



City of Racine Meeting Minutes Common Council

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

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

Tuesday, July 17, 2007

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Spangenberg and Hart
EXCUSED: 1 - Mozol

B. Pledge of Allegiance To The Flag

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

C. Approval of Journal of Council Proceedings (Minutes)

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

D. Public Comments

*Mark M. Giese
Mercedes Dzindzeleta
Kate Remington
Terry McCarthy
Gaynell Dyess
Annie Chew
Wayne Clingman
Nikki Aiello
Jan Roland*

E. Public Hearings

1. [06-2167](#) **Subject:** Vacation of Reichert Court.

Recommendation of the Public Works and Services Committee on 05-29-2007: Since public interest requires it, that the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

Reichert Court from Michigan Boulevard to its eastern most terminus.

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

Fiscal Note: Not applicable.

Recommendation of City Plan Commission on 05-30-2007: That since the public interest requires it and since the proposed vacation is consistent with adopted city plans and programs, that the following public way, more particularly described as follows, be and hereby is vacated and discontinued:

Reichert Court from Michigan Boulevard to the eastern terminus of Reichert Court.

Further recommends that a resolution be introduced and a public hearing be scheduled pursuant to sec. 66.1003 (4)(b), Wis. Stats.

Fiscal Note: N/A

Mercedes Dzindzeleta spoke on the matter.

His Honor, the Mayor, declared the public hearing closed

2. [Ord.16-07](#) Ordinance No. 16-07

To create Article VII of the Municipal Code of the City of Racine, Wisconsin Relating to Regulation of the Sale, Application and Use of Fertilizers.

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

Part 1:

Article VII of the Municipal Code of the City of Racine is hereby created to read as follows:

“Article VII. Regulation of the Sale, Application and Use of Fertilizers.

Sec. 42-201. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Distribute has the meaning specified under sec. 94.64(1)(d), Wis. Stats.

Fertilizer has the meaning specified under sec. 94.64(1)(c), Wis. Stats.

Impervious surface means a highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

Lawn and turf fertilizer has the meaning specified under sec. 94.64(1)(e), Wis. Stats., except the manufacturer has designated the produce to be used for the promotion of lawn and turf growth.

Sec. 42-202. Purpose.

The Common Council finds that the Racine rivers and lakes are natural assets which enhance the environmental, recreational, cultural and economic resources of the Racine area and contribute to the general health and welfare of the public. The Common Council further finds that Racine river and lake water quality may be maintained and improved if the city is able to regulate the amount of nutrients and contaminants including phosphorus contained in fertilizer entering the Racine rivers and lakes as a result of runoff from lawns and turf. The purpose of this ordinance is to set forth regulations which will enable the city to protect its water resources for the health, safety, and welfare of the public without detracting from the natural beauty of homeowners' lawns and gardens.

Sec. 42-203. Application.

(a) It shall be unlawful for any person to apply within the city any lawn and turf fertilizer, liquid or granular, that contains more than a trace of phosphorus or other compound containing phosphorus, such as phosphate.

(b) It shall be unlawful for any person to apply or deposit any fertilizer on an impervious surface. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or any other lawful site, or returned to the original or other appropriate container.

Sec. 42-204. Time of application.

It shall be unlawful for a person to apply lawn and turf fertilizer when the ground is frozen or when conditions exist which promote or create runoff.

Sec. 42-205. Display and Distribution.

It shall be unlawful for any person to display or distribute for retail sale lawn and turf fertilizer containing more than a trace of phosphorus. This prohibition shall apply to the fertilizer content of a product that combines fertilizer with a pesticide. Signs may

be posted advising customers that lawn and turf fertilizer containing phosphorus is available upon request for uses permitted by sec. 42-206(a). A sign containing the regulations set forth in this section and the effects of phosphorus on Racine's waters must be prominently displayed where lawn and turf fertilizers are sold.

Sec. 42-206. Exceptions.

(a) Sec. 42-203(a) shall not apply when:

1. A tissue, soil or other test by UW-Extension Laboratory or another state-certified soil-testing laboratory and performed within the last three years indicates that the levels of available phosphorus in the soil is insufficient to support healthy turf growth, as determined by the University of Wisconsin Extension Service, provided that the proposed lawn and turf fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation;
2. The property owner or an agent of the property owner is first establishing or re-establishing turf via seed or sod procedures, and only during the first growing season.

(b) Any person who applies a lawn and turf fertilizer containing phosphorus pursuant to the aforementioned exceptions shall, consistent with the product label instructions, water such lawn and turf fertilizer into the soil where it is immobilized and generally protected from loss by runoff.

(c) Sec. 42-205 regarding the prohibition of the distribution of lawn and turf fertilizer containing phosphorus shall not apply when the customer states:

1. A tissue, soil or other test by UW-Extension Laboratory or another state-certified soil-testing laboratory and performed within the last three years indicates that the levels of available phosphorus in the soil is insufficient to support healthy turf growth, as determined by the University of Wisconsin Extension Service;
2. The property owner or an agent of the property owner is first establishing or re-establishing turf via seed or sod procedures and only during the first growing season.

Sec. 42-207. Severability.

Any provision of this section which shall prove to be invalid, void, or illegal shall in no way affect, impair, or invalidate any other provision hereof and the remaining provisions hereof shall nevertheless remain in full force and effect.

Sec. 42-208. Penalty.

Any person who violates this ordinance shall pay a forfeiture of not less than \$25.00 nor more than \$300.00 for each offense.”

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

No one appeared.

His Honor, the Mayor, declared the public hearing closed

F. Communications

Refer to Finance and Personnel Committee, by Ald. Friedel

- 3. [07-0906](#) **Subject:** Communication from Police Chief Wahlen, requesting to apply for the Wisconsin Department of Transportation 2007 Pedestrian Safety Enforcement grant (grant control # 2007-039).

(Also refer to the Public Safety & Licensing Committee.)

Referred to Finance and Personnel Committee

Referred to Public Safety and Licensing Committee

- 4. [07-0907](#) **Subject:** Communication from Police Chief Wahlen, requesting to apply for the Wisconsin Department of Transportation 2007 Bicycle Safety Enforcement grant (grant control # 2007-040).

(Also refer to Public Safety & Licensing Committee.)

Referred to Finance and Personnel Committee

Referred to Public Safety and Licensing Committee

5. [07-0918](#) **Subject:** Communication from the Public Health Administrator requesting permission to accept funding from the Wisconsin Department of Natural Resources in the amount of \$5,1090. (Grant Control #2007-030).

(Also Refer to the Board of Health.)

Referred to Finance and Personnel Committee

Referred to Board of Health

6. [07-0919](#) **Subject:** Communication from the Public Health Administrator requesting permission to accept grant funds in the amount of \$150,000 from the WellPoint Foundation. (Grant Control #2007-041).

(Also refer to the Board of Health.)

Referred to Finance and Personnel Committee

Referred to Board of Health

7. [07-0920](#) **Subject:** Communication from the Public Health Administrator requesting permission to apply for grant funds in the amount of \$67,000 from the Community - Academic Partnership Fund. (Grant Control #2007-042).

(Also Refer to the Board of Health.)

Referred to Finance and Personnel Committee

Referred to Board of Health

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

8. [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.

Also refer to Board of Parks, Recreation and Cultural Services

Referred to Public Works and Services Committee

Referred to Board of Park, Recreation and Cultural Services

9. [07-0877](#) **Subject:** Communication from the Alderman of the 4th District requesting increased lighting on High Street between Douglas Avenue and N. Main Street.

Referred to Public Works and Services Committee

10. [07-0879](#) **Subject:** Communication from Gannett Fleming, Inc. notifying the City of

residual petroleum contamination within the street right-of-way of Ohio Street adjacent to 4700 Washington Avenue.

Referred to Public Works and Services Committee

11. [07-0893](#) **Subject:** Communication from the Girl Scouts of Racine County, Inc., requesting permission to close Monument Square Drive on October 5, 2007, from 5 p.m. to 7:30 p.m., for the 95th Anniversary of Girl Scouts of the United States of America.

Referred to Public Works and Services Committee

12. [07-0898](#) **Subject:** Communication from Neighborhood Housing Services requesting a one year extension for sidewalk repairs at 1100 Twelfth Street.

Referred to Public Works and Services Committee

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

13. [07-0913](#) **Subject:** Application of Amarjit Singh, Marathon Gas Mart for a Gasoline Station/Manager at 3024 Rapids Drive.

Referred to Public Safety and Licensing Committee

14. [07-0916](#) **Subject: (Renewal)** The application of Racine Yellow Cab, for a Public Passenger Vehicle Operator's Business License.

Referred to Public Safety and Licensing Committee

Refer to Traffic Commission, by Ald. Hart

15. [07-0878](#) **Subject:** Communication from John Meier, Metalworld Inc., requesting a "No Parking at Anytime Except Sunday and Holidays" sign be installed on the west side of Murray Avenue from 17th Street north 135 feet.

Referred to Traffic Commission

Refer to Redevelopment Authority of the City of Racine, by Ald Spangenberg

16. [07-0910](#) **Subject:** Communication from Alderman Shakoor requesting a status update on the former Racine Steel Casting property.

Referred to Redevelopment Authority of the City of Racine

17. [07-0911](#) **Subject:** Communication from Alderman Shakoor requesting a status update on Homeward Bound property on Dr. ML King Drive.

Referred to Redevelopment Authority of the City of Racine

Refer to Committee of the Whole, by Ald. Spangenberg

18. [07-0875](#) **Subject:** Communication from Alderman of the 3rd, 7th, 9th and 15th Districts requesting to discuss changing various rules governing the operations of City Council meetings and requesting copies of all prior passed resolutions that pertain to the current rules of the Council.

Referred to Committee of the Whole

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Friedel

19. [07-0782](#) **Subject:** Communication from the General Manager of the Water Utility presenting the 2006 audit from Clifton-Gunderson.

Recommendation of the Finance & Personnel Committee on 7-9-07:
Receive and file the 2006 audited Water utility financial statements.

Fiscal Note: The 2006 Water utility financial statements will be merged into the 2006 City of Racine financial statements.

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

20. [07-0783](#) **Subject:** Communication from the General Manager of the Wastewater Utility presenting the 2006 audit from Clifton-Gunderson.

Recommendation of the Finance & Personnel Committee on 7-9-07:
Receive and file the 2006 audited Wastewater financial statements.

Fiscal Note: The 2006 Wastewater financial statements will be merged into the 2006 City of Racine financial statements.

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

21. [07-0860](#) **Subject:** (Direct Referral) Communication from the Purchasing Agent wishing to discuss waiving formal bidding and requesting permission to negotiate and enter into a contract with Corporate Design Interiors, LLC for the purchase of furniture/furnishings for Phase I of the City Hall renovation project.

Recommendation of the Finance & Personnel Committee on 7-9-07:
Formal bidding be waived and the City's purchasing agent negotiate and enter into a contract with Corporate Design Interiors, LLC for the purchase of furniture/furnishings for Phase I of the City Hall renovation project.

Fiscal Note: Funds are available in account 986.100.5010 City

Hall-Facilities Plan Implementation.

**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.

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

EXCUSED: 1 - Mozol

Public Works and Services Committee Report, by Ald. Hart

22. [07-0807](#) **Subject:** Ordinance No. 15-07, of June 19, 2007, to create Sections 82-44, 82-45 and 82-46 of the Municipal Code of the City of Racine, Wisconsin relating to streets, sidewalks and certain other public places - Street festivals; Application for permit; Street closing.

Recommendation: That Ordinance No. 15-07 to create Sections 82-44, 82-45 and 82-46 of the Municipal Code of the City of Racine, Wisconsin relating to streets, sidewalks and certain other public places - Street festivals; Application for permit; Street closing, be adopted.

Fiscal Note: Not applicable.

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

23. [07-0811](#) **Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 on Contract 8-07 (K7-008), 2007 Parking Ramp Maintenance, RAM Building Restoration & Waterproofing LLC, contractor.

Recommendation: Change Order No. 1 on Contract 8-07 (K7-008), 2007 Parking Ramp Maintenance, RAM Building Restoration & Waterproofing, Inc., contractor, as submitted, be approved in the amount of \$25,400.00.

Further recommends that funding to defray the cost of this change order be appropriated from the Account 106.987.5120, Ramp Improvements.

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**

24. [07-0840](#) **Subject:** Resolution No. 07-0275 of June 19, 2007 relating to alley

improvements.

Recommendation: Resolution No. 07-0275, of June 19, 2007, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

ALLEY - Shoreland Drive to North Street; LaSalle Street to First Avenue

and, as amended , Resolution No. 07-0275, of June 19, 2007, be adopted.

Fiscal Note: Funds will be appropriated in the 2008 C.I.P. for these alley improvements, and special assessments will be paid by the abutting property owners for the street improvements.

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

25. [07-0862](#)

Subject: Ordinance No. 13-07

To create Sec. 98-157 of the Municipal Code of the City of Racine, Wisconsin relating to Utilities; Amalgam Management at Dental Offices.

Recommendation of the Wastewater Commission on June 26, 2007: Refer to the Public Safety and Licensing Committee and the Public Works and Services Committee.

Recommendation of the Public Works and Services Committee on July 10, 2007: That Ordinance No. 13-07, to create Sec. 98-157 of the Municipal Code of the City of Racine, Wisconsin relating to Utilities; Amalgam Management at Dental Offices, be adopted.

Recommendation of the Public Safety and Licensing Committee on July 9, 2007: That Ordinance 13-07 be adopted.

Fiscal Note: Not applicable.

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

26. [07-0865](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 16-07 (K7-019), Curb and Gutter Repair, C.D.B.G., D.C. Burbach, Inc., contractor.

Recommendation: Change Order No. 1 on Contract 16-07 (K7-019), Curb and Gutter Repair, C.D.B.G., D.C. Burbach, Inc., contractor, as

submitted, be approved in the amount of \$11,632.18.

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

\$ 5,074.60 - Account 897.030.5510, Curb & Gutter Repair CDBG

\$ 4,475.00 - Account 104.987.5420, Storm Sewer

\$ 2,082.58 - Account Concrete Paving, Misc. Locations

\$11,632.18

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**

27. [07-0867](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 16-07 (K7-019), Curb and Gutter Repair, C.D.B.G., D.C. Burbach, Inc., contractor.

Recommendation: The work done by D.C. Burbach, Inc., under Contract 16-07 (K7-019), Curb and Gutter Repair, C.D.B.G., be accepted and final payment authorized for a total contract amount of \$111,557.58, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 07-0115, dated March 20, 2007.

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

28. [07-0868](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 45-06 (K6-048), PS - Stormwater Drainage Analysis of DeKoven Avenue and Hickory Grove Avenue, Earth Tech, Inc., consultant.

Recommendation: The professional services provided by Earth Tech, Inc. under Contract 45-06 (K6-048), Professional Services - Stormwater Drainage Analysis of DeKoven Avenue and Hickory Grove Avenue, be accepted and final payment authorized for a total contract amount of \$19,198.41, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 7262, dated October 17, 2006.

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

29. [07-0869](#) **Subject:** Direct Referral. Communication from the Assistant

Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Pavers LLC, contractor.

Recommendation: Change Order No. 1 on Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Pavers LLC, contractor, as submitted, be approved to provide a time extension until August 3, 2007, to complete this contract.

Further recommend that failure to reach substantial completion by August 3, 2007 will result in an increased liquidated damage penalty of \$600.00 per day.

Fiscal Note: There will be no change in contract price as a result of this change order.

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

30. [07-0872](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 38-06 (K6-040), 2006 Sidewalk Replacement, Phase II, A.W. Oakes & Son, Inc., contractor.

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

31. [07-0882](#)

Subject: Resolution No. 07-0312 of July 3, 2007, relating to street improvements.

Recommendation: Resolution No. 07-0312, of July 3, 2007, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

Savoy Circle from Cecelia Park Drive to the cul-de-sac.
Georgia Avenue from Goold Street to Cecelia Park Drive.
Domanik Drive from the vacated Fairchild Street to Domanik Drive

and, as amended, Resolution No. 07-0312, of July 3, 2007, be adopted.

Fiscal Note: Funds will be appropriated in the 2008 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

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

32. [07-0884](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 3 to Contract 46-06 (K6-049), City Hall Data Center Improvements, Ricchio, Inc., contractor.

Recommendation: Change Order No. 3 on Contract 46-06 (K6-049), City Hall Data Center Improvements, Ricchio, Inc., contractor, as submitted, be approved in the amount of \$3,843.11 and that will provide a time extension until August 18, 2007 to complete this contract.

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**

33. [07-0894](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering requesting that formal bidding be waived for navigation aids for the Racine Recreational Harbor and authorizing the purchasing agent to negotiate directly with Tideland Signal Corporation of Houston, Texas.

Recommendation: That formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to negotiate with Tideland Signal Corporation, Houston, TX, for the purchase of harbor navigation aids equipment.

Fiscal Note: 60% of funding is available through Wisconsin Department of Natural Resources' North Harbor Development grant #RBF-333 and 40% of funding is available through Racine County Resolution No. 2006-148.

**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 Hart to Adopt the Report.

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

EXCUSED: 1 - Mozol

Public Safety and Licensing Committee Report, by Ald. Shakoor

34. [07-0618](#) **Subject:** Communication from Wayne Clingman wishing to discuss the renewal of the liquor license at Neighborhood Pantry, 1511 West Sixth St.

Recommendation of Public Safety and Licensing Committee of 5-21-07: That the neighbors and the business owner meet with the Sustainable Neighborhood Listening Committee on May 31, 2007, and come up with a resolution to the problems and the police department provide a 12 month history report and bring back before the committee at the next meeting.

Recommendation of Public Safety and Licensing Committee of 6-11-07: That the item be deferred until June 25, 2007 and the police department be prepared to provide the committee with a 12 month history report of the establishment.

Recommendation of Public Safety and Licensing Committee of 06-25-07: That the item be deferred until the July 9, 2007 meeting.

Recommendation of Public Safety and Licensing Committee of 7-9-07: That the City Council issue written orders to the Neighborhood Pantry to install security cameras to completely cover the exterior of the property, and the counter and entrance of the interior be compliant with the technical specifications as stated in ordinance 41-06.

Fiscal Note: N/A

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

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

EXCUSED: 1 - Mozol

35. [07-0765](#) **Subject: (New)** Application of Taylor Mart, Harinder Kaur, Agent for a Class "A" Retail Fermented Malt Beverage for 1813 Taylor Avenue. (3rd District) (City Watch)

Recommendation of Public Safety and Licensing Committee of 06-25-07: That the item be deferred until the July 9, 2007 meeting.

Recommendation of Public Safety and Licensing Committee of 07-09-07: That the license be granted with the following stipulations:

1. There will be no individual/single container sales of beer.

Fiscal Note: N/A

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

36. [07-0803](#)

Subject: (Change of Agent) Application of Sam's Club, Inc. 6200 Regency West Drive, Dana Topple, Agent, for a "Class A" Retail Fermented Malt Beverage License.

Recommendation of the Public Safety & Licensing Committee of

6-11-07: The Change of Agent for Sam's East, Inc., 6200 Regency West Drive be deferred until the June 25, 2007 meeting as the agent did not appear.

Recommendation of Public Safety and Licensing Committee of

06-25-07: The Change of Agent for Sam's East, Inc., 6200 Regency West Drive be deferred until the July 9, 2007 meeting as the agent did not appear.

Recommendation of Public Safety and Licensing Committee of

07-09-07: That the application of Sam's Club, Inc. 6200 Regency West Drive, Dana Topple, Agent, for a "Class A" Retail Fermented Malt Beverage License be granted.

Fiscal Note: N/A

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

37. [07-0842](#)

Subject: Request of the Director of Parks, Recreation & Cultural Services to waive bidding for Flex Court Installation.

Recommendation of Public Safety and Licensing Committee of

7-9-07: That permission be granted to the Director of Parks and Recreational Services to waive bidding for Flex Court Installation of tennis court surface at Lakeview Park, in the amount of \$43,016.00.

Fiscal Note: Funds are available in account 987.710.5080.

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

38. [07-0844](#)

Subject: Communication from Chief Wahlen, requesting to discuss extension of a lease agreement, for the period of two years, with Racine Harley Davidson for two motorcycles.

Recommendation of the Finance & Personnel Committee on 7-9-07:

The City of Racine Police Department be authorized extension of a lease agreement, for the period of two years, with Racine Harley Davidson for two motorcycles and appropriate letter of thanks be sent.

Recommendation of Public Safety and Licensing Committee of

7-9-07: That permission be granted to Chief Wahlen to extend the lease agreement for the period of two years, with Racine Harley Davidson for two motorcycles.

Fiscal Note: Lease rate of \$1.00 per motorcycle.

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

39. [07-0849](#)

Subject: Communication from Timothy York's Bistro, requesting to amend the premises description at 600 6th Street.

Recommendation of Public Safety and Licensing Committee of

07-09-07: That the premise description for Timohty York's Bistro, 600 6th Street, be amended to include the outdoor patio area.

Fiscal Note: N/A

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

40. [07-0861](#)

Subject: Communication from Chief Wahlen, requesting to accept the 2007 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG), grant control #2007-001, to be split equally with Racine County Sheriff's Department. The City's share of the award will be \$36,884.50, with no City match required.

Recommendation of the Finance & Personnel Committee on 7-9-07:

The Mayor and City Clerk be authorized and directed to enter into a \$73,769.00 agreement with the 2007 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG) (Grant Control #2007-001) to be split equally with Racine County Sheriff's Department.

Recommendation of Public Safety and Licensing Committee of

7-9-07: That permission be granted for Chief Wahlen to accept the 2007 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG), grant control #2007-001, to be split equally with Racine County Sheriff's Department. The City's share of the award will be \$36,884.50,

Fiscal Note: The City's portion will be \$36,884.50 with no match required

Recommendation of the Public Safety & Licensing Committee on

7-9-07: That the application for Gasoline Service Station Owner's License & Managers License, for Lathrop Petro Mart, Parminder Kaleka, at 2500 Lathrop Avenue, be granted.

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

45. [07-0880](#)

Subject: Direct Referral, Final Payment on Contract 35-06 (K6-037), Bridge Rehabilitation at Johnson Park Golf Course by Bane Nelson, Inc. of Kenosha.

Recommendation of Public Safety and Licensing Committee of

7-9-07: That permission be granted for the Director of Parks and Recreational Services for final payment on Contract 35-06 (K6-037), Bridge Rehabilitation at Johnson Park Golf Course by Bane Nelson, Inc. of Kenosha, in the amount of \$3,000.00.

Fiscal Note: Funds are available in account 107.000.5750, Golf, Replace 18th Hole Bridge.

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

46. [07-0881](#)

Subject: Direct Referral, Final Payment on Contract 28-06 (K6-029), New Grandstand Bleachers at Horlick Athletic Field by Carroll Seating Co.

Recommendation of Public Safety and Licensing Committee of

7-9-07: That permission be granted for the Director of Parks and Recreation Services for Final Payment on Contract 28-06 (K6-029), New Grandstand Bleachers at Horlick Athletic Field by Carroll Seating Co. in the amount of \$247,958.00

Fiscal Note: Funds are available in account 985.710.5070.

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

47. [07-0915](#)

Subject: The following renewal application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2007-2008.

The Ice Box Bar & Grill 2328 Douglas Avenue
Richard J. Tempesta, Agent

Recommendation of the Public Safety and Licensing Committee on

7-9-07: That the renewal application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2007-2008, The Ice Box Bar

& Grill be granted.

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

Council Action

A motion was made by Alderman Q.A. Shakoor II to Adopt the Report.

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

EXCUSED: 1 - Mozol

48. [07-0758](#)

Subject: Renewal application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2007-2008:

Mr. Kool's Sports Bar, LLC - 1330 Washington Avenue

Recommendation of the Public Safety & Licensing Committee on

6-11-07: That the renewal of the license extension be granted until an agreement has been met with the City Attorney's Office and the matter has been resolved.

Recommendation of the Public Safety & Licensing Committee on

7-9-07: That the renewal application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for Mr. Kool's Sports Bar, LLC - 1330 Washington Avenue for 2007-2008 be granted.

Fiscal Note: N/A

Alderman Holding requested that item 07-0758 be considered separately.

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

AYES: 11 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Wisneski and Spangenberg

NOES: 3 - Friedel, Holding and Hart

EXCUSED: 1 - Mozol

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

50. [07-0866](#)

Subject: Communication from President & CEO of the Racine Zoological Society requesting the operating agreement between the Racine Zoological Society and the City of Racine be extended for an additional two years.

Recommendation of the Board of Parks, Recreation & Cultural

Services 7-11-07: that the request be approved.

Fiscal note: N/A

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

The motion was APPROVED

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

EXCUSED: 1 - Mozol

H. Resolutions

51. [Res.07-0321](#) Resolution Authorizing the Issuance and Sale of \$7,500,000 Note Anticipation Notes

Resolution Authorizing the Issuance and Sale Of \$7,500,000 Note Anticipation Notes

Whereas, the City of Racine, Racine County, Wisconsin (the "City") is presently in need of \$7,500,000 for the public purpose of financing capital improvement projects and acquisitions set forth in the City's 2007 Capital Improvement Plan (the "Project"); and

Whereas, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes; and

Whereas, cities are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and issue general obligation promissory notes for such public purpose; and

Whereas, the City intends to issue general obligation promissory notes (the "Securities") to provide permanent financing for the Project; and

Whereas, the Securities have not yet been issued or sold; and

Whereas, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to provide for the issuance and sale of note anticipation notes pursuant to Section 67.12(1)(b), Wisconsin Statutes, in anticipation of receiving the proceeds from the issuance and sale of the Securities to provide interim financing to pay the cost of the Project and to sell such notes to Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin, pursuant to the terms and conditions of its note purchase proposal.

Now, Therefore, Be It Resolved by the Common Council of the City that:

Section 1. General Obligation Promissory Notes. The City hereby declares its intention and covenants to issue general obligation promissory notes pursuant to the provisions of Chapter 67 of the Wisconsin Statutes, in an amount sufficient to retire any outstanding note anticipation notes issued for the purpose of paying the cost of the Project (hereinafter, such notes shall be referred to as the "Securities").

Section 2. Authorization of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(1)(b) of the Wisconsin Statutes, the principal sum of SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$7,500,000) from Robert W. Baird & Co. Incorporated,

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

Section 3. Sale of the Notes. 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, note anticipation notes aggregating the principal amount of SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$7,500,000) (the "Notes") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 4. Terms of the Notes. The Notes shall be designated "Note Anticipation Notes"; shall be dated July 30, 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 rate and shall mature on the date and in the principal amount as set forth on the schedule prepared by the Purchaser and attached hereto as Exhibit B (the "Schedule"). Interest is payable at maturity.

Section 5. Redemption Provisions. The Notes shall not be subject to optional redemption.

Section 6. Form of the Notes. The Notes 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 7. Security. The Notes shall in no event be a general obligation of the City and do not constitute an indebtedness of the City nor a charge against its general credit or taxing power. No lien is created upon the Project or other property of the City as a result of the issuance of the Notes. The Notes shall be payable from (a) any proceeds of the Notes set aside for payment of interest on the Notes as it becomes due, and (b) proceeds to be derived from the issuance and sale of the Securities, which proceeds are hereby declared to constitute a Special Trust Fund, hereby created and established, to be held by the City Clerk and expended solely for the payment of the principal of and interest on the Notes. The City hereby agrees that, in the event such monies are not sufficient to pay the principal of and interest on the Notes when due, if necessary, the City will pay such deficiency out of its tax levy or other available funds of the City; provided, however, that such payment shall be subject to annual budgetary appropriations therefor; and provided further, that neither this Resolution nor any such payment shall be construed as constituting an obligation of the City to make any such appropriation or any further payment.

Section 8. Covenants of the City. The City hereby covenants with the holders of the Notes as follows:

- (a) It shall issue and sell the Securities as soon as practicable. The issuance of such Securities is hereby authorized and there shall be levied on all the taxable property in the City a direct, annual, irrevocable tax sufficient to pay the interest on said Securities as it becomes due, and also to pay and discharge the principal thereof within ten years of the date of issuance of the Securities.
- (b) It shall segregate the proceeds derived from the sale of the Securities into a Special Trust Fund created above and constituted as a special trust fund and shall permit such Special Trust Fund to be used for no purpose other than the payment of principal of and interest on the Notes until paid.
- (c) It shall maintain a debt limit capacity such that the combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness of the City and the \$7,500,000 authorized for the issuance of the

Securities shall at no time exceed the constitutional debt limit of the City.

Section 9. 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 \$7,500,000 City of Racine Note Anticipation Notes, dated July 30, 2007", which fund account shall be used solely for the purpose of paying the principal of and interest on the Notes. There shall be deposited in said fund account (i) all accrued interest paid on the Notes at the time the Notes are delivered to the Purchaser; (ii) any proceeds of the Notes representing capitalized interest on the Notes and deposited in the Borrowed Money Fund (hereinafter created), as needed to pay the interest on the Notes when due; (iii) proceeds of the Securities (or other obligations of the City issued to pay principal of or interest on the Notes) to the extent necessary to pay principal of or interest on the Notes; (iv) such other sums, including tax monies, as may be necessary at any time to pay principal of and interest on the Notes when due and which are appropriated by the Common Council for that purpose; and (v) surplus monies in the Borrowed Money Fund as specified in Section 10 hereof. Said Fund shall be used for the sole purpose of paying the principal of and interest on the Notes and 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 10. Segregated Borrowed Money Fund; Reimbursement. The proceeds of the Notes (the "Note Proceeds"), other than any premium and accrued interest which must be paid at the time of delivery of the Notes into the Debt Service Fund Account created above, shall be deposited into an account separate and distinct from all other funds and accounts and disbursed solely for the purposes for which borrowed or for the payment of the principal of and interest on the Notes. Said proceeds may be temporarily invested in legal investments in the manner set forth below.

The City declares its reasonable expectation to reimburse itself from the Note Proceeds for expenditures relating to the Project which it pays from other funds of the City prior to receipt of the Note Proceeds no more than 60 days prior to the date this Resolution is adopted. The City may also reimburse itself for preliminary expenditures relating to the Project (such as architectural, engineering, surveying, soil testing, costs of issuance and similar costs but not including land acquisition, site preparation and similar costs incident to the commencement of construction) which are in an amount which is less than 20% of the issue price of the Notes. This declaration and the Resolution of which it is a part, shall be publicly available in the official books, records or proceedings of the Common Council.

Section 11. Arbitrage Covenant. The City shall not take any action with respect to the Note Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Notes (the "Closing"), would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Note Proceeds may be temporarily invested in legal investments until needed, provided however, that the City hereby covenants and agrees that so

long as the Notes remain outstanding, monies on deposit in any fund or account created or maintained in connection with the Notes, whether such monies were derived from the Note Proceeds or from any other source, will not be used or invested in a manner which would cause the Notes 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 the responsibility for issuing the Notes, 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 Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 12. Additional Tax Covenants; Two Year 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 Notes) to assure that the Notes 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 further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes, 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 Notes 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 Notes are not "private activity bonds" as defined in Section 141 of the Code.

In accordance with Section 148(f)(4)(C) of the Code, the City covenants that at least 75% of the available construction proceeds of the Notes shall be used for construction expenditures with respect to property owned by the City as provided in Section 148(f)(4)(C)(iv) of the Code. If at least 10% of the available construction proceeds of the Notes (including investment earnings thereon) are expended for the governmental purposes of the issue within six months of the Closing; at least 45% are expended for such purposes within one year; at least 75% are expended for such purposes within eighteen months; and 100% are expended for such purposes within two years, the Notes will qualify for the two year expenditure exception from the rebate requirements of the Code. If for any reason the Notes did not qualify for the two year expenditure exemption from the

rebate requirements of the Code, the City covenants that it would take all necessary steps to comply with such requirements.

Section 13. Execution of the Notes. The Notes 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 Notes shall cease to be such officers before the delivery of the Notes, 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 to effectuate the Closing.

Section 14. Payment of the Notes. The principal of and interest on the Notes shall be paid in lawful money of the United States of America by the City Clerk or City Finance Director/Treasurer.

Section 15. Persons Treated as Owners; Transfer of Notes; Record Date. The City shall keep books for the registration and for the transfer of the Notes. The persons in whose name any Note 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 Note 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 Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note 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 Note or Notes 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 Note surrendered for transfer.

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

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

Section 16. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes 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 17. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the holders of the Notes, 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 timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Notes 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 Notes).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, 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 18. 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: Note Anticipation Notes will be refunded before the end of 2007.

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

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

EXCUSED: 1 - Mozol

52. [Res.07-0322](#) Accept funding and enter into agreement for Lead Poisoning Prevention Program

Resolved, that the Public Health Administrator be granted permission to accept funding from the Department of Health and Family Services for the continuation of the Lead Poisoning Prevention Program (Grant Control #2007-035), and that the Mayor and City Clerk be authorized and directed to enter into a \$87,327 agreement with the Department of Health and Family Services (Grant Control #2007-035) to be utilized for the continuation of the Lead Poisoning Prevention Program.

Fiscal Note: \$87,327 grant; soft match of \$43,664 (50%) covered by the City.

Adopted

53. [Res.07-0323](#) Accept funding and enter into agreement for Refugee Health Screening and Education Program

Resolved, that the Public Health Administrator be granted permission to accept funding from the Division of Employment and Training for the Refugee Health

Screening and Education Program (Grant Control #2007-037), and that the Mayor and City Clerk be authorized and directed to enter into a \$20,250 agreement with the Division of Employment and Training on behalf of the Workforce Development (Grant Control #2007-037) to be utilized for the reimbursement to the City of Racine Health Department for public health services provided to eligible refugees.

Fiscal Note: No match required by the City.

Adopted

54. [Res.07-0324](#) Permission to apply for grant from Great Lakes Protection Fund for Great Lakes Beaches Program

Resolved, that permission be granted for the Public Health Administrator to apply for a \$950,618.00 grant from the Great Lakes Protection Fund for the Achieving Healthy Great Lake Beaches Program (Grant Control #2007-036) to develop metrics to define a healthy Great Lakes Beach.

Fiscal Note: No match required by the City.

Adopted

55. [Res.07-0325](#) Permission to apply for grant from Great Lakes and St. Lawrence Cities Initiative

Resolved, that permission be granted for the Public Health Administrator to apply for a \$5,000 grant from the Great Lakes and St. Lawrence Cities Initiative on behalf of the City of Grand Rapids, Michigan, for the Small Cities Sustainability Award (Grant Control #2007-038), to fund various environmental activities at the Recreation and Environmental Education Community Center.

Fiscal Note: No match required by the City.

Adopted

56. [Res.07-0326](#) Extension of Lease Agreement with Racine Harley Davidson

Resolved, that the lease agreement with Racine Harley Davidson for 2 motorcycles for two years be extended until 2009, and that the Mayor and City Clerk be authorized and directed to sign the lease agreement.

Fiscal Note: Lease rate of \$1.00 per motorcycle per annum.

Adopted

57. [Res.07-0327](#) Accept 2007 Bureau of Justice Assistance Grant and Enter Into Agreement

Resolved, that the Chief of Police be authorized and directed to accept the 2007 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG), and that the Mayor and City Clerk be authorized and directed to enter into a \$73,769.00 agreement with the 2007 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG) (Grant Control #2007-001), to be split equally with Racine County Sheriff's Department.

Fiscal Note: The City's portion will be \$36,884.50 with no match required by the City.

Adopted

58. [Res.07-0328](#) Waive formal bidding procedures for purchase of furniture

Resolved, that being in the best interest of the City, formal bidding procedures be waived and the City's purchasing agent negotiate and enter into a contract with Corporate Design Interiors, LLC for the purchase of furniture/furnishings for Phase I of the City Hall renovation project.

Fiscal Note: Funds are available in account 986.100.5010, City Hall-Facilities Plan Implementation.

Adopted

59. [Res.07-0329](#) 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:

Portland Cement Concrete Paving

Victorian Drive from Emstan Hills Road to Maryland Avenue
Queens Court from Lighthouse Drive to the dead end

Curb And Gutter

Victorian Drive from Emstan Hills Road to Maryland Avenue

2. Said public improvement shall consist of Portland Cement Concrete Paving

And Curb And Gutter.

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.

Adopted

60. [Res.07-0330](#) Change Order for 2007 Parking Ramp Maintenance

Resolved, that Change Order No. 1 on Contract 8-07 (K7-008), 2007 Parking Ramp Maintenance, RAM Building Restoration & Waterproofing, Inc., contractor, as submitted, be approved in the amount of \$25,400.00.

Further resolved, that funding to defray the cost of this change order be appropriated from the Account 106.987.5120, Ramp Improvements.

Fiscal Note: Funds are available as herein delineated.

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

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

EXCUSED: 1 - Mozol

61. [Res.07-0331](#) Change Order Curb and Gutter Repair

Resolved, that Change Order No. 1 on Contract 16-07 (K7-019), Curb and Gutter Repair, C.D.B.G., D.C. Burbach, Inc., contractor, as submitted, be approved in the amount of \$11,632.18.

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

\$ 5,074.60 - Account 897.030.5510, Curb & Gutter Repair CDBG
\$ 4,475.00 - Account 104.987.5420, Storm Sewer
\$ 2,082.58 - Account Concrete Paving, Misc. Locations
\$11,632.18

Fiscal Note: Funds are available as herein delineated.

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

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

EXCUSED: 1 - Mozol

62. [Res.07-0332](#) Final Payment on Contract 16-07 (K7-019) Curb and Gutter Repair

Resolved, that the work done by D.C. Burbach, Inc., under Contract 16-07 (K7-019), Curb and Gutter Repair, C.D.B.G., be accepted and final payment authorized for a total contract amount of \$111,557.58, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 07-0115, dated March 20, 2007.

Adopted

63. [Res.07-0333](#) Final Payment on Contract 45-06 (K6-048) Stormwater Drainage Analysis

Resolved, that the professional services provided by Earth Tech, Inc. under Contract 45-06 (K6-048), Professional Services - Stormwater Drainage Analysis of DeKoven Avenue and Hickory Grove Avenue, be accepted and final payment authorized for a total contract amount of \$19,198.41, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 7262, dated October 11, 2006.

Adopted

64. [Res.07-0334](#) Change Order on Contract 46-06 (K6-049), City Hall Data Center Improvements

Resolved, that Change Order No. 3 on Contract 46-06 (K6-049), City Hall Data Center Improvements, Ricchio, Inc., contractor, as submitted, be approved in the amount of \$3,843.11 and that will provide a time extension until August 18, 2007 to complete this contract.

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.

Adopted

65. [Res.07-0335](#) Waive formal bidding for harbor navigation aids equipment

Resolved, that formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to negotiate with Tideland Signal Corporation, Houston, TX, for the purchase of harbor navigation aids equipment.

Fiscal Note: 60% of funding is available through Wisconsin Department of Natural Resources' North Harbor Development grant #RBF-333 and 40% of funding is available through Racine County Resolution No. 2006-148.

Adopted

66. [Res.07-0336](#) Change Order on Contract 20-07 (K7-023), Local Road Improvement Program

Resolved, that Change Order No. 1 on Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Pavers LLC, contractor, as submitted, be approved to provide a time extension until August 3, 2007, to complete this contract.

Further resolved, that failure to reach substantial completion by August 3, 2007 will result in an increased liquidated damage penalty of \$600.00 per day.

Fiscal Note: There will be no change in contract price as a result of this change order.

Adopted

67. [Res.07-0337](#) Final Payment on Contract 28-06 (K6-029), New Grandstand Bleachers at Horlick Athletic Field

Resolved, that final payment in the amount of \$12,855.05 for Contract 28-06

(K6-029), New Grandstand Bleachers at Horlick Athletic Field by Carroll Seating Co., be authorized for a total contract amount of \$247,958.00.

Fiscal Note: Funds are available in account 985.710.5070.

Adopted

68. [Res.07-0338](#) Final Payment on Contract 35-06 (K6-037), Bridge Rehabilitation at Johnson Park Golf Course

Resolved, that final payment in the amount of \$3,000 on Contract 35-06 (K6-037), Bridge Rehabilitation at Johnson Park Golf Course by Bane Nelson, Inc. of Kenosha, be authorized for a total contract amount of \$264,889.00.

Fiscal Note: Funds are available in account 107.000.5750, Golf, Replace 18th Hole Bridge.

Adopted

69. [Res.07-0339](#) Waive formal bidding for Flex Court Installation at Lakeview Park

Resolved, that being in the best interest of the City, formal bidding procedures be waived for Flex Court Installation of Tennis Court Surface at Lakeview Park in the amount of \$43,016.00.

Fiscal Note: Funds are available in account 987.710.5080.

Adopted

70. [Res.07-0341](#) Extension of Operating Agreement Racine Zoological Society

Resolved, that the Operating Agreement between Racine Zoological Society and the City of Racine be extended for an additional two years, covering the period January 1, 2011 through December 31, 2012.

Fiscal Note: N/A

Adopted

71. [Res.07-0342](#) Accept funding and enter into agreement with United Way of Racine for Teen Parent Support Program

Resolved, that the Public Health Administrator be granted permission to accept funding from the United Way of Racine County, Inc. (Grant Control No. 2007-004), and that the Mayor and City Clerk be authorized and directed to

enter into a \$50,000 agreement with the United Way of Racine County (Grant Control No. 2007-004) to be utilized for the Teen Parent Support Program.

Fiscal Note: No match required on the part of the City. The City will act as the fiscal agent for other entities. The City's portion will be \$29,800.

Adopted

72. [Res.07-0343](#) Accept Funding and Enter Into Agreement with Wisconsin Department of Natural Resources

Resolved, that the Public Health Administrator be granted permission to accept funding from the Department of Natural Resources (Grant Control No. 2006-048), and that the Mayor and City Clerk be authorized and directed to enter into a \$20,127 agreement with the Wisconsin Department of Natural Resources (Grant Control No. 2006-048) to be utilized for conducting bacterial indicator sampling for beach closures for public health concerns.

Fiscal Note: A \$46,282 soft match is required on the part of the City.

Adopted

73. [Res.07-0344](#) Accept funding and Enter Into Agreement with United Way of Racine County for FSKF Home Visitor Program

Resolved, that the Public Health Administrator be granted permission to accept funding from the United Way of Racine County (Grant Control No. 2007-034), and that the Mayor and City Clerk be authorized and directed to enter into a \$60,982 agreement with the United Way of Racine County (Grant Control No. 2007-034) to be utilized for the FSKF Home Visitor Program.

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

Adopted

I. Miscellaneous Business

74. [07-0909](#) **Subject:** Communication from Alderman Shakoor to rescind resolution 07-0314 adopted on July 3, 2007.

Alderman Shakoor moved that the rules of the Council be suspended to consider item 07-0909 and Resolution 07-0340.

There were no objections.

This Communication was Received and Filed

75. [Res.07-0340](#) Rescind Resolution No. 07-0314, Transfer of Land to Habitat for Humanity

Resolved, that Resolution No. 07-0314 adopted on July 3, 2007, for the transfer of the north side of Jones Park to Habitat for Humanity to build homes, be rescinded.

Fiscal Note: N/A

A motion was made by Alderman Shakoor II that this Resolution be Adopted. The motion FAILED

AYES: 7 - Coe, Anderson, Shields, Maack, DeHahn, Shakoor II and Karas

NOES: 7 - Kaplan, Weidner, Friedel, Holding, Wisneski, Spangenberg and Hart

EXCUSED: 1 - Mozol

76. [07-0914](#) **Subject:** Communication from the City Attorney submitting a Conduit License Agreement with Midwest Fiber Networks LLC.

Alderman Hart moved that the rules of the Council be suspended to consider item 07-0914.

There were no objections.

Received and Filed

77. [Res.07-0345](#) Conduit License Agreement

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Conduit License Agreement with Midwest Fiber Networks, LLC to use the City's conduit duct system for installation, operation, maintenance and repair of Midwest Fiber Networks communications facilities on Main Street from Seventh Street to State Street. This agreement will be for a period of five years with an automatic renewal clause for three (3) consecutive periods of five (5) years.

Fiscal Note: MWFN will pay the City \$0.75 per foot conduit fee with a three percent (3%) annual escalator.

Adopted

J. Adjourn

The meeting was adjourned at 8:38p.m. by Alderman Shakoor. The next scheduled meeting of the Council is Monday, August 6, 2007.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK