



City of Racine

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

Meeting Minutes - Final Common Council

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

Wednesday, May 6, 2009

7:00 PM

Room 205, City Hall

Due to Special Mayoral Election on May 5, 2009

A. Call To Order

PRESENT: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shakoor, II

B. Pledge of Allegiance To The Flag

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

Proclamation recognizing May as Historic Preservation and Archaeology Month.

Mayor Friedel read a proclamation recognizing May as Historic Preservation and Archaeology Month.

Proclamation recognizing May 15th as ride your bike to work day, and May 10-16 as Ride the Bus Free with your Bike Week.

Mayor Friedel read a proclamation recognizing May 15th as Ride Your Bike to Work Day, and May 10-16 as Ride The Bus Free With Your Bike Week.

C. Approval of Journal of Council Proceedings (Minutes)

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

D. Public Hearings

ZOrd.2-09

An Ordinance rezoning 1500 May Street and 1501 West Street.

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

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

Part 1:

That the property located at 1500 May Street and more particularly described as follows:

“Parcel 3 of CSM Number 2491, Document Number 1892483 (NE ¼ of the SE ¼ of Sec. 8, T.3 N., R. 23 E, City of Racine, Block 4 and Lot 7, Block 5 Palmeter and Briggs Addition to the City of Racine, Racine County, Wisconsin”

Be rezoned from “B-2” Community Shopping District, to “R-3” Limited General Residence District, and designated as Supplement No. _____, which Supplement is hereby made a part of this ordinance.

Part 2:

That the property located at 1501 West Street and more particularly described as follows:

“Parcel 4 of CSM Number 2491, Document Number 1892483 (NE ¼ of the SE ¼ of Sec. 8, T.3 N., R. 23 E, City of Racine, Block 4 and Lot 7, Block 5 Palmeter and Briggs Addition to the City of Racine, Racine County, Wisconsin”

Be rezoned from “B-2” Community Shopping District, to “R-3” Limited General Residence District, and designated as Supplement No. _____, which Supplement is hereby made a part of this ordinance.

Part 3:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

No one appeared.

His Honor, the Mayor, declared the public hearing closed

Ord.11-09

Ordinance No. 11-09

To amend Sec. 114-1033 of the Municipal Code of the City of Racine, Wisconsin relating to Sign regulations - Electronic message signs.

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

Part 1:

Section 114-1033 of the Municipal Code of the City of Racine is hereby amended by adding the following at the beginning of the section:

“(a) Electronic Signs, (Educational Facilities)”

For purposes of this section, Educational Facility shall be defined as a primary, secondary, or technical school (public, private, or parochial) involved in the instruction of students as its primary function. This definition shall not include community centers, religious institutions without a K-8th grade school, job training facilities, or other similar organizations providing student instruction.

(1) Standards

All electronic signage for educational facilities shall be constructed as set forth in this part and shall comply with the following standards:

a. Zone Districts

Allowed as a Conditional Use in any zone district in which the school is located.

b. Sign Area

1. One monument sign is allowed per site. The sign may have an electronic face on both sides of the sign.
2. The maximum size of the sign may not exceed 60 square feet, including borders, trim, etc. A maximum of 50% of the total sign area may be electronic.
3. Height may not exceed six (6) feet, as measured from average finished grade to the highest point on the sign cabinet.
4. The monument sign is allowed in addition to all other signage as allowed per Article X of the City of Racine Zoning Code.

c. Setback and Location

1. Minimum setback from any property line is 25’.
2. May not be located within 200’ of a residential zone or use, and may not directly face a residential zone or use.

d. Electronic Message Restrictions

1. Messages are limited to advertisements of school activities and functions.

No commercial advertising is allowed.

2. The sign lighting may be on between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday.
3. Maximum of four (4) lines of electronic message are allowed per sign face. Lettering height will be determined by the posted speed limit on the adjacent street:
 - (a). 0-30 mph: four (4) inches in height maximum
 - (b). 31-45 mph: six (6) inches in height maximum
 - (c). 46+ mph: ten (10) inches in height
4. The use of scrolling, flashing, blinking, chasing, traveling, or similar animation is prohibited.
5. Each message change shall be accomplished in one second or less, and each message shall remain in a fixed position for a minimum of sixty (60) seconds.
6. No additional electronic signage will be permitted in addition to, or in lieu of, an electronic monument sign.
7. No electronic monument signage shall interfere with or be in conflict with any traffic control devices. This shall be determined by the Commissioner of Public Works.

e. Design Standards

1. The sign design must be architecturally compatible with the school design, utilizing similar materials and established style as found in the principle structure.
2. A landscape plan shall be submitted as part of the Conditional Use. The landscaping shall address the area within six (6) feet of the sign, utilizing plantings that are complimentary to the sign base, appearance, and location of the sign. The landscape plan is subject to review and approval of the Director of City Development.”

Part 2:

Amend 114-1033 by adding “(b) *Electronic Signs, (Non-Residential Uses)*” before the original paragraph, “Electronic message signs are allowed...”

Part 3:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

No one appeared.

His Honor, the Mayor, declared the public hearing closed

E. Public Comments

No one spoke at Public Comments

F. Communications

[09-3506](#)

Subject: Communication from the Chairman of the City of Racine Board of Ethics submitting their 2008-2009 Annual Report.

Received and Filed as Reported

Refer to Finance and Personnel Committee, by Ald. Spangenberg

[09-3515](#)

Subject: Communication from the Acting Public Health Administrator requesting permission to apply for grant funds from the Great Lakes St. Lawrence Cities Initiative. (Grant Control #2009-017)

Referred to Finance and Personnel Committee

[09-3549](#)

Subject: Communication from the Finance Director requesting to appear before the Finance and Personnel Committee to discuss budget carry forwards from 2008 to 2009.

Referred to Finance and Personnel Committee

[09-3551](#)

Subject: Communication from the General Manager of the Water Utility wishing to meet with the Finance & Personnel Committee to discuss the rescinding of Resolution No. 9762 dated April 14, 1997.

Referred to Finance and Personnel Committee

[09-3556](#)

Subject: Communication from the City Clerk submitting the bid received for printing the Common Council Proceedings and legal notices for the period of June 1, 2009 through May 31, 2010.

Referred to Finance and Personnel Committee

Refer to Public Works and Services Committee, by Ald. Holding[09-3521](#)

Subject: Communication from the Alderman of the 5th District requesting that an ordinance be drafted to require mobile food canteens to be mobile during the day.

Referred to Public Works and Services Committee

[09-3534](#)

Subject: Communication from Braun Intertec, informing the City of Racine of contamination within the City right-of-way at High Street and Washington Avenue.

Referred to Public Works and Services Committee

[09-3557](#)

Subject: Communication from the alderman of the 15th District with a request from the property owner at 3315 Chatham Street to remove his sidewalk.

Referred to the Public Works and Services Committee

Refer to Public Safety and Licensing Committee, by Ald. Wisneski[09-3535](#)

Subject: Communication from the Purchasing Agent, submitting bids for Official Notice #8, One (1) Ten-Person Rapid Deployment Vehicle, for the Racine Police Department.

Referred to Public Safety and Licensing Committee

[09-3536](#)

Subject: Communication from Fire Chief Hansen requesting a hold harmless agreement for conducting fire department training at 5230 Durand Av, Regency Mall Cinema, before it is razed.

Referred to Public Safety and Licensing Committee

Refer to Traffic Commission, by Ald. Holding[09-3494](#)

Subject: Communication from the Alderman of the 13th District, requesting "No Parking" signs be installed in the alley behind 3121 Washington Avenue. This is a T-alley, bounded by Grove Avenue on the west.

Referred to Traffic Commission

[09-3499](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering wishing to designate a westbound left turn lane at 16th Street and Taylor Avenue.

Referred to Traffic Commission

[09-3533](#)

Subject: Communication from the Alderman of the 6th District, on behalf of the Riverwood Condo Association, requesting a "Not a Through Street" sign be placed in the 2700 block of Old Mill Drive.

Referred to Traffic Commission[09-3543](#)

Subject: Communication from David Beach, on behalf of Olympia Brown Unitarian Universalist Church, requesting a handicap crosswalk ramp on Seventh Street, across from the church (625 College Avenue).

Referred to Traffic Commission[09-3544](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting a No Parking sign on Lockwood Avenue across from the Park Service Center at 1420 - 13th Street.

Referred to Traffic Commission**Refer to Transit and Parking Commission, by Ald. DeHahn**[09-3498](#)

Subject: Communication from the Monument Square Art Fair Board of Directors requesting permission to rent Lakefront Lot No. 5 for the Monument Square Art Fair on Saturday, June 13, 2009 and Sunday June 14, 2009. This lot will provide parking for the artists participating in the art fair.

Referred to Transit and Parking Commission[09-3502](#)

Subject: Communication from the Executive Director of PTMR requesting the City of Racine accept Wisconsin State 8521 grant funding in the amount of \$30,000 from Racine County for the provision of disabled and senior transportation in 2009.

Referred to Transit and Parking Commission[09-3503](#)

Subject: Communication from the Executive Director of PTMR requesting the City of Racine accept Wisconsin State 8521 grant funding in the amount of \$184,232 from Racine County for the provision of disabled and senior transportation in 2008.

Referred to Transit and Parking Commission[09-3504](#)

Subject: Communication from the Executive Director of PTMR requesting that a City of Racine P-card be issued to BUS staff for the purchase of bus parts.

Referred to Transit and Parking Commission**Refer to City Plan Commission, by Ald. Holding**[09-3546](#)

Subject: Communication from the Alderman of the 7th District requesting permission for Inner City Unity to establish a community garden in the 2400 block of Jacato Drive.

Referred to City Plan Commission

Refer to Committee of the Whole, by Ald. Spangenberg

[09-3555](#)

Subject: Communication from the Alderman of the 11th District requesting that Curtis Garner appear before the committee to present possibilities for improving the BUS system.

Referred to Committee of the Whole

Refer to Common Council, by Ald. Spangenberg

[09-3563](#)

Subject: Communication from the Office of the Mayor that, on May 4, 2009, a Statement of Charges was filed with the City Clerk pursuant to Ordinance Sec. 2-441 regarding the Public Health Administrator.

Referred to the Common Council

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Spangenberg

[09-3428](#)

Subject: (Direct Referral) Communication from the Deputy City Attorney requesting to meet in Closed Session pursuant to s. 19.85(1) (c), to discuss the collective bargaining agreement between the City of Racine and Local 430, AFL-CIO, International Brotherhood of Electrical Workers, for January 1, 2009 through December 31, 2010. (Res.09-1342)

Recommendation of the Finance & Personnel Committee on

04-13-09: Approve the collective bargaining agreement.

Recommendation of the Finance & Personnel Committee on

4-27-09: Approve the collective bargaining agreement.

Fiscal Note: Funds are available in the Department of Public Works-electricians and the Water/Wastewater-electricians budgets.

This Communication was Referred to the Finance and Personnel Committee

[09-3430](#)

Subject: Communication from the Acting Public Health Administrator requesting permission to accept grant funding from the Wisconsin Coastal Management Program. (Grant Control #2008-041) (Res.09-1379)

Recommendation of the Finance & Personnel Committee on

4-27-09: The Mayor and City Clerk be authorized and directed to enter into a \$29,117 agreement with the Wisconsin Coastal

Management Program (Grant Control No. 2008-041) to be utilized to conduct QPCR testing.

Fiscal Note: There is a 60% in-kind 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.

[Res.09-1342](#)

Collective Bargaining Agreement between City and Local 430, AFL-CIO International Brotherhood of Electrical Workers be approved

Resolved, that the Collective Bargaining Agreement between the City of Racine and Local 430, AFL-CIO International Brotherhood of Electrical Workers, for January 1, 2009 through December 31, 2010 be approved.

Fiscal Note: Funds are available in the Department of Public Works-Electricians and the Water/Wastewater-Electricians budgets.

Sponsors: James T. Spangenberg

This Resolution was Referred to the Finance and Personnel Committee

[09-3446](#)

Subject: Communication from Edward Lang, Senior Vice President with Republic Services requesting an amendment to the variable/fixed Rate Demand Solid Waste Disposal Refunding Revenue Bonds (Republic Services, Inc. Project) Series 2004. (Res.09-1380)

Recommendation of the Finance & Personnel Committee on 4-27-09: Adopt a resolution authorizing the execution and delivery by the City of Racine, Wisconsin of a first supplemental indenture of trust relating to its Variable/Fixed Rate Demand Solid Waste Disposal Refunding Revenue Bonds (Republic Services, Inc. Project) Series 2004, along with related documents.

Fiscal Note: N/A

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

[09-3448](#)

Subject: Communication from the City Attorney submitting the claim of Jorge Ibarra for consideration.

Recommendation of the Finance & Personnel Committee on 4-27-09: The claim of Jorge Ibarra, 1948 Howe Street, requesting reimbursement of \$4,338.69 for vehicle repair allegedly arising from an accident involving a City snowplow be denied.

Fiscal Note: N/A

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

motion was APPROVED.

Council Action

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shakoor, II

[09-3514](#)

Subject: (Direct Referral) Resolution 09-1342 approving a bargaining agreement between the City and Local 430, AFL-CIO International Brotherhood of Electrical Workers.

Recommendation of the Finance & Personnel Committee on 4-27-09: Approve the collective bargaining agreement.

Fiscal Note: Funds are available in the Department of Public Works-electrician and the Water/Wastewater-electrician budgets.

This Communication was Referred to the Finance and Personnel Committee

Public Works and Services Committee Report, by Ald. Holding

[09-3426](#)

Subject: Resolution No. 09-1329 of April 8, 2009, relating to the following street improvements:

PORTLAND CEMENT CONCRETE PAVING

Summit Avenue from Layard Avenue to the dead end.
St. Patrick Street from Summit Avenue to the dead end.
Harmony Drive from Douglas Avenue to +/-184' east of Douglas Ave.
Fourth Avenue from South Street to Shoreland Drive.
Alley- Ehlert Street/Glen Street; Luedtke Avenue/Root River E-W.
Alley - Ehlert Street/Glen Street; Luedtke Avenue/Root River N-S.
Alley - Prospect Street/Harriet Street; Booker Street/State Street.

SEWER AND WATER LATERALS

Harmony Drive from Douglas Avenue to +/-184' east of Douglas Ave.
Fourth Avenue from South Street to Shoreland Drive.

SANITARY SEWER

Harmony Drive from Douglas Avenue to +/-184' east of Douglas Ave.

CURB AND GUTTER

Summit Avenue from Layard Avenue to the dead end.
St. Patrick Street from Summit Avenue to the dead end.

Recommendation of the Public Works Committee on 4-28-09:

That Resolution No. 09-1329, of April 8, 2009, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

Summit Avenue from Layard Avenue to the dead end.

Alley - Ehlert Street/Glen Street; Luedtke Avenue/Root River E-W.

Alley - Ehlert Street/Glen Street; Luedtke Avenue/Root River N-S.

CURB AND GUTTER

Summit Avenue from Layard Avenue to the dead end.

and, as amended , Resolution No. 09-1329, of April 8, 2009, be adopted.

Fiscal Note: Funds will be appropriated in the 2010 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

Alderman Maack requested that item 09-3426 be considered separately.

After further discussion he amended his motion to have this item considered separately and it was included with the balance of the report.

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

09-3442

Subject: Communication from the Purchasing Agent submitting bids for Official Notice #7 for One (1) 6,000 pound, 47" Tandem Drum Vibratory Roller. (Res.09-1387)

Recommendation of the Public Works and Services Committee

on 4-28-09: That the contract for one (1) Bomag BW120 AD-4 Vibratory Roller be awarded to Miller, Bradford & Risberg at their bid price of \$33,990, they being the lowest responsive bidder.

Further recommends that funds to defray the cost of this purchase are available in Account 101.630.5790, Unlicensed vehicles.

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.

09-3443

Subject: Communication from the Commissioner of Public Works/City Engineer submitting an amendment to the KRM resolution to provide additional funding. (Res.09-1388)

Recommendation of the Public Works and Services Committee

on 4-28-09: That Amendment No. 2 to the agreement entitled

"Cooperative Agreement to Conduct Advanced Planning, Environmental Studies, and Other Activities Attendant to the Proposed Commuter Rail Passenger Train Service in the Kenosha-Racine-Milwaukee Corridor" to increase the City of Racine's share from \$16,677.00 to \$22,500.00, be approved. The City's share of the cost can either be in the form of a cash payment or in-kind services.

Fiscal Note: There are funds available in the Capital Improvement Program to pay 100% of this amendment. However, the Commissioner of Public Works/City Engineer's services is a member of the technical advisory committee and, therefore, his wages are accounted for to meet the in-kind service alternative.

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

09-3444

Subject: Communication from the Racine County Economic Development Corporation requesting permission to close Junction Avenue from Washington Avenue to Sixteenth Street, on Saturday, June 20, 2009, from 7:00 a.m. to 6:00 p.m. for the Second Annual Uptown Festival. (Res.09-1383)

Recommendation of the Public Works and Services Committee on 4-28-09: The Uptown Improvement Organization be granted permission to close Junction Avenue, between Washington Avenue and 16th Street, on Saturday, June 20, 2009, from 7:00 a.m. to 6:00 p.m., for the second annual Uptown Festival.

Further recommends that permission be granted 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 \$250.00 special event fee.

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.

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

09-3445

Subject: Communication from Beth Allison, 1615 County Turf Lane, requesting an alleyway encroachment at 1219 Blaine Avenue. (Res.09-1384)

Recommendation of the Public Works and Services Committee on 4-28-09: That the request of the property owner of 1219 Blaine Avenue to allow an existing garage to infringe upon the alley right-of-way be approved in accordance with Wisconsin State Statute 66.0425, Privileges in Streets, with the following stipulations:

- A. That a Hold Harmless Agreement be executed;
- B. That a Certificate of Liability Insurance be filed with the City Attorney's office;
- C. That the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

Fiscal Note: N/A

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

09-3495

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 43-08 (K8-051), Replace Damaged Windows at City Hall, B+D Contractors, Inc., contractor. (Res.09-1394)

Recommendation of the Public Works and Services Committee on 4-28-09: The work done by B+D Contractors, Inc., under Contract 43-08 (K8-051), Replace Damaged Windows at City Hall, be accepted and final payment authorized for a total contract amount of \$74,500.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0821, dated May 20, 2008

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

09-3454

Subject: Communication from Lisa Burks, 4300 N. Pineridge Circle, requesting an easement so that existing sprinkler heads can remain on City property. (Res.09-1385)

Recommendation of the Public Works and Services Committee on 4-28-09: That the request of the property owner of 4300 N. Pineridge Circle to allow an existing turf sprinkler system to remain

within the abutting street right-of-way be approved in accordance with Wisconsin State Statute 66.0425, Privileges in Streets, with the following stipulations:

- A. That a Hold Harmless Agreement be executed;
- B. That a Certificate of Liability Insurance be filed with the City Attorney's office;
- C. That the property owner become a member of Digger's Hotline; and
- D. That the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

Fiscal Note: N/A

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

09-3455

Subject: Communication from the Commissioner of Public Works/City Engineer requesting permission to submit a grant application to the Urban Nonpoint Source and Storm Water grant program. (Res.09-1389)

Recommendation of the Public Works and Services Committee on 4-28-09: That the Assistant Commissioner of Public Works/Engineering be authorized and directed to submit to the Wisconsin Department of Natural Resources an Urban Nonpoint Source and Storm Water Planning Grant Application for an upgrade to the water quality planning portion of the Storm Water Management Plan. The total amount of the grant request is \$95,000.00 with the local share being \$38,000.00.

Further recommend that a resolution be adopted authorizing the Assistant Commissioner of Public Works/Engineering to sign and submit all paperwork to the Wisconsin Department of Natural Resources necessary to comply with this grant request.

Fiscal Note: Funds are available for the City's share through the Storm Water Utility.

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

09-3486

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 11-09 (K9-011), 2009 Asphalt Resurfacing C.D.B.G. (Res.09-1390)

Recommendation of the Public Works and Services Committee on 4-28-09: That Contract 11-09 (K9-011), 2009 Asphalt Resurfacing C.D.B.G., be awarded to A. W. Oakes & Son, Racine, WI, at their bid

price of \$504,471.90, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 79,690.00 - Account 104.900.5420, Storm Sewers, Misc.
\$ 28,950.00 - Account 987.988.5310, Sanitary Sewer, Misc. Loc.
\$ 15,205.29 - Account 898.030.5510, CDBG Curb & Gutter
\$ 57,923.71 - Account 899.030.5510, CDBG Curb & Gutter
\$ 1,789.34 - Account 898.030.5540, CDBG Asphalt Resurfacing
\$274,076.29 - Account 899.030.5540, CDBG Asphalt Resurfacing
\$ 13,120.00 - Account 989.908.5630, Crosswalk Ramps
\$ 16,181.40 - Account 989.908.5520, Sidewalk Replacement
\$ 17,535.87 - Account 989.908.5220, Asphalt Resurfacing
\$504,471.90 - 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.

[09-3487](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 18-09 (K9-018), 2009 Street Paving. (Res.09-1391)

Recommendation of the Public Works and Services Committee on 4-28-09: That Contract 18-09 (K9-018), 2009 Street Paving (R1), be awarded to A. W. Oakes & Son, Racine, WI, at their bid price of \$813,139.10, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 33,845.00 - Account 287.988.5310, Sanitary Sewer, Var. Loc.
\$ 71,366.00 - Account 104.900.5420, Storm Sewers, Misc. Loc.
\$372,463.92 - Account 906.000.5010, Assessable
\$200,000.00 - Account 989.908.5010, Conc. Street Paving, Misc. Loc.
\$128,759.18 - Account 988.908.5020, Conc. Pvmt. Repl., Misc.
\$ 6,705.00 - Water Department
\$813,139.10 - 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.

[09-3488](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 24-09 (K9-025), 2009 Curb & Gutter Replacement. (Res.09-1392)

Recommendation of the Public Works and Services Committee

on 4-28-09: That Contract 24-09 (K9-025), 2009 Curb & Gutter Replacement, be awarded to Stark Asphalt, Milwaukee, WI, at their bid price of \$139,578.40, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 1,980.00 - Account 989.908.5130, Sidewalk Replacement
\$ 4,344.94 - Account 988.908.5530, Crosswalk Ramps
\$ 5,044.71 - Account 989.908.5530, Crosswalk Ramps
\$ 19,002.75 - Account 989.908.5020, Concrete Pavement Repl.
\$ 2,380.00 - Account 104.900.5420, Storm Sewers, Misc.
\$ 7,004.00 - Account 988.908.5130, Asphalt Resurfacing
\$ 2,205.16 - Account 988.908.5220, Repl. Curb & Gutter
\$ 97,616.84 - Account 989.908.5320, Repl. Curb & Gutter
\$139,578.40 - 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.

09-3489

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 33-09 (K9-034), Roof Replacement at Fire Station No. 7. (Res.09-1393)

Recommendation of the Public Works and Services Committee

on 4-28-09: That Contract 33-09 (K9-034), Roof Replacement at Fire Station No. 7, be awarded to Carlson Racine Roofing & Sheet Metal, Inc., Racine, WI, at their bid price of \$134,695.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 989.300.5040, Station 7 Roof Replacements.

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.

09-3516

Subject: Ordinance No. 10-09, dated April 20, 2009, To repeal Sec. 2-93 of the Municipal Code of the City of Racine, Wisconsin relating to Administration - Committees; Petitions for street oiling.

Recommendation of the Public Works and Services Committee

on 4-28-09: That Ordinance No. 10-09, dated April 20, 2009, 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.

[09-3522](#)

Subject: (Direct Referral) Communication from Mark Levine requesting permission to install 3 projecting flower planters over city right-of-way at 505 Sixth Street. (Res.09-1386)

Recommendation of the Public Works and Services Committee on 4-28-09: That the request of the property owner of 505 Sixth Street be granted permission to install three (3) flower planters beneath the second floor windows, as requested, in accordance with Wisconsin State Statute 66.0425, Privileges in Streets, with the following stipulations:

- A. That a Hold Harmless Agreement be executed;
- B. That a Certificate of Liability Insurance be filed with the City Attorney's office;
- C. That the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

Fiscal Note: N/A

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

[09-3523](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting permission to apply for a Focus on Energy Grant for the installation of LED light fixtures at the Central Fueling Site. (Res.09-1395)

Recommendation of the Public Works and Services Committee on 4-28-09: That the Commissioner of Public Works/City Engineer be authorized and directed to submit a grant application to Focus on Energy for a LED Upgrade at the Central Fueling Site.

Fiscal Note: The estimate of the grant, if approved, is \$1,241.00.

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

[09-3524](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 4 on Contract 53-08 (K8-061), City Hall Renovation - Phase II, Absolute Construction Enterprises, Inc., contractor. (Res.09-1396)

Recommendation of the Public Works and Services Committee on 4-28-09: That Change Order No. 4 on Contract 53-08 (K8-061), City Hall Renovation - Phase II, Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$12,967.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 988.100.5010, City Hall-Facilities Plan.

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shakoor, II

Alderman Wisneski made a motion to suspend the rules and to consider item 09-3563 at tonight's meeting.

09-3563

Subject: Communication from the Office of the Mayor that, on May 4, 2009, a Statement of Charges was filed with the City Clerk pursuant to Ordinance Sec. 2-441 regarding the Public Health Administrator.

Alderman Wisneski made a motion to suspend the rules to consider item 09-3563.

The motion was approved by the following vote:

AYES: Coe, DeHahn, Hart, Holding, Kaplan, Maack, McCarthy, Mozol, Sheilds, Spangenberg, Weidner and Wisneski

NOES: Anderson

EXCUSED: Shakoor

Alderman Wisneski made a motion that staff be directed to schedule a hearing on the Statement of Charges within 30 days of the Statement of Charges being filed as required by Ordinance Sec. 2-441.

The motion was approved by the following vote:

AYES: Coe, DeHahn, Hart, Holding, Kaplan, Maack, McCarthy, Mozol, Sheilds, Spangenberg, Weidner, Wisneski and Anderson

EXCUSED: Shakoor

Referred to the Common Council

Public Safety and Licensing Committee Report, by Ald. Wisneski

09-3432

Subject: (Direct Referral) Communication from the Purchasing Agent

submitting the sale of abandoned vehicles for April 13, 2009.

Recommendation of the Public Safety & Licensing Committee on 4-27-09: That the item be received and filed.

Fiscal Note: This will generate \$5,289.01 in revenues.

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

[09-3456](#)

Subject: Direct Referral: Final payment for engineering services for Window and Door Replacement at Dr. King Community Center by Industrial Roofing Services Inc. (Res.09-1367)

Recommendation of the Public Safety & Licensing Committee on 4-27-09: That final payment for engineering services for Window and Door Replacement at Dr. King Community Center by Industrial Roofing Services Inc. be authorized for a total contract amount of \$9,600.00.

Fiscal Note: There are sufficient funds available in Account 988.660.5010, King Center Exterior Doors and Windows.

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

[09-3457](#)

Subject: Direct Referral: Final payment on Contract 37-08 (K8-041), ML King Center Door and Window Replacement by Softer Lite Window Co. (Res.09-1366)

Recommendation of the Public Safety & Licensing Committee on 4-27-09: That final payment on Contract 37-08 (K8-041), ML King Center Door and Window Replacement by Softer Lite Window Co. be authorized for a total contract amount of \$111,815.00.

Fiscal Note: There are sufficient funds available in Account 988.660.5010, King Center Exterior Doors and Windows.

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shakoor, II

Traffic Commission Report, by Ald. Holding

08-3056

Subject: Communication from Mike and Marcie Balcer wishing to discuss their concerns regarding the dropping off/picking up at Park High School.

Recommendation (01-19-09): Defer

Recommendation (04-20-09): Recommends that Schedule F of Section 94-141 be amended to create "No Parking, Loading Zone from 7:30 A.M. to 3:30 P.M. on any school day."

Further recommends that this new section be amended to include:

1. 12th Street, north side, from Valley Drive to 330 feet west of Linden Avenue.
2. 12th Street, south side, from 375 feet west of Valley Drive west 415 feet.

Fiscal Note: N/A

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

09-3513

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

A. Recommends that Section 94-141 (7) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking from 7:30 A.M. to 2:30 P.M. on any school day" be amended:

By Deleting:

1. 12th Street, north side, from Valley Drive to Linden Avenue.

B. Recommends that Section 94-141 (8) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking from 7:30 A.M. to 3:00 P.M. on any school day" be amended:

By Deleting:

1. 12th Street, north side, from Linden Avenue west 330 feet.

2. 12th Street, south side, from Valley Drive to 330 feet west of Linden Avenue.

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

By Including:

1. 12th Street, south side, from Valley Drive west 375 feet.

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

Council Action

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shakoor, II

Transit and Parking Commission Report, by Ald. DeHahn

09-3485

Subject: (Direct Referral) Communication from the USPS wishing to amend their current parking lease at McMynn Ramp to add an additional two (2) parking spaces. (Res.09-1373)

Recommendation: Approve USPS's amendment to their parking lease at McMynn Ramp to rent an additional 2 spaces.

Fiscal Note: The amended lease will provide \$1,032 annually for the Parking System.

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

09-3500

Subject: (Direct Referral) Communication from the Executive Director of PTMR requesting the BUS be allowed to promote the use of multi-modal transportation by offering free rides to anyone boarding the bus with a bicycle during the week of May 10 - 16, 2009. (Res.09-1375)

Recommendation: Approve the request to promote the use of multi-modal transportation by offering free rides to anyone boarding the bus with a bicycle during the week of May 10-16, 2009.

Fiscal Note: The estimated cost of this service is \$100.00.

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

09-3501

Subject: (Direct Referral) Communication from the Executive Director of PTMR requesting the downtown trolley be extended north 1/2 mile past Kewaunee, adding service to the Racine Zoo, and also requesting the trolley be allowed to stop in front of Mitchell Wagon Factory Lofts located at 815 - 8th Street. (Res.09-1376)

Recommendation: Approve the change in routing for the downtown trolley.

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 Raymond DeHahn that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shakoor, II

City Plan Commission Report, by Ald. Holding

09-3519

Subject: (Direct Referral) Consideration of a request from Kimberly L. Horton seeking a conditional use permit for a childcare center at 1442 N. Memorial Drive. (Res.09-1377)

Recommendation: Approve subject to conditions.

Fiscal Note: N/A

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

09-3520

Subject: (Direct Referral) Consideration of a request from Frank D'Acquisto of D'Acquisto Motors seeking a conditional use permit to expand the automobile display and sales area onto an eastern portion of the property at 3919 Washington Avenue in conjunction with the auto dealership at 1202 Lathrop Avenue. (Res.09-1378)

Recommendation: Approve subject to conditions.

Fiscal Note: N/A

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

Reported. The motion was **APPROVED**.

[09-3547](#)

Subject: (ZOrd.2-09) An ordinance to rezone 1500 May Street and 1501 West Street from B-2 Community Shopping District to R-3 Limited General Residence District.

Recommendation of the City Plan Commission on 4-29-09: That the ordinance be adopted.

Fiscal Note: N/A

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

Council Action

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shakoor, II

[09-3548](#)

Subject: Ord.11-09 An ordinance to amend Sec. 114-1033 of the Municipal Code of the City of Racine, Wisconsin relating to Sign regulations - Electronic message signs.

Recommendation of the City Plan Commission 4-29-09: That the ordinance be adopted subject to changing Section 114-1033 (a)(1)d.5. to read as follows: Changing messages may be allowed so long as the change is accomplished in one second or less, and each message shall remain in a fixed position for an amount of time to be determined at the time of approval of the conditional use permit.

Fiscal Note: N/A

Alderman Holding requested that item 09-3548 be considered separately.

Alderman Holding requested that the ordinance be approved with the following amendment:

That the word "electronic" be inserted under Section b (1) and (4).

This Communication was Adopted As Amended:

Office of the Mayor Report, by Ald. Spangenberg

[09-3532](#)

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

Community Development Committee:

Appoint Alderman James Spangenberg for a one year term ending May 1, 2010.

Reappoint Ken Lumpkin, 1646 East Street, for a three year term ending May 1, 2012.

Reappoint Lee Martinez, 1835 12th Street, for a three year term ending May 1, 2012.

Reappoint Alderman Aron Wisneski for a one year term ending May 1, 2010.

Reappoint Alderman Q. A. Shakoor II for a one year term ending May 1, 2010.

Reappoint Alderman Greg Holding for a one year term ending May 1, 2010.

Reappoint Alderman Sandy Weidner for a one year term ending May 1, 2010.

Reappoint Alderman David Maack for a one year term ending May 1, 2010.

Board of Harbor Commissioners:

Reappoint Richard Hynek, 813 Virginia Street, for a three year term ending June 1, 2012.

Landmarks Preservation Commission:

Appoint Eric Marcus, 1520 College Avenue, for a three year term ending May 1, 2012.

Appoint Rodger Lacock, 3110 Erie Street to fill a vacant position ending May 1, 2011.

Reappoint Tony Veranth, 737 Blaine Avenue, for a three year term ending May 1, 2012.

Library Board:

Reappoint Lee Martinez, 1836 12th Street, for a term ending June 1, 2011.

Reappoint Jerry Maller, 431 15th Street, for a three year term ending June 1, 2012.

Reappoint Doug Miller, 6520 Douglas Avenue, for a three year term ending June 1, 2012.

Reappoint Robert Goepel, 1401 S Main Street, for a three year term ending June 1, 2012.

Traffic Commission:

Reappoint Alderman Greg Holding for a one year term ending May 1, 2010.

Affirmative Action Human Rights Commission:

Reappoint Doris Ingram, 1619 Perry Avenue, for a three year term ending May 1, 2012.

Reappoint Alderman David Maack, for a one year term ending May 1, 2010.

Cable Television Commission:

Appoint Cassandra Hopkins, 3706 Douglas Avenue, to fill a vacant position ending May 1, 2010.

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shakoor, II

Water Works Committee Report, by Ald Hart

[09-3469](#)

Subject: Comfort Resolution Pertaining to VFD Replacement "Declaration of Official Intent to Reimburse" (Res.09-1368)

Recommendation: Recommendation of the Waterworks Commission on 4/28/09: Waterworks Commission approved and further recommends that the Mayor and City Clerk be authorized and directed to sign the "Declaration of Official Intent to Reimburse" pertaining to the Variable Frequency Drive (VFD) replacement project.

Fiscal Note: Funding will be supplied by the Water Utility

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shakoor, II

Wastewater Commission Report, by Ald Hart

[09-3472](#)

Subject: Comfort Resolution Pertaining to 15th Street and Lathrop Ave. Interceptor Project "Declaration of Official Intent to Reimburse" (Res.09-1369)

Recommendation: Recommendation of the Wastewater Commission on 4/28/09: Wastewater Commission approved and

further recommends that the Mayor and City Clerk be authorized and directed to sign the "Declaration of Official Intent to Reimburse" pertaining to the 15th Street and Lathrop Avenue Interceptor projects

Fiscal Note: Funding will be supplied by the Wastewater Utility

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

[09-3474](#)

Subject: Comfort Resolution Pertaining to OpenCel "Declaration of Official Intent to Reimburse" (Res.09-1371)

Recommendation: Recommendation of the Wastewater

Commission on 4/28/09: Wastewater Commission approved and further recommends that the Mayor and City Clerk be authorized and directed to sign the "Declaration of Official Intent to Reimburse" pertaining to OpenCel

Fiscal Note: Funding will be supplied by the Wastewater Utility

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

[09-3480](#)

Subject: Request from Village of Mt. Pleasant and Village of Caledonia to Join the Permanent Household Hazardous Waste (HHW) Program for 2009 and Beyond (Res.09-1372)

Recommendation: Recommendation of the Wastewater

Commission on 4/28/09: Wastewater Commission approved and further recommends that the Mayor and City Clerk be authorized to enter into Household Hazardous Waste agreements with the Village of Mt. Pleasant and the Village of Caledonia

Fiscal Note: N/A

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

[09-3511](#)

Subject: Comfort Resolution Pertaining to Root River Interceptor "Declaration of Official Intent to Reimburse" (Res.09-1370)

Recommendation: Recommendation of the Wastewater

Commission on 4/28/09: Wastewater Commission approved and further recommends that the Mayor and City Clerk be authorized and directed to sign the "Declaration of Official Intent to Reimburse" pertaining to the cleaning and televising of the Root River interceptor

Fiscal Note: Funding will be supplied by the Wastewater Utility

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

Council Action

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shakoor, II

Board of Parks, Recreation, and Cultural Services Report, by Ald. McCarthy**09-3396**

Subject: Communication from the Racine County Convention and Visitors Center, in conjunction with The Promotion Company, requesting the use of Lakefront Lot No. 4 lot/Festival Hall lot, Lakefront Lot No. 5 and the Library Public parking lot on June 7, 2009 for the Hot Rod Magazine Power Tour. (Res.09-1374)

(Also refer to Board of Park, Recreation and Cultural Services)

Recommendation of the Board of Parks, Recreation & Cultural Services 4-15-09: that the request be approved.

Fiscal note: N/A

Recommendation of the Transit and Parking Commission

(04-29-09): Approve the use of Lakefront Lot No. 4/Festival Hall Lot, Lakefront Lot No. 5 and the Library parking lot on Sunday, June 7, 2009 for the Hot Rod Magazine Power Tour.

Fiscal Note: The lease will generate \$406.50 in revenue for the Parking System.

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shakoor, II

H. Consent Agenda- Resolutions**Res.09-1366**

Final Payment authorized on Contract 37-08 (K8-041), Softer Lite Window Company, ML King Center Door and Window Replacement

Resolved, that final payment on Contract 37-08 (K8-041), ML King Center Door and Window Replacement by Softer Lite Window Co. be authorized for a total contract amount of \$111,815.00.

Fiscal Note: There are sufficient funds available in Account

988.660.5010, King Center Exterior Doors and Windows.

Sponsors: Aron Wisneski

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

Res.09-1367

Final Payment authorized to Industrial Roofing Services, Inc., Engineering Services for Window and Door Replacement, Dr. King Community Center

Resolved, that final payment for engineering services for Window and Door Replacement at Dr. King Community Center by Industrial Roofing Services Inc. be authorized for a total contract amount of \$9,600.00.

Fiscal Note: There are sufficient funds available in Account 988.660.5010, King Center Exterior Doors and Windows.

Sponsors: Aron Wisneski

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

Res.09-1368

City of Racine Safe Drinking Water Loan Program Comfort Resolution Backwash Variable Frequency Drive Replacement

WHEREAS, the City of Racine, Wisconsin, owns and operates regional water treatment and distribution facilities through the Racine Water Utility; and

WHEREAS, the Utility plans to construct improvements to its water treatment plant with a low interest Safe Drinking Water Loan Program (SDWLP) loan; and

WHEREAS, said improvements include the replacement of variable frequency drive equipment; and

WHEREAS, these improvements may need to proceed with construction prior to receipt of the actual SDWLP loan due to the need to expedite the project; and

WHEREAS, the City wishes to document its intent to use the SDWLP loan as a refinancing tool for expenditures that may be made before SDWLP loan closing; and

WHEREAS, this resolution documents this intent and meets the letter and spirit of Treasury Regulations, 26 CFR 1.150-2.

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

1. **Expenditures of Funds.** The City or the Racine Water Utility shall make expenditures as needed from funds on hand, located in the water fund, and possibly a "Bank Note" to pay the costs of planning, engineering and

construction of these improvements until the SDWLP proceeds become available.

2. Declaration of Official Intent. The City hereby officially declares its intent under Treasury Regulations, 26 CFR 1.150-2 to reimburse said expenditures with proceeds of the SDWLP loan, the aggregate principal amount of debt expected not to exceed \$1,500,000.

Fiscal Note: Funding will be supplied by the Water Utility.

Sponsors: Ronald D. Hart

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

Res.09-1369

City of Racine, Wisconsin Clean Water Fund Program Comfort Resolution
15th Street and Lathrop Avenue Interceptor Improvements

WHEREAS, the City of Racine, Wisconsin, owns and operates regional wastewater treatment and conveyance facilities through the Racine Wastewater Utility; and

WHEREAS, the Utility plans to construct improvements to its wastewater plant with a low interest Clean Water Fund Program (CWFP) loan; and

WHEREAS, said improvements include the construction of a new wastewater interceptor in an area known as 15th Street and Lathrop Avenue; and

WHEREAS, these improvements may need to proceed with construction prior to receipt of the actual CWFP loan due to the desire of the City and other users to expedite the project; and

WHEREAS, the City wishes to document its intent to use the CWFP loan as a refinancing tool for expenditures that may be made before CWFP loan closing; and

WHEREAS, this resolution documents this intent and meets the letter and spirit of Treasury Regulations, 26 CFR 1.150-2.

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

1. Expenditures of Funds. The City or the Racine Wastewater Utility shall make expenditures as needed from funds on hand, located in the wastewater fund, and possibly a "Bank Note" to pay the costs of planning, engineering and construction of these improvements until the CWFP proceeds become available.
2. Declaration of Official Intent. The City hereby officially declares its intent under Treasury Regulations, 26 CFR 1.150-2 to reimburse said expenditures with proceeds of the CWFP loan, the aggregate

principal amount of debt expected not to exceed \$750,000.

Fiscal Note: Funding will be supplied by the Wastewater Utility.

Sponsors: Ronald D. Hart

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

Res.09-1370

City of Racine, Wisconsin Clean Water Fund Program Comfort Resolution
Root River Interceptor Cleaning, Televising, and Repair

WHEREAS, the City of Racine, Wisconsin, owns and operates regional wastewater treatment and conveyance facilities through the Racine Wastewater Utility; and

WHEREAS, the Utility plans to inspect and construct improvements to its wastewater plant with a low interest Clean Water Fund Program (CWFP) loan; and

WHEREAS, said improvements include the inspection, cleaning, and repair on an interceptor sewer along Root River; and

WHEREAS, these improvements may need to proceed with construction prior to receipt of the actual CWFP loan due to the desire of the City and other users to expedite the project; and

WHEREAS, the City wishes to document its intent to use the CWFP loan as a refinancing tool for expenditures that may be made before CWFP loan closing; and

WHEREAS, this resolution documents this intent and meets the letter and spirit of Treasury Regulations, 26 CFR 1.150-2.

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

1. Expenditures of Funds. The City or the Racine Wastewater Utility shall make expenditures as needed from funds on hand, located in the wastewater fund, and possibly a "Bank Note" to pay the costs of planning, engineering and construction of these improvements until the CWFP proceeds become available.
2. Declaration of Official Intent. The City hereby officially declares its intent under Treasury Regulations, 26 CFR 1.150-2 to reimburse said expenditures with proceeds of the CWFP loan, the aggregate principal amount of debt expected not to exceed \$600,000.

Fiscal Note: Funding will be supplied by the Wastewater Utility.

Sponsors: Ronald D. Hart

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

APPROVED.**Res.09-1371**

City of Racine, Wisconsin Clean Water Fund Program Comfort Resolution
OpenCel Equipment Improvements

WHEREAS, the City of Racine, Wisconsin, owns and operates regional wastewater treatment and conveyance facilities through the Racine Wastewater Utility; and

WHEREAS, the Utility plans to construct improvements to its wastewater plant with a low interest Clean Water Fund Program (CWFP) loan; and

WHEREAS, said improvements include the construction of a new wastewater process known as OpenCel; and

WHEREAS, these improvements may need to proceed with construction prior to receipt of the actual CWFP loan due to the desire of the City and other users to expedite the project; and

WHEREAS, the City wishes to document its intent to use the CWFP loan as a refinancing tool for expenditures that may be made before CWFP loan closing; and

WHEREAS, this resolution documents this intent and meets the letter and spirit of Treasury Regulations, 26 CFR 1.150-2.

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

1. Expenditures of Funds. The City or the Racine Wastewater Utility shall make expenditures as needed from funds on hand, located in the wastewater fund, and possibly a "Bank Note" to pay the costs of planning, engineering and construction of these improvements until the CWFP proceeds become available.
2. Declaration of Official Intent. The City hereby officially declares its intent under Treasury Regulations, 26 CFR 1.150-2 to reimburse said expenditures with proceeds of the CWFP loan, the aggregate principal amount of debt expected not to exceed \$1,500,000.

Fiscal Note: Funding will be supplied by the Wastewater Utility.

Sponsors: Ronald D. Hart

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

Res.09-1372

Mayor and City Clerk enter into Household Hazardous Waste Agreements with Village of Mt. Pleasant and Village of Caledonia

Resolved, that the Mayor and City Clerk be authorized and directed to enter into Household Hazardous Waste Agreements with the Village of

Mt. Pleasant and the Village of Caledonia.

Fiscal Note: N/A

Sponsors: Ronald D. Hart

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

Res.09-1373

Approval of Amendment to the USPS current parking lease at McMynn Ramp

Resolved, that the current parking lease with USPS at McMynn Ramp be amended by adding an additional 2 spaces.

Fiscal Note: The amended lease will provide \$1,032 annually for the Parking System.

Sponsors: Raymond DeHahn

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

Res.09-1374

Approval to use Lakefront Lot No. 4/Festival Hall Lot, Lakefront Lot No. 5 and Library parking lot for Hot Rod Magazine Power Tour on June 7, 2009

Resolved, that the use of Lakefront Lot No. 4/Festival Hall Lot, Lakefront Lot No. 5 and the Library parking lot on Sunday, June 7, 2009 for the Hot Rod Magazine Power Tour be approved.

Fiscal Note: The lease will generate \$406.50 in revenue for the Parking System.

Sponsors: Raymond DeHahn

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

Res.09-1375

Permission for PTMR to offer free rides on BUS during week of May 10-16, 2009

Resolved, that permission be granted to PTMR to promote the use of multi-modal transportation by offering free rides to anyone boarding the bus with a bicycle during the week of May 10-16, 2009.

Fiscal Note: The estimated cost of this service is \$100.00.

Sponsors: Raymond DeHahn

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

Res.09-1376

Permission for PTMR to extend route for the downtown trolley

Resolved, that permission be granted to PTMR to extend the downtown trolley north 1/2 mile past Kewaunee, adding service to the Racine Zoo, and a stop in front of Mitchell Wagon Factory Lofts, 815 - 8th Street.

Fiscal Note: N/A

Sponsors: Raymond DeHahn

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

[Res.09-1377](#)

Conditional Use Permit be granted to operate a Childcare Center at 1442 N. Memorial Drive

Resolved, that a Conditional Use Permit be granted to Kimberly L. Horton to operate a Childcare Center at 1442 N. Memorial Drive, subject to the following conditions:

- a. That the plans presented to the Plan Commission on April 29, 2009 be approved subject to the conditions contained herein.
- b. That building and occupancy permits and all other applicable permits for the daycare center be requested from the Building Department.
- c. That signage be confined to the existing wall sign facing Kewaunee Street frontage and the multi-tenant monument sign on the N. memorial Drive frontage.
- d. That the maximum hours that the day care facility be open to the general public be from 6:00 a.m. to 12:00 a.m. Monday through Saturday with no hours on Sunday.
- e. That all yard areas, landscaping, buildings and grounds be maintained in a professional manner and on a daily basis.
- f. That all employee parking be contained on site.
- g. That all children shall be unloaded from vehicles, and loaded into vehicles, in either the parking lot or on the south side of Kewaunee Street.
- h. That all trash and recyclables be stored in stored closed containers and screened from view.
- i. That all buildings and grounds be maintain in a professional manner and on a daily basis.
- j. That all codes and ordinances be complied with and required

permits acquired, including a State of Wisconsin daycare license.

k. 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.

l. That this Conditional Use Permit is subject to review by the Plan Commission for Compliance with the listed condition.

m. That all other conditions of approval as contained in Common Council Resolution No. 6027 of July 6, 2004 be complied with unless otherwise modified herein.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Res.09-1378

Conditional Use Permit be granted to expand automobile display and sales area at 3919 Washington Avenue

Resolved, that a Conditional Use Permit be granted to Frank D'Aquisto of D'Aquisto Motors to expand the automobile display and sales area onto an eastern portion of the property at 3919 Washington Avenue in conjunction with the auto dealership at 1202 Lathrop Avenue be approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on April 29, 2009 be approved subject to the conditions contained herein.

b. That up to 33 vehicles may be displayed for sale in the parking areas as indicated on the site plan, at both addresses (1202 Lathrop Avenue and 3919 Washington Avenue).

c. That there be no pennants, banners, streamers, advertising flags, antenna sleeves, string lights, spot lights or other forms of attraction devices utilized.

d. That by July 29, 2009 the following shall be accomplished:

1. At 1202 Lathrop Avenue, install wheel stops so as to close the northern-most driveway onto Lathrop Avenue.

2. At 3919 Washington Avenue, install wheel stops in the western parking lot (Family Dollar parking lot) to prevent cars from projecting onto the Russet Street sidewalk.

3. Submit a landscaping plan for the review and approval of the Director of City Development illustrating a landscaped area at the base of the sign at the northeast corner of the property. Said plan shall be implemented by September 1, 2009.
4. Submit a cashiers check or letter of credit equal to the value of the cost of implementation of the landscaping plan for the review and approval of the Director of City Development, and that said bond or letter of credit be valid for a minimum of one year after installation.
- e. That all codes and ordinances be complied with and required permits acquired.
- f. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- g. That this permit is subject to Plan Commission review for compliance with the listed conditions.
- h. That this approval is intended to accommodate an accessory use in conjunction with the primary use at 1202 Lathrop Avenue as depicted in the approved site plan. Should automobile display and/or sales cease at 1202 Lathrop Avenue, then privileges conveyed herein for display and/or sales from 3919 Washington Avenue shall also cease.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Res.09-1379

Mayor and City Clerk enter into agreement with Wisconsin Coastal Management Program to conduct QPCR testing

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a \$29,117 agreement with the Wisconsin Coastal Management Program (Grant Control No. 2008-041) to be utilized to conduct QPCR testing.

Fiscal Note: There is a 60% in-kind match required on the part of the City.

Sponsors: James T. Spangenberg

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

Res.09-1382

Preliminary - Ten (10) Year
Benefits and Damages

RESOLVED, by the Common Council of the City of Racine, Wisconsin:

1. The Common Council hereby declares its intention to exercise its power under s. 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following street(s):

All property fronting upon both sides:

SEWER AND WATER LATERALS

Erie Street from St. Patrick Street to High Street.

2. Said public improvement shall consist of **SEWER AND WATER LATERALS**.

3. The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall not be greater than the benefits accruing thereto from said improvements.

4. The assessments against any parcel may be paid in cash or in ten (10) annual installments.

5. The Commissioner of Public works is directed to prepare a report consisting of:

- a. Preliminary or final plans and specifications for said improvement
- b. An estimate of the entire cost of the proposed work or improvement
- c. An estimate, as to each parcel of property within the assessment district, of:

- (1) The assessment of benefits to be levied.
- (2) The damages to be awarded for property taken or damaged.
- (3) The net amount of such benefits over damages or the net amount of such damages over benefits.

Upon completing such report the Commissioner of Public Works is directed to file a copy thereof in the City Clerk's office for public inspection.

6. Upon receiving the report of the Commissioner of Public Works, the City Clerk is directed to give a Class 1 notice of a public hearing on such report as specified in s. 66.60 (7), Wisconsin Statutes.

The hearing shall be held at the Council Chambers in the City Hall at a time set by the Clerk in accordance with S. 66.0703 (7)(a), Wisconsin Statutes.

Sponsors: Gregory Holding

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

Res.09-1383

Uptown Improvement Organization be granted permission to close Junction Avenue from Washington to Sixteenth Street for Second Annual Uptown Festival

Resolved, that the Uptown Improvement Organization be granted permission to close Junction Avenue, between Washington Avenue and 16th Street, on Saturday, June 20, 2009, from 7:00 a.m. to 6:00 p.m., for the second annual Uptown Festival.

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

- A. A hold harmless agreement be executed.
- B. Proof of 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 \$250.00 special event fee.

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.

Sponsors: Gregory Holding

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

Res.09-1384

Permission to allow existing garage to infringe upon alley right-of-way at 1219 Blaine Avenue contingent on execution of a Hold Harmless Agreement and stipulations

Resolved, that the request of the property owner of 1219 Blaine Avenue to allow an existing garage to infringe upon the alley right-of-way be approved in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets, with the following stipulations:

- A. That a Hold Harmless Agreement be executed;
- B. Proof of Certificate of Liability Insurance be filed with the City Attorney's office;
- C. That the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Res.09-1385

Permission to allow existing turf sprinkler system to remain within the abutting street right-of-way at 4300 N. Pineridge Circle contingent on execution of a Hold Harmless Agreement and stipulations

Resolved, that the request of the property owner of 4300 N. Pineridge Circle to allow an existing turf sprinkler system to remain within the abutting street right-of-way be approved in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets, with the following stipulations:

- A. That a Hold Harmless Agreement be executed;
- B. Proof of Certificate of Liability Insurance be filed with the City Attorney's office;
- C. That the property owner become a member of Digger's Hotline; and
- D. That the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Res.09-1386

Permission for property owner of 505 Sixth Street to install flower plants beneath second floor windows contingent upon execution of a Hold Harmless Agreement and stipulations

Resolved, that the request of the property owner of 505 Sixth Street be granted permission to install three (3) flower planters beneath the second floor windows, as requested, in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets, with the following stipulations:

- A. That a Hold Harmless Agreement be executed;
- B. Proof of Certificate of Liability Insurance be filed with the City Attorney's office;
- C. That the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

APPROVED.**Res.09-1387**

Official Notice #7 be awarded to Miller, Bradford & Risberg for purchase of 47" Tandem Drum Vibratory Roller

Resolved, that Official Notice #7 for one (1) Bomag BW120 AD-4 Vibratory Roller be awarded to Miller, Bradford & Risberg at their bid price of \$33,990, they being the lowest responsive bidder.

Further resolved, that funds to defray the cost of this purchase are available in Account 101.630.5790, Unlicensed vehicles.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1388

Amendment No. 2 to Cooperative Agreement for Proposed Commuter Rail Passenger Train Service be approved

Resolved, that Amendment No. 2 to the agreement entitled "Cooperative Agreement to Conduct Advanced Planning, Environmental Studies, and Other Activities Attendant to the Proposed Commuter Rail Passenger Train Service in the Kenosha-Racine-Milwaukee Corridor" to increase the City of Racine's share from \$16,677.00 to \$22,500.00, be approved. The City's share of the cost can either be in the form of a cash payment or in-kind services.

Fiscal Note: There are funds available in the Capital Improvement Program to pay 100% of this amendment. However, the Commissioner of Public Works/City Engineer's services is a member of the technical advisory committee and, therefore, his wages are accounted for to meet the in-kind service alternative.

Sponsors: Gregory Holding

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

Res.09-1389

Assistant Commissioner of Public Works/Engineering be authorized and directed to submit a grant application to the Urban Nonpoint Source and Storm Water grant program

Whereas, the City of Racine hereby requests financial assistance under s. 281.65 or 281.66, Wis. Stats., and chs. NR 151, 153, and 155, Wis. Admin. Code, for the purpose of implementing measures to meet nonpoint source water pollution abatement needs in area-wide water quality management plans or with one or more components specified in s. 281.65 or 281.66, Wis. Stats.

Now, therefore, be it resolved, that the Assistant Commissioner of Public Works/Engineering be authorized and directed to sign and submit all paperwork and documents necessary for this grant to the Wisconsin Department of Natural Resources. The total amount of the grant request is \$95,000.00 with the local share being \$38,000.00.

Fiscal Note: Funds are available for the City's share through the Storm Water Utility.

Sponsors: Gregory Holding

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

Res.09-1390

Contract 11-09 (K9-011), 2009 Asphalt Resurfacing C.D..B.G. be awarded to A. W. Oakes & Son

Resolved, that Contract 11-09 (K9-011), 2009 Asphalt Resurfacing C.D.B.G., be awarded to A. W. Oakes & Son, Racine, WI, at their bid price of \$504,471.90, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 79,690.00 - Account 104.900.5420, Storm Sewers, Misc.
\$ 28,950.00 - Account 987.988.5310, Sanitary Sewer, Misc. Loc.
\$ 15,205.29 - Account 898.030.5510, CDBG Curb & Gutter
\$ 57,923.71 - Account 899.030.5510, CDBG Curb & Gutter
\$ 1,789.34 - Account 898.030.5540, CDBG Asphalt Resurfacing
\$274,076.29 - Account 899.030.5540, CDBG Asphalt Resurfacing
\$ 13,120.00 - Account 989.908.5630, Crosswalk Ramps
\$ 16,181.40 - Account 989.908.5520, Sidewalk Replacement
\$ 17,535.87 - Account 989.908.5220, Asphalt Resurfacing
\$504,471.90 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1391

Contract 18-09 (K9-018), 2009 Street Paving (R1), be awarded to A. W. Oakes & Son

Resolved, that Contract 18-09 (K9-018), 2009 Street Paving (R1), be awarded to A. W. Oakes & Son, Racine, WI, at their bid price of \$813,139.10, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 33,845.00 - Account 287.988.5310, Sanitary Sewer, Var. Loc.
\$ 71,366.00 - Account 104.900.5420, Storm Sewers, Misc. Loc.
\$372,463.92 - Account 906.000.5010, Assessable
\$200,000.00 - Account 989.908.5010, Conc. Street Paving, Misc. Loc.
\$128,759.18 - Account 988.908.5020, Conc. Pvmnt. Repl., Misc.
\$ 6,705.00 - Water Department
\$813,139.10 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1392

Contract 24-09 (K9-025), 2009 Curb & Gutter Replacement, be awarded to Stark Asphalt

Resolved, that Contract 24-09 (K9-025), 2009 Curb & Gutter Replacement, be awarded to Stark Asphalt, Milwaukee, WI, at their bid price of \$139,578.40, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 1,980.00 - Account 989.908.5130, Sidewalk Replacement
\$ 4,344.94 - Account 988.908.5530, Crosswalk Ramps
\$ 5,044.71 - Account 989.908.5530, Crosswalk Ramps
\$ 19,002.75 - Account 989.908.5020, Concrete Pavement Repl.
\$ 2,380.00 - Account 104.900.5420, Storm Sewers, Misc.
\$ 7,004.00 - Account 988.908.5130, Asphalt Resurfacing
\$ 2,205.16 - Account 988.908.5220, Repl. Curb & Gutter
\$ 97,616.84 - Account 989.908.5320, Repl. Curb & Gutter
\$139,578.40 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1393

Contract 33-09 (K9-034), Roof Replacement at Fire Station No. 7, be awarded to Carlson Racine Roofing

Resolved, that Contract 33-09 (K9-034), Roof Replacement at Fire Station No. 7, be awarded to Carlson Racine Roofing & Sheet Metal, Inc., Racine, WI, at their bid price of \$134,695.00, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 989.300.5040, Station 7 Roof

Replacements.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.09-1394

Work done by B & D Contractors under Contract 43-08 (K8-051), Replace Damaged Windows at City Hall, be accepted and final payment authorized

Resolved, that the work done by B & D Contractors, Inc., under Contract 43-08 (K8-051), Replace Damaged Windows at City Hall, be accepted and final payment authorized for a total contract amount of \$74,500.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0821, dated May 20, 2008.

Sponsors: Gregory Holding

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

Res.09-1395

Commissioner of Public Works/Operations be granted permission to apply for a Focus on Energy Grant for installation of LED light fixtures at Central Fueling Site

Resolved, that the Commissioner of Public Works/City Engineer be authorized and directed to submit a grant application to Focus on Energy for a LED Upgrade at the Central Fueling Site.

Fiscal Note: The estimate of the grant, if approved, is \$1,241.00.

Sponsors: Gregory Holding

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

Res.09-1396

Change Order No. 4 on Contract 53-08 (K8-061), City Hall Renovation - Phase II, Absolute Construction Enterprises

Resolved, that Change Order No. 4 on Contract 53-08 (K8-061), City Hall Renovation - Phase II, Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$12,967.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 988.100.5010, City Hall-Facilities Plan.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Council Action

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

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shakoor, II

I. Resolutions

[Res.09-1380](#)

A Resolution authorizing the execution and delivery by the City of Racine, Wisconsin of a First Supplemental Indenture of Trust Relating to its Variable/Fixed Rate Demand Solid Waste Disposal Refunding Revenue Bonds (Republic Services, Inc. Project) Series 2004, along with related documents.

Whereas, pursuant to and in accordance with the provisions of an Indenture of Trust dated as of March 1, 2004 (the "*Original Indenture*") between the City of Racine, Wisconsin (the "*Issuer*") and Wells Fargo Bank, National Association, as trustee (the "*Trustee*"), on April 1, 2004 the Issuer issued its Variable/Fixed Rate Demand Solid Waste Disposal Refunding Revenue Bonds (Republic Services, Inc. Project) Series 2004 in the aggregate principal amount of \$20,000,000 (the "*Bonds*"); and

Whereas, at the request of Republic Services, Inc., the Issuer desires to make certain amendments to the Original Indenture; and

Whereas, the Original Indenture authorizes the execution and delivery of a supplemental indenture to make such amendments.

Now, Therefore, Be It Resolved by the City of Racine, Wisconsin as follows:

Section 1. Authorization of Execution and Delivery of Supplemental Indenture. The Issuer does hereby authorize and approve the execution by the Mayor of the Issuer and the delivery of a First Supplemental Indenture of Trust (the "*First Supplemental Indenture*") between the Issuer and the Trustee, supplementing and amending the Original Indenture, and the Clerk of the Issuer is hereby authorized to attest to, and affix the official seal of the Issuer thereto. The First Supplemental Indenture shall be in substantially the form thereof attached hereto and marked "*Exhibit A*" and hereby approved, with such changes therein as shall be approved by the officers executing the same, with such execution to constitute conclusive evidence of such officers' approval and the Issuer's approval of any changes therein from the form of First Supplemental Indenture attached hereto.

Section 2. Authorization of Execution and Delivery of Related Tax Documents. The Issuer does hereby authorize and approve the execution

by any officer of the Issuer and the delivery of a new IRS Form 8038 for the Bonds and an amended Tax Exemption Certificate and Agreement among the Issuer, the Company and the Trustee.

Section 3. Authentication and Delivery of the Amended Bonds. The execution of the amended Bonds by the Mayor and the attestation by the City Clerk in accordance with the provisions of the First Supplemental Indenture is hereby authorized by the Issuer, and the Mayor or City Clerk of the Issuer shall deliver the amended Bonds to the Trustee for authentication in exchange for the existing Bonds, which shall be cancelled by the Trustee.

Section 4. Further Acts. The Mayor or City Clerk is authorized to sign all necessary documents on behalf of the Issuer to comply with the requirements of this Resolution and the First Supplemental Indenture.

Section 5. The execution and delivery of the First Supplemental Indenture by any officer of the Issuer as authorized in Section 1 above is expressly conditioned upon the following:

- a. the consent to the First Supplemental Indenture must be obtained from all necessary parties thereto; and
- b. the delivery of an Opinion of Counsel (as defined in the Original Indenture) that such amendments are authorized by the Original Indenture.

Section 6. Ratification of Acts. All of the acts and doings of the members, officials, officers, agents and employees of the Issuer which are in conformity with the intent and purposes of this Resolution, whether heretofore or hereafter taken or done, shall be and are hereby ratified, confirmed and approved.

Section 7. No Personal Liability. No contract, agreement, obligation, or stipulation herein contained or contained in the Bonds, the First Supplemental Indenture, or any other document executed by or on behalf of the Issuer with respect to or in connection with the delivery of the First Supplemental Indenture or the amended Bonds shall be deemed a contract, agreement, stipulation or obligation of any officer, director, agent, or employee of the Issuer, in his or her individual capacity, and no such officer, director, agent, or employee shall be personally liable on the Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 8. Severability. If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or ineffective for any reason, the remainder of this Resolution shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this Resolution would have been adopted despite the invalidity or ineffectiveness of such section, paragraph, clause or provision.

Section 9. Effective Date. This Resolution shall take effect immediately upon its adoption, and any provisions of any previous resolutions in conflict with the provisions hereof are hereby superseded.

Fiscal Note: N/A

Sponsors: James T. Spangenberg

A motion was made by Alderman Spangenberg that this Resolution be

Adopted. The motion was APPROVED by the following vote:

AYES: 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shakoor, II

[Res.09-1381](#)

Final - Ten (10) Year
Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 28th day of April, 2009, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

PORTLAND CEMENT CONCRETE PAVING

St. Patrick Street from Summit Avenue to Carlisle Avenue

Alley - Arthur Avenue/Blaine Avenue; Kinzie Avenue/Lindermann Avenue

Alley - 15TH Street/Beebe Court; Clark Street/Racine Street

Alley - 20th Street/DeKoven Avenue; Hickory Grove Avenue/Case Avenue

Alley - 20th Street/DeKoven Avenue; Jay Eye See Avenue/Phillips

Alley - 20th Street/DeKoven Avenue; Kearney Avenue/Hickory Grove Avenue

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

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

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

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

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

Dated _____

Mayor

Signed

Published _____

Attest: _____
City Clerk

Sponsors: Gregory Holding

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

J. Ordinances

Ord.12-09

Ordinance No. 12-09

To amend Secs. 2-206 and 2-207(b) of the Municipal Code of the City of Racine, Wisconsin relating to Civic Centre Commission - Created; composition; filling of vacancies; chairman; Terms of office; residence requirement.

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

Part 1:

Section 2-206 of the Municipal Code of the City of Racine is hereby amended by deleting in the third sentence "and seven" and inserting in its place "one person who is a member of the Racine County Convention and Visitors Bureau, and six ..."

Part 2:

Section 2-207(b) of the Municipal Code of the City of Racine is hereby amended by deleting the period at the end of the sentence and adding ", with the exception of the representative of the Racine County Convention and Visitors Bureau."

Part 3:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

Referred to Executive Committee

K. Miscellaneous Business

SPECIAL MAYORAL ELECTION RESULTS

09-3564

CANVASS OF THE ELECTION OF MAY 5, 2009

STATE OF WISCONSIN)

) SS

COUNTY OF RACINE)

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

The whole number of votes cast at the Special Mayoral Election that was held on May 5, 2009 for the Office of Mayor is as follows:

JOHN T. DICKERT -	6029
ROBERT L. TURNER -	4835
JODY HARDING (WRITE-IN)	417

Resolved, that John T. Dickert be and he is hereby declared elected to the Office of Mayor of the City of Racine to fill the unexpired term until April 2011.

Dated this 6th day of May, 2009

(SEE ATTACHMENT FOR DETAILS)

BOARD OF CANVASSERS

BETTY LARSEN _____

KANDY HELSON

JANICE M. JOHNSON-MARTIN
CITY CLERK

Received and Filed as Reported

L. Adjourn

The meeting was adjourned at 7:47P.M. by Mayor Friedel. The next scheduled meeting of the Council is May 19, 2009.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK