. Said agreement shall be submitted to the Director of City Development for review and approval prior to the commencement of parking.
- f. That only single row, perpendicular parking shall be permitted. At no time shall vehicle parking or circulation impede traffic flow along the common access easement or on the property. There shall be no overnight or employee parking between the building and the Lathrop Avenue sidewalk.
- g. That all vehicles waiting repair, or those which have been repaired shall be stored on the subject property in an orderly fashion but in no case longer than 20 days.
- h. That a landscape shall be installed between the building and Lathrop Avenue sidewalk, and appropriate drive isle curbing installed.
- i. That by October 17, 2007 the following shall be accomplished:
 1. Submit a landscape plan for the review and approval of the Director of City Development. If occupancy is requested prior to

the installation of landscaping then a letter of credit equal to the value of the landscape plan shall be submitted for the review and approval of the Director of City Development. In any case, the approved landscaping plan shall be implemented by May 31, 2008.

2. Submit a uniform sign package for the review and approval of the Director of City Development.
- j. No pennants, banners, or streamer shall be displayed at this location.
- k. That all vehicle repairs, preparation and painting shall be conducted indoors.
- l. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, equipment, and materials.
- m. That all trash and recyclables shall be stored in closed containers and screened from view.
- n. That the maximum hours of operation shall be from 7:00 a.m. to 7:00 p.m. Monday through Friday, 7:00 a.m. to 2:00 p.m. on Saturday, with no hours on Sunday.
- o. That all applicable codes and ordinances be complied with and required permits acquired.
- p. 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.
- q. That this permit is subject to Plan Commission review for compliance with the listed

Fiscal Note: N/A

A motion was made that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED.

[07-1254](#)

Subject: (Direct Referral) Request by Michael Rosales of "The Bricks" seeking to amend the conditional use permit for the Century Market mixed use development to establish a teen dance club at 522-6th Street.

Recommendation of the City Plan Commission on 10-10-07: That the request by Michael Rosales of "Bricks" seeking to amend the conditional use permit for the Century Market mixed use development to establish a teen dance club at 522 - 6th Street be approved, subject to the following

conditions:

- a. That the plans received September 12, 2007 and presented to the Plan Commission on October 10, 2007 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 minimum age limit of patrons shall be those who have attained the age of 16 years. The intended market will be those persons who have attained the age of 16 to 21 years of age.
- d. That the days and hours of the teen dance club be limited to Thursdays, Fridays, and Saturdays from 9:00 p.m. to 1:30 a.m. with minors being barred from the facility after 10:45 p.m. in order to facilitate patron and business compliance with Article XV. Sec 66-396, Curfew for Minors, Hours. City of Racine Municipal Code.
- e. That an afternoon seniors swing lounge be a permitted use at this location and be limited to those having attained that age of 55 or older.
- f. That banquet facilities for special events and small seminars be permitted.
- g. That all activities permitted by this conditional use permit amendment be confined to the indoor spaces as indicated on the floor plans submitted with the application.
- h. That a comprehensive security plan be provided containing information such as, but not limited to, who will provide services as well as indicating their training and experience, the security policies and enforcement measures to be implemented, times of day when security personnel will be on site, the locations on the property where monitoring and control activities will take place, who will provide insurance coverage and proof thereof. Said security plan shall be provided to the Director of City Development for review and approval, prior to the issuance of an occupancy permit.
- i. That the interior and exterior of property be policed at the close of each business day or after each event so that all trash, debris and refuse are properly clean up and disposed of in a timely fashion.
- j. That all music and associated vibration be contained within the building.
- k. That all codes and ordinances be complied with and required permits

acquired.

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

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

Fiscal Note: N/A

A motion was made that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED.

[07-1255](#)

Subject: (Direct Referral) Request by Dave Herbeck of Clubhouse of Wisconsin seeking a conditional use permit for a Starbucks Coffee with drive-thru at 2805 S. Green Bay Road.

RECOMMENDATION OF CITY PLAN COMMISSION ON 10-10-07: That the request by Dave Herbeck of Clubhouse of Wisconsin seeking a conditional use permit for a Starbucks Coffee with drive-thru at 2805 S. Green Bay Road be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on October 10, 2007 be approved, subject to the following conditions.
- b. That all applicable building and occupancy permits be applied for.
- c. That all signs be professionally made, comply with the zoning ordinance and Regency Mall standards, and be submitted to the Director of City Development for review and approval prior to installation.
- d. That the hours of operation be from 5:00 a.m. to 10:00 p.m., daily.
- e. That a detailed landscape plan be submitted to the Director of City Development for review and approval prior to the issuance of a building permit. Landscaping shall be installed in accordance with the approved plans and prior to the issuance of an occupancy permit, unless a letter of credit, equal to the value of the landscaping, is submitted to the Director of City Development for review and approval.
- f. That all trash and recyclables be stored in closed containers and screen from view.
- g. That exterior lighting details be submitted for the review and approval of the Director of City Development.

- h. That all codes and ordinances be complied with and required permits acquired.
- i. That no minor changes be made from the conditions of this permit without approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- j. That this permit is subject to Plan Commission review for compliance with the listed conditions.
- k. That no minor changes be made without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.
- l. That this approval is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

A motion was made that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED.

[07-1256](#)

Subject: (Direct Referral) Request by Chris and Aleisha Djuricic seeking to rezone the property at 2415 Douglas Avenue from R-3 Limited General Residence District to R-3 with a FD Flex Development Overlay District.

RECOMMENDATION OF CITY PLAN COMMISSION ON 10-10-07: That an ordinance and flex resolution be prepared and a public hearing scheduled.

Fiscal Note: N/A

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

Council Action

A motion was made by Alderman Gregory Holding to Adopt the Report. Adopted by the following vote:

AYES: 11 - Anderson, Shields, Kaplan, Maack, Weidner, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

NOES: 1 - DeHahn

EXCUSED: 3 - Coe, Shakoor II and Hart

Office of the Mayor Report, by Ald. Spangenberg

07-1283

Subject: Communication from Mayor Becker nominating appointments/reappointments to the following Committees and Commissions for the City of Racine:

Waterworks Commission:

Reappoint Alderman Ron Hart for a one-year term ending in October 2008.

Reappoint Alderman Tom Friedel for a one-year term ending in October 2008.

Appoint Jeff Pellogrom, 555 Main Street, for a four-year term ending in October 2011.

Wastewater Commission:

Reappoint Alderman Ron Hart for a one-year term ending in October 2008.

Reappoint Alderman Tom Friedel for a one-year term ending in October 2008.

Reappoint Jeff Pellogrom, 555 Main Street, for a four-year term ending in October 2011.

Reappoint Roberto Garza, 1909 N. Wisconsin Street, as an alternate for a one-year term ending in October 2008.

Business Improvement District - West Racine:

Reappoint Alderman Aron Wisneski for a one-year term ending in December 2008.

Reappoint Jim Spangenberg, 3219 Washington Avenue for a three-year term (property owner representative) ending in December 2010.

Business Improvement District - Uptown:

Appoint Guy Singer, 1514 Junction Avenue.

Appoint Marie Oliver, 1330 Washington Avenue.

Appoint Andy Hay, 1642 Washington Avenue.

Appoint Dr. Richard Kemper, 1509 Washington Avenue.

Appoint Peter Walquist, 1413 Thirteenth Street.

Appoint Aldrenna Smith, 1407 Memorial Drive.

Appoint Lou Larsen, 1426 Washington Avenue.

Appoint Christopher Eperjesy, 1328 Racine Street.

Appoint Alderman Michael Shields for a one-year term.

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

The motion was APPROVED by the following vote:

AYES: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 3 - Coe, Shakoore II and Hart

Board of Health Report, by Ald. DeHahn[07-1168](#)

Subject: Communication from the Public Health Administrator requesting permission to apply for grant funds in the amount of \$1000 from UW Parkside. (Grant Control #2007-045)

Recommendation of the Finance & Personnel Committee on

10-08-07: That the Public Health Administrator be authorized to apply for grant funds in the amount of \$1000 from UW Parkside. (Grant Control #2007-045).

Recommendation of the Board of Health on 10-09-07: That the Public Health Administrator be authorized to apply for grant funds in the amount of \$1000 from UW Parkside. (Grant Control #2007-045).

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

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

AYES: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 3 - Coe, Shakoor II and Hart

Board of Parks, Recreation, and Cultural Services Report, by Ald. Wisneski[07-0876](#)

Subject: Communication from the Alderman of the 9th District wishing to draft a resolution to expand current recycling rules to include public and private events.

Recommendation of the Board of Parks, Recreation and Cultural Services on 8-8-07 and 9-12-07: Defer

Fiscal Note: N/A

Recommendation of the Public Works & Services Committee on 8-14-07, 8-28-07, 9-11-07 and 9-25-07: Defer

Recommendation of the Public Works & Services Committee on 10-9-07: The communication be received and filed.

Fiscal Note: Not applicable.

Recommendation of the Board of Parks, Recreation & Cultural Services on 10-10-07: 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.**

[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.

Recommendation: Jingle Bell Run for Arthritis be granted permission to close Island Park Drive from Liberty Street to Rupert Boulevard and Horlick Park Drive from Rupert Boulevard to 12th Street for the Jingle Bell Run/Walk for Arthritis, to be held on Saturday, December 8, 2007, from 9:00 a.m. to 10:30 a.m., with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a special event fee of \$300.00.

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 to various City departments, on a regular shift basis, to assist in implementing this event.

Recommendation of the Board of Parks, Recreation & Cultural Services on 10-10-07: that the request be approved.

Fiscal note: \$300.00 special events fee to the City.

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

Council Action

A motion was made by Alderman Aron Wisneski to Adopt the Report. Adopted by the following vote:

AYES: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 3 - Coe, Shakoor II and Hart

City Landmark's Preservation Commission Report, by Ald. Anderson

[07-1241](#)

Subject: (Direct Referral) Review of consultant proposals to conduct the

Northside Reconnaissance Survey.

Recommendation of the Landmarks Preservation Commission of 10-08-07: That the firm of Mead & Hunt be selected to conduct the Northside Reconnaissance Survey for a cost of \$16,443.00.

Further, that the Mayor and City Clerk be authorized to enter into an agreement with Mead & Hunt to conduct the Northside Reconnaissance Survey.

Fiscal Note: All consulting cost are reimbursed by a Wisconsin Historical Society sub-grant.

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

AYES: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 3 - Coe, Shakoor II and Hart

Affirmative Action & Human Rights Commission Report, by Ald. DeHahn

07-1023

Subject: Communication transmitting an Analysis of Impediments and Action Plan for fair housing in the City.

Recommendation of Affirmative Action and Human Rights Commission on 10-11-07: That the Common Council accept the report presented to the Affirmative Action/Human Relations Commission on October 11, 2007 as the official Analysis of Impediments for the City of Racine and adopt the memorandum presented to the Commission on October 11, 2007 as the City's Fair Housing Action Plan.

Fiscal Note: N/A

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

AYES: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 3 - Coe, Shakoor II and Hart

G. Resolutions

Res.07-0442

Permission to apply for grant funds from UW Parkside

Resolved, that the Public Health Administrator be authorized to apply for grant funds in the amount of \$1000 from UW Parkside for the Wisconsin Coastal

Management Grant Program for developing innovative educational programs and research agendas to implement at the Root River Environmental Education Community Center. The contract period is October 24, 2007 through June 30, 2008. (Grant Control #2007-045).

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

Sponsors: Thomas Friedel and Raymond DeHahn

A motion was made by Alderman DeHahn that this resolution be Adopted

Res.07-0443 Settlement of claim for repairs to sewer main

Resolved, that the claim of HM Investments of Racine, LLC., for repair expenses to the sewer main adjacent to 1918 Slauson Avenue be settled in the amount of 7,334.64.

Fiscal Note: There are sufficient funds available in Account 101.990.5910, Judgment and Claims.

Sponsors: Thomas Friedel

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

AYES: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 3 - Coe, Shakoor II and Hart

Res.07-0444 Enter into a Clinical Affiliation Agreement with Waukesha County Technical College

Resolved, that the Mayor and City Clerk be authorized and directed to enter in a Clinical Affiliation Agreement with Waukesha County Technical College (WCTC) to provide precepting of paramedic students at the Racine Fire Department from November 1, 2007 through December 31, 2008.

Fiscal Note: WCTC would reimburse the Fire Department \$1.50 per hour for each student that is precepted, up to 250 hours per student; and the department would in turn pay \$1.00 per hour to Fire Department paramedics doing the precepting.

Sponsors: Thomas Friedel and Q.A. Shakoor II

A motion was made by Alderman Friedel that this resolution be Adopted

Res.07-0445 Transfer of funds for Fire Department

Resolved, that the transfer of funds in the amount of \$7,000 from Account 101.300.5030, Overtime, to Account 101.300.5820, Computer Hardware, to cover the acquisition of computer hardware in order to support the new Windows XP-based Phoenix RMS/CAD software be approved.

Fiscal Note: There are sufficient funds in the Overtime Account (101.300.5030) to accommodate this request.

Sponsors: Thomas Friedel

A motion was made by Alderman Friedel that this resolution be Adopted

Res.07-0446 Permission to purchase a transport vehicle for the Police Department's Special Investigations Unit

Resolved, that the Chief of Police be authorized and directed to purchase a personnel transport vehicle for the department's Special Investigations Unit.

Fiscal Note: Funds up to the amount of \$50,000 to defray the purchase of the requested vehicle and related equipment are available in Account 241.000.5780.

Sponsors: Thomas Friedel and Q.A. Shakoor II

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

AYES: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 3 - Coe, Shakoor II and Hart

Res.07-0447 RESOLUTION AUTHORIZING THE BORROWING OF \$7,610,000; PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2007A, THEREFOR; AND LEVYING A TAX IN CONNECTION THEREWITH

WHEREAS, the Common Council of the City of Racine, Racine County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of refunding certain outstanding obligations of the City, to wit: \$7,500,000 Note Anticipation Notes, dated July 30, 2007 (the "2007 Notes") (hereinafter the refinancing of the City's 2007 Notes shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said costs; and WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the 2007 Notes for the purpose of providing permanent financing for the projects financed by the 2007 Notes; and WHEREAS, cities are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and to issue general obligation refunding bonds to refinance their outstanding obligations; and WHEREAS, the Common Council now deems it to be necessary, desirable and in the best interest of the City to authorize the issuance of and to award the sale of its general obligation refunding bonds to Robert W. Baird & Co. Incorporated,

Milwaukee, Wisconsin.

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

Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of SEVEN MILLION SIX HUNDRED TEN THOUSAND DOLLARS (\$7,610,000) from Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin (the "Purchaser") in accordance with the terms and conditions of its purchase proposal (the "Proposal") attached hereto as Exhibit A and incorporated herein by this reference.

Section 1A. Sale of the Bonds. To evidence such indebtedness, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, General Obligation Refunding Bonds, Series 2007A, aggregating the principal amount of SEVEN MILLION SIX HUNDRED TEN THOUSAND DOLLARS (\$7,610,000) (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2007A"; shall be dated November 13, 2007; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall bear interest at the rates and shall mature on December 1 of each year, in the years and principal amounts as set forth on the schedule prepared by the Purchaser and attached hereto as Exhibit B (the "Schedule"). Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2008.

Section 3. Redemption Provisions. At the option of the City, the Bonds maturing on December 1, 2018 and thereafter shall be subject to redemption prior to maturity on December 1, 2017 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP (the "Mandatory Redemption Provisions") and incorporated herein by this reference.

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

Section 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2007 through 2020 for the payments due in the years 2008 through 2021 in the amounts set forth on the Schedule.

The direct annual irrepealable tax hereby levied shall be carried onto the tax roll and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any

surplus in the Debt Service Fund Account for the Bonds created below.

Section 6. Segregated Debt Service Fund Account. There is hereby established in the City treasury a fund account separate and distinct from all other funds or accounts of the City designated "Debt Service Fund Account for \$7,610,000 City of Racine General Obligation Refunding Bonds, Series 2007A, dated November 13, 2007", which fund account shall be used solely for the purpose of paying the principal of and interest on the Bonds. There shall be deposited in said fund account all accrued interest paid on the Bonds at the time the Bonds are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 5 hereof, and all other sums as may be necessary to pay principal of and interest on the Bonds as the same become due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds, shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

Section 7. Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Bonds.

Section 8. Arbitrage Covenant. The City shall not take any action with respect to the Bond Proceeds which, if said action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of delivery of and payment for the Bonds (the "Closing") would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the City hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of the Code or Regulations. The City covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The City Clerk, or other officer of the City charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the City, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the City regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 9. Additional Tax Covenants; Six Month Expenditure Exemption from Rebate. The City hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The City Clerk or other officer of the City

charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the City as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the City to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes throughout their term.

The City covenants that it is a governmental unit with general taxing powers and that the Bonds are not "private activity bonds" as defined in Section 141 of the Code.

In accordance with Section 148(f)(4)(B) of the Code, the City covenants that ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the City and that 100% of the proceeds of the Bonds will be expended for the governmental purposes of the issue within six months of the Closing. If for any reason the City did not qualify for the six month exemption from the rebate requirements of the Code, the City covenants that it would take all necessary steps to comply with such requirements.

Section 10. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

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

Section 11A. Persons Treated as Owners; Transfer of Bonds. The City shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the City Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the City Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The City Clerk shall cancel any Bond surrendered for transfer.

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

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

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 13. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Bonds or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

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

Section 14. Bond Insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the City to insure the Bonds may reasonably request and which are acceptable to the Mayor and City Clerk, including provisions regarding restrictions on investment of Bond Proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 15. Payment of the 2007 Notes. The 2007 Notes shall be paid on their December 27, 2007 maturity date.

Section 16. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Fiscal Note: Series A Bonds will be funded through tax levy in future years.

Sponsors: Thomas Friedel

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

AYES: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 3 - Coe, Shakoor II and Hart

Res.07-0448 RESOLUTION AUTHORIZING THE BORROWING OF \$6,325,000; PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2007B, THEREFOR; AND LEVYING A TAX IN CONNECTION THEREWITH

WHEREAS, the Common Council of the City of Racine, Racine County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of refunding certain outstanding obligations of the City, to wit: General Obligation Refunding Bonds (TIF No. 7), dated June 1, 1993 maturing in the years 2008 through 2012 (the "TIF No. 7 Bonds") and General Obligation Refunding Bonds (TIF No. 8), dated June 1, 1993, maturing in the years 2008 through 2012 (the "TIF No. 8 Bonds") (collectively, the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said costs; and WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of restructuring the outstanding indebtedness of the City and achieving debt service cost savings; and

WHEREAS, cities are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and to issue general obligation refunding bonds to refinance their outstanding obligations; and

WHEREAS, the Common Council now deems it to be necessary, desirable and in the best interest of the City to authorize the issuance of and to award the sale of its general obligation refunding bonds to Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin.

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

Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of SIX MILLION THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$6,325,000)* from Robert W. Baird & Co.

Incorporated, Milwaukee, Wisconsin (the "Purchaser") in accordance with the terms and conditions of its purchase proposal (the "Proposal") attached hereto as Exhibit A and incorporated herein by this reference.

Section 1A. Sale of the Bonds. To evidence such indebtedness, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, General Obligation Refunding Bonds, Series 2007B, aggregating the principal amount of SIX MILLION THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$6,325,000) (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "General

Obligation Refunding Bonds, Series 2007B"; shall be dated November 13, 2007; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall bear interest at the rates and shall mature on December 1 of each year, in the years and principal amounts as set forth on the schedule prepared by the Purchaser and attached hereto as Exhibit B (the "Schedule"). Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2008.

Section 3. Redemption Provisions. The Bonds shall not be subject to optional redemption.

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

Section 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2007 through 2011 for the payments due in the years 2008 through 2012 in the amounts set forth on the Schedule. The direct annual irrepealable tax hereby levied shall be carried onto the tax roll and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account for the Bonds created below.

Section 6. Segregated Debt Service Fund Account. There is hereby established in the City treasury a fund account separate and distinct from all other funds or accounts of the City designated "Debt Service Fund Account for \$6,325,000 City of Racine General Obligation Refunding Bonds, Series 2007B, dated November 13, 2007", which fund account shall be used solely for the purpose of paying the principal of and interest on the Bonds. There shall be deposited in said fund account all accrued interest paid on the Bonds at the time the Bonds are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 5 hereof, and all other sums as may be necessary to pay principal of and interest on the Bonds as the same become due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds, shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

Section 7. Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Bonds.

Section 8. Arbitrage Covenant. The City shall not take any action with respect to the Bond Proceeds which, if said action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of

delivery of and payment for the Bonds (the "Closing") would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the City hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of the Code or Regulations. The City covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The City Clerk, or other officer of the City charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the City, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the City regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 9. Additional Tax Covenants; Six Month Expenditure Exemption from Rebate. The City hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the City as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the City to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes throughout their term.

The City covenants that it is a governmental unit with general taxing powers and that the Bonds are not "private activity bonds" as defined in Section 141 of the Code.

In accordance with Section 148(f)(4)(B) of the Code, the City covenants that ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the City and that 100% of the proceeds of the Bonds will be expended for the governmental purposes of the issue within six months of the Closing. If for any reason the City did not qualify for the six month exemption from the rebate requirements of the Code, the City covenants that it would take all necessary steps to comply with such requirements.

Section 10. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall

cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

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

Section 11A. Persons Treated as Owners; Transfer of Bonds. The City shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the City Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the City Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The City Clerk shall cancel any Bond surrendered for transfer.

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

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

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 13. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Bonds or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

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

Section 14. Bond Insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the City to insure the Bonds may reasonably request and which are acceptable to the Mayor and City Clerk, including provisions regarding restrictions on investment of Bond Proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 15. Redemption of the Refunded Obligations. The Common Council hereby calls the Refunded Obligations for redemption on December 1, 2007. The City hereby directs the Purchaser to cause notices of redemption, in substantially the forms attached hereto as Exhibits D-1 and D-2 to be provided at the times, to the parties and in the manner provided thereon.

Section 16. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Fiscal Note: Series B Bonds TID Debt Service will be funded through TIF District increments in future years.

Sponsors: Thomas Friedel

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

AYES: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 3 - Coe, Shakoore II and Hart

Res.07-0449 Agreement for appraisals of properties for Zoological Society Entrance Complex Project

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Southern Wisconsin Appraisal to conduct an appraisal of properties for the Zoological Society Entrance Complex Project.

Fiscal Note: The cost is not to exceed \$5,500.00 plus reimbursable costs, and funds are available in account 987.740.5030, Entrance Complex.

Sponsors: Q.A. Shakoore II

A motion was made by Alderman Friedel that this Resolution be Adopted as amended by correcting the fiscal note. The motion was APPROVED by the following vote:

AYES: 12 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Karas, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 3 - Coe, Shakoor II and Hart

Res.07-0450 Agreement for property survey of N. Owen Davies Park

Resolved, that the Mayor and City Clerk be authorized and directed to enter in an agreement with Nielsen Madsen & Barber SC to prepare a property survey of N. Owen Davies Park.

Fiscal Note: The cost is not to exceed \$5,640.00 plus reimbursable costs, and funds are available in an account presently being prepared by the Finance Department.

Sponsors: Q.A. Shakoor II

A motion was made by Alderman Holding that this Resolution be Adopted as amended by correcting the fiscal note.

Res.07-0451 Agreement for Northside Reconnaissance Survey

Resolved, that the firm of Mead & Hunt be selected to conduct the Northside Reconnaissance Survey for a cost of \$16,443.00.

Further resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Mead & Hunt to conduct the Northside Reconnaissance Survey.

Fiscal Note: All consulting cost are reimbursed by a Wisconsin Historical Society sub-grant.

Sponsors: Robert Anderson

A motion was made by Alderman Anderson that this resolution be Adopted

Res.07-0452 Permission for Downtown Holiday Parade

Resolved, that permission be granted to the Downtown Racine Corporation to close Main Street between State Street and Sixth Street, and Sixth Street between Main Street and City Hall, on Saturday, November 10, 2007, from 4:00 p.m. to 6:30 p.m., for their annual Downtown Holiday Parade on the following conditions:

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

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

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

Sponsors: Ronald D. Hart

A motion was made by Alderman Spangenberg that this resolution be Adopted

Res.07-0453 Extension for sidewalk repairs and hold harmless agreement

Resolved, that an extension of time to September 1, 2008 be granted to the property owner of 2629 Washington Avenue to complete sidewalk repairs with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A certificate of liability insurance be filed with the City Attorney's office.
- B. A \$50.00 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 and assess the costs to the property owner.

Fiscal Note: Not applicable at this time.

Sponsors: Ronald D. Hart

A motion was made by Alderman Spangenberg that this resolution be Adopted

Res.07-0454 Vacation of city right-of-way at 3413 Rapids Drive

Resolved, that since public interest requires it, that the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

"Parts of Lots 3 and 4 and all of Lots 5 and 6 of Block 5 in "FOX ESTATE SUBDIVISION NO. 2" being a subdivision of a part of the Northeast 1/4 and the Southeast 1/4 of Section 6, Township 3 North, Range 23 East, in the City of Racine, County of Racine, State of Wisconsin."

Fiscal Note: N/A

Sponsors: Ronald D. Hart

A motion was made that this resolution be Referred to the City Plan Commission

Res.07-0455 Enter into Air Space Easement Agreement with River Bend Lofts LLC

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an Air Space Easement Agreement with River Bend Lofts LLC for the construction and placement of balconies above the public right-of-way on Racine Street between 6th Street and 8th Street, as requested, in accordance with Wis. Stat. sec. 66.0915(4), Air Rights.

Further resolved, that the property owner be charged a \$50.00 fee to cover 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: Ronald D. Hart

A motion was made by Alderman Friedel that this resolution be Adopted

Res.07-0456 Final payment for 2007 Parking Ramp Maintenance

Resolved, that the work done by RAM Building Restoration & Waterproofing, LLC, under Contract 8-07 (K7-00819), 2007 Parking Ramp Maintenance, be accepted and final payment authorized for a total contract amount of \$154,185.00, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 07-0074, dated February 21, 2007.

Sponsors: Ronald D. Hart

A motion was made by Alderman Friedel that this resolution be Adopted

Res.07-0457 Change Order No. 3 to contract for City Hall Renovations - Phase 1

Resolved, that Change Order No. 3 to Contract 1-07 (K7-001), City Hall Renovations - Phase I, Seater Construction Co., Inc., contractor, as submitted, be approved in the amount of \$1,738.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 986.100.5010, City Hall Facility Plan Implementation.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Friedel that this resolution be Adopted

Res.07-0458 Change Order No. 4 to contract for City Hall Data Center Improvements

Resolved, that Change Order No. 4 on Contract 46-06 (K6-049), City Hall Data Center Improvements, Ricchio, Inc., contractor, as submitted, be approved in the amount of \$6,598.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 987.100.5030, City Hall-IS Computer Room HVAC.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Friedel that this resolution be Adopted

Res.07-0459 Change Order No. 6 on contract for Concrete Street Reconstruction and Paving

Resolved, that Change Order No. 6 on Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving, Milwaukee General Construction Company, contractor, as submitted, be approved in the credit amount of \$23,620.00.

Fiscal Note: Change Order No. 6 will result in a decrease in the contract price.

Sponsors: Ronald D. Hart

A motion was made by Alderman Friedel that this resolution be Adopted

Res.07-0460 Change Order No. 1 on 2007 Sidewalk Contraction, Phase 1

Resolved, that Change Order No. 1 on Contract 17-07 (K7-020), 2007 Sidewalk Construction, Phase 1, D.C. Burbach, Inc., contractor, as submitted, be approved in the credit amount of \$5,099.05.

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

Sponsors: Ronald D. Hart

A motion was made by Alderman Friedel that this resolution be Adopted

Res.07-0461 Change Order No. 1 on contract for 2007 Concrete Street Reconstruction

Resolved, that Change Order No. 1 on Contract 25-07 (K7-029), 2007 Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor, as submitted, be approved in the amount of \$255,514.31.

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

\$201,402.53 - Account 987.908.5020, Conc. Pvmt. Repl. Misc. Locations
\$ 19,483.54 - Account 104.987.5420, Storm Sewers, Misc. Locations
\$ 25,820.80 - Account 987.907.5310, Sanitary Sewer Construction
\$ 1,227.44 - Account 987.590.5010, Replace City Circuits
\$ 7,580.00 - Wastewater Utility
\$255,514.31 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Friedel that this resolution be Adopted

Res.07-0462 Permission for Jingle Bell Run for Arthritis

Resolved, that Jingle Bell Run for Arthritis be granted permission to close Island Park Drive from Liberty Street to Rupert Boulevard and Horlick Park Drive from Rupert Boulevard to 12th Street for the Jingle Bell Run/Walk for Arthritis, to be held on Saturday, December 8, 2007, from 9:00 a.m. to 10:30 a.m., 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. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a special event fee of \$300.00.

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 to various City departments, on a

regular shift basis, to assist in implementing this event. There is a \$300.00 special events fee to the City.

Sponsors: Jim Kaplan and Ronald D. Hart

A motion was made by Alderman Kaplan that this resolution be Adopted

Res.07-0463 Conditional Use Permit for 2617 Lathrop Avenue

Resolved, that the request by Kim Lunderskov and Nancy Foster representing Maaco seeking a conditional use permit to operate an auto body repair and painting facility at 2617 Lathrop Avenue be approved, subject to the following conditions:

- a. That the plans received August 27, 2007 and presented to the Plan Commission on September 26, 2007 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 all vapors, fluids and dust be contained and disposed of according to all applicable regulations.
- d. That there shall be no vehicle sales or salvage at this location.
- e. That all employee and customer parking shall be contained on site, or suitable arrangements be made to accommodate off-street parking at other locations by written agreement with the property owner. Said agreement shall be submitted to the Director of City Development for review and approval prior to the commencement of parking.
- f. That only single row, perpendicular parking shall be permitted. At no time shall vehicle parking or circulation impede traffic flow along the common access easement or on the property. There shall be no overnight or employee parking between the building and the Lathrop Avenue sidewalk.
- g. That all vehicles waiting repair, or those which have been repaired shall be stored on the subject property in an orderly fashion but in no case longer than 20 days.
- h. That landscaping shall be installed between the building and Lathrop Avenue sidewalk, and appropriate drive isle curbing installed.
- i. That by October 17, 2007 the following shall be accomplished:
 1. Submit a landscape plan for the review and approval of the Director of City Development. If occupancy is requested prior to the installation of landscaping then a letter of credit equal to the value of the landscape plan shall be submitted for the review and approval of the Director of City Development. In any case,

the approved landscaping plan shall be implemented by May 31, 2008.

2. Submit a uniform sign package for the review and approval of the Director of City Development.

j. No pennants, banners, or streamer shall be displayed at this location.

k. That all vehicle repairs, preparation and painting shall be conducted indoors.

l. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, equipment, and materials.

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

n. That the maximum hours of operation shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday, 7:00 a.m. to 2:00 p.m. on Saturday, with no hours on Sunday.

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

p. 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.

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

Fiscal Note: N/A

Sponsors: Gregory Holding

A motion was made by Alderman Holding that this resolution be Adopted

Res.07-0464 Conditional Use Permit for 522 - 6th Street

Resolved, that the request by Michael Rosales of "Bricks" seeking to amend the conditional use permit for the Century Market mixed use development to establish a teen dance club at 522 - 6th Street be approved, subject to the following conditions:

a. That the plans received September 12, 2007 and presented to the Plan Commission on October 10, 2007 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 minimum age limit of patrons shall be those who have attained the age of 16 years. The intended market will be those persons who have attained the age of 16 to 21 years of age.
- d. That the days and hours of the teen dance club be limited to Thursdays, Fridays, and Saturdays from 9:00 p.m. to 1:30 a.m. with minors being barred from the facility after 10:45 p.m. in order to facilitate patron and business compliance with Article XV. Sec 66-396, Curfew for Minors, Hours, City of Racine Municipal Code.
- e. That an afternoon seniors swing lounge be a permitted use at this location and be limited to those having attained that age of 55 or older.
- f. That banquet facilities for special events and small seminars be permitted.
- g. That all activities permitted by this conditional use permit amendment be confined to the indoor spaces as indicated on the floor plans submitted with the application.
- h. That a comprehensive security plan be provided containing information such as, but not limited to, who will provide services as well as indicating their training and experience, the security policies and enforcement measures to be implemented, times of day when security personnel will be on site, the locations on the property where monitoring and control activities will take place, who will provide insurance coverage and proof thereof. Said security plan shall be provided to the Director of City Development for review and approval, prior to the issuance of an occupancy permit.
- i. That the interior and exterior of property be policed at the close of each business day or after each event so that all trash, debris and refuse are properly cleaned up and disposed of in a timely fashion.
- j. That all music and associated vibration be contained within the building.
- k. That all codes and ordinances be complied with and required permits acquired.
- l. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- m. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

A motion was made by Alderman Holding that this resolution be Adopted

Res.07-0465 Conditional Use Permit for 2805 S. Green Bay Road

Resolved, that the request by Dave Herbeck of Clubhouse of Wisconsin seeking a conditional use permit for a Starbucks Coffee with drive-thru at 2805 S. Green Bay Road be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on October 10, 2007 be approved, subject to the following conditions.
- b. That all applicable building and occupancy permits be applied for.
- c. That all signs be professionally made, comply with the zoning ordinance and Regency Mall standards, and be submitted to the Director of City Development for review and approval prior to installation.
- d. That the hours of operation be from 5:00 a.m. to 10:00 p.m., daily.
- e. That a detailed landscape plan be submitted to the Director of City Development for review and approval prior to the issuance of a building permit. Landscaping shall be installed in accordance with the approved plans and prior to the issuance of an occupancy permit, unless a letter of credit, equal to the value of the landscaping, is submitted to the Director of City Development for review and approval.
- f. That all trash and recyclables be stored in closed containers and screen from view.
- g. That exterior lighting details be submitted for the review and approval of the Director of City Development.
- h. That all codes and ordinances be complied with and required permits acquired.
- i. That no minor changes be made from the conditions of this permit without approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- j. That this permit is subject to Plan Commission review for compliance with the listed conditions.
- k. That no minor changes be made without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.
- l. That this approval is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

A motion was made by Alderman Holding that this resolution be Adopted

Res.07-0466 Accept report as the official Analysis of Impediments for the City of Racine and adopt memorandum as presented to the Affirmative Action/Human Relations Commission

Resolved, that the Common Council accepts the report presented to the Affirmative Action/Human Relations Commission on October 11, 2007 as the official Analysis of Impediments for the City of Racine, and adopts the memorandum presented to the Commission on October 11, 2007 as the City's Fair Housing Action Plan.

Fiscal Note: N/A

Sponsors: Raymond DeHahn

A motion was made by Alderman Holding that this resolution be Adopted

H. Ordinances

ZOrd.0007-07 An Ordinance to rezone 2415 Douglas Avenue

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

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

Part 1:

That the parcel of property located at 2415 Douglas Avenue, and more particularly described as follows:

"That parcel located in the SE 1/4 of the NE 1/4 of Section 5, T.3.N.R. 23E., Orttel's Division, Block 1, Lot 5 as recorded in the office of the Racine County Register of Deed's Office. Said land being in the City of Racine, Racine County, Wisconsin."

be rezoned from "R-3" Limited General Residence District, to "R-3" Limited General Residence District with an FD Flex Development Overlay District, and designated as Supplement No. _____, which Supplement is hereby made a part of this ordinance.

Part 2:

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

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

Referred to City Plan Commission

[Ord.20-07](#)

Ordinance No. 20-07

To repeal and recreate Chapter 98, Article III, Division 4 of the Municipal Code of the City of Racine, Wisconsin relating to Water Utility - Impact Fee.

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

Part 1:

Chapter 98, Article III, Division 4 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“DIVISION 4. IMPACT FEE

Sec. 98-83. Definitions.

For the purpose of this division, the following phrases have the meaning stated:

Capital cost means the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the City can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. Capital costs does not include other noncapital costs to construct, expand or improve public facilities, the costs of equipment to construct, expand or improve public facilities or the costs for vehicles.

Developer means a person that constructs or creates a land development.

Impact Fees means cash fees imposed upon a developer under this chapter.

Land Development means the construction or modification of improvements to real property that creates additional residential dwelling units within the City or that result in nonresidential uses that create a need for new, expanded or improved public facilities within the City. For the purpose of the water impact fee, land development shall include any property, formerly unconnected to the water system that connects to the water system.

Residential Equivalent Connection (REC) means the measure of annual water usage expressed in terms of the amount of water used by a typical single-family residence, which shall be deemed to be 72,000 gallons per year.

Sec. 98-84. Purpose.

The purpose of this ordinance is to promote the public health, safety and general welfare of the community and to facilitate the adequate provision for regional water utility system facilities by imposing impact fees upon developers to pay for the capital costs that are necessary to accommodate land development.

Sec. 98-85. Authority.

This ordinance is authorized under §66.0617, Wis. Stats. The provisions of this ordinance shall not be construed to limit the power of the City to adopt such ordinance pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this ordinance.

Sec. 98-86. Imposition of impact fees.

- (a) Impact fees are hereby imposed on all developments and land divisions within the City of Racine.
- (b) For all development, impact fees shall be due in full within fourteen (14) days of the issuance of a building or plumbing permit.
- (c) The effective date of a building permit is the date on which all impact fees imposed under this Chapter are paid in full and unless all impact fees are paid in full within 14 days after issuance as required by §66.0617 (6) (g), Wis. Stats., said building permit shall expire 15 days after issuance.

Sec. 98-87. Residential equivalent connection tables.

The following tables shall be used to determine RECs to be used from the city water system:

(1) *Residential Users.*

Residential Users	REC
Condominium	0.75/unit
Single-family home	1.00
Duplex	1.50
Multiple-family	0.75/unit

(2) Nonresidential users.

SIC Code	Description	Gallons per Employee Hour	
0742	Veterinary services for animal specialties	20.0	
0752	Animal specialty services	16.0	
0782	Lawn and garden services	10.0	
1446	Industrial sand	5.0	
1521	General contractors--Residential	2.3	
1541	General contractors--Industrial buildings and warehouses		2.3
1611	General contractors--Public works	2.3	
1711	Plumbing, heating and air conditioning	2.3	
1731	Electrical work	2.3	
1761	Roofing and sheet metal work	2.3	
1799	Special trade contractors, N.E.C.	2.3	
2013	Sausage and other prepared meats	110.0	
2065	Candy and other confectionery products	50.0	
2087	Flavoring extracts and syrups, N.E.C.	75.0	
2394	Canvas and related products	2.3	
2431	Millwork	5.0	
2434	Wood kitchen cabinets	5.0	
2522	Metal office furniture	2.3	
2721	Periodicals: Publishing and printing	10.0	
2731	Books: Publishing and printing	10.0	
2751	Commercial printing, letterpress and screen		10.0
2752	Commercial printing, lithographic	10.0	
2789	Book binding and related work	10.0	
2795	Lithographic platemaking and related services		25.0
2819	Industrial inorganic chemicals, N.E.C.	10.0	
2834	Pharmaceutical preparation	10.0	
2841	Soap and other detergents	15.0	
2893	Manufacturing of printing ink	30.0	
2899	Chemicals and chemical preparations, N.E.C.		10.0
3079	Miscellaneous plastic products	85.0	
3111	Leather tanning and finishing	345.0	
3272	Concrete products, except block and brick		25.0
3442	Metal doors, sash, frames, molding and trim		2.3
3444	Sheet metal work	40.0	
3451	Screw machine products	10.0	
3462	Iron and steel forging	5.0	
3469	Metal stampings, N.E.C.	5.0	
3471	Electroplating, plating, polishing, anodizing, etc.		50.0
3479	Coating, engraving and allied services, N.E.C.		100.0
3495	Wire springs	2.3	
3498	Fabricated pipe and fittings	2.3	
3499	Fabricated metal products, N.E.C.	25.0	
3531	Construction machinery and equipment	5.0	
3544	Spec. dies and tools, die sets, jigs and fixtures, molds		10.0
3562	Ball and roller bearings	5.0	
3565	Industrial patterns	5.0	
3569	General industrial machinery and equipment, N.E.C.		4.0

3576	Scales and balances, except laboratory	2.3	
3599	Machinery, except electrical, N.E.C.	10.0	
3613	Switchgear and switchboard apparatus	5.0	
3632	Household refrigerators and home and farm freezers		2.3
3694	Electrical equipment for internal combustion engines		2.3
3714	Motor vehicle parts and accessories	75.0	
3999	Manufacturing industries, N.E.C.	2.3	
4141	Local passenger transportation charter service		2.3
4151	School buses	2.3	
4212	Local trucking without storage	10.0	
4213	Trucking, except local	2.3	
4225	General warehousing and storage	2.3	
4311	U.S. Postal Service	2.3	
4722	Travel agency	2.3	
4811	Telephone communication	2.3	
4832	Radio broadcasting	2.3	
5042	Toys and hobby goods and supplies	2.3	
5063	Electrical apparatus and equipment	2.3	
5054	Electrical appliances	2.3	
5072	Hardware--Wholesale distribution	2.3	
5082	Construction and mining machinery and equipment		2.3
5084	Industrial machinery and equipment	2.3	
5142	Frozen foods	10.0	
5149	Wholesale groceries and related products, N.E.C.		10.0
5199	Wholesale nondurable goods, N.E.C.	10.0	
5211	Lumber and other building materials dealers		2.3
5231	Paint, glass, wallpaper	2.3	
5251	Hardware--Retail sales	2.3	
5261	Retail nurseries, lawn and garden supply stores		10.0
5271	Mobile home dealers	2.3	
5311	Department stores	2.3	
5331	Variety stores	2.3	
5411	Grocery stores with meat and produce departments		16.0
5412	Grocery stores without meat and produce departments		6.0
5441	Candy, nut and confectionery stores	10.0	
5462	Retail bakeries--Baking and selling	10.0	
5499	Miscellaneous food stores	2.3	
5511	Motor vehicle dealers	5.0	
5531	Auto and home supply stores	2.3	
5541	Gasoline service stations	15.0	
5551	Boat dealers	5.0	
5611	Clothing stores	2.3	
5651	Shoe stores	2.3	
5681	Furriers and fur shops	5.0	
5711	Furniture, floor coverings, appliances	2.3	
5812	Eating places (restaurants)	20.0	
5813	Drinking places (taverns)	45.0	
5912	Drugstores and proprietary stores	2.3	
5921	Liquor stores	2.3	
5931	Used merchandise stores	2.3	

5941	Sporting goods stores and bicycle shops	2.3
5942-9	Miscellaneous stores	2.3
5992	Florists	10.0
5999	All other retail stores	2.3
6022-59	Banks	2.3
6122-63	Savings and loans	2.3
6311	Insurance companies	2.3
6411	Insurance agents	2.3
6512	Operators of nonresidential buildings	2.3
6515	Operators of residential mobile home sites	2.3
6531	Real estate agents and managers	2.3
6553	Cemetery subdividers and developers	2.3
6722	Management investment offices	2.3

Sponsors: Thomas Friedel

Referred to Waterworks Commission

Ord.21-07

Ordinance No. 21-07

To amend Section 66-2(a) of the Municipal Code of the City of Racine, Wisconsin relating to Offenses - Acts constituting offenses under chapter; penalties.

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

Part 1:

Section 66-2(a) of the Municipal Code of the City of Racine is hereby amended by adding the following at the end:

“(3) Is the holder of a license to sell alcohol and/or tobacco, if the offense concerns the sale of alcohol to a person under the age of 21 or the sale of tobacco to a person under the age of 18.”

Part 2:

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

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Q.A. Shakoor II

Referred to Public Safety and Licensing Committee

J. Adjourn

The meeting was adjourned at 7:35 p.m. by Mayor Becker. The next scheduled meeting of the Council is November 6, 2007.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK