



# City of Racine

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

## Meeting Agenda - Final Common Council

*Mayor John T. Dickert  
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*

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Tuesday, July 7, 2009

7:00 PM

Room 205, City Hall

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

**Res.09-1401** Vacation of alley from 20th Street/DeKoven Avenue; Jay Eye See/Phillips Avenue

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

The east-west alley bounded by DeKoven Avenue, 20th Street, Jay Eye See Avenue and Phillips Avenue.

Fiscal Note: Not applicable.

Sponsors: Gregory Holding

- E. Public Comments**
- F. Communications**

**Refer to Finance and Personnel Committee, by Ald. Spangenberg**

**09-3761** **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to recommend Fees & Charges for the Mound Cemetery New Crypt Addition.

**09-3795** **Subject:** Communication from the Racine Arts Council requesting to

waive the fee for the use of Samuel Myers Park for their Sandcastles event on August 9, 2009.

**09-3801**      **Subject:** communication from the City Attorney submitting the claim of United States Postal Service for consideration.

**09-3802**      **Subject:** communication from the City Attorney submitting the claim of Paul Chernouski and Diane Chernouski for consideration.

**09-3803**      **Subject:** Communication from the Police Chief, requesting to discuss extension of the lease agreement with Racine Harley Davidson for two motorcycles.

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

**09-3836**      **Subject:** Communication from the Alderman of the 15th District requesting to conduct a city-employee survey focusing on reporting problems & complaints to supervisors or Human Resources Department.

**09-3838**      **Subject:** A communication from the Fire Chief requesting the Mayor and City Clerk be authorized to extend the two-year contract for the Wisconsin Emergency Management/State Regional Hazardous Materials Response Team. The two-year contract will cover the period from July 1, 2009, through June 30, 2011.

(Also refer to Public Safety and Licensing Committee)

**09-3841**      **Subject:** Communication from the Police Chief, requesting to use a surplus balance of Capital Outlay funds for the purchase of replacement Glock handguns.

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

**09-3855**      **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to transfer funds of \$34,000.00 from Dr. ML King Community Center (988-660-5010) to Playground Improvements (988-700-5150).

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

**09-3784**      **Subject:** Communication from Pentecost Lutheran Church requesting permission to close Jerome Boulevard, from Coolidge Avenue to Case Avenue, on Saturday, August 15, 2009 for a church block party.

- [09-3809](#)      **Subject:** Communication from the Alderman of the 7th District requesting to expand the low and moderate income loan program to include property owners receiving sidewalk replacement orders.
- [09-3810](#)      **Subject:** Communication from Ann Berka, 3433 Victorial Drive, requesting to place retaining walls within city right-of-way.
- [09-3833](#)      **Subject:** Request by the Uptown Improvement Organization that the City study options for the intersection of 14th Street and Washington Avenue.
- [09-3853](#)      **Subject:** Communication from the Commissioner of Public Works/City Engineer regarding underpayment of wages by Wayside Concrete Construction, Inc. on Contract 10-09 (K9-010), 2009 Sidewalk Construction, Phase I.
- [09-3854](#)      **Subject:** Communication from the Commissioner of Public Works/City Engineer regarding underpayment of wages by John's Concrete, Inc. on Contract 45-07 (K7-053), 2007 Sidewalk Replacement, Phase II.

**Refer to Public Safety and Licensing Committee, by Ald. Wisneski**

- [09-3816](#)      **Subject:** Communication from Joey Legath, 1863 Taylor Avenue, requesting to amend his premise description to include the back parking lot of his establishment for their 25th Anniversary event to be held on August 22, 2009.
- [09-3835](#)      **Subject:** Communication from the Alderman of the 15th District requesting to outsource the change-over of the police cars by bidding with outside businesses.

**Refer to Traffic Commission, by Ald. Holding**

- [09-3789](#)      **Subject:** Communication from Bennett Olson, 4401 Lindermann Ave, requesting the placement of a stop sign on Lindermann Avenue between Ohio and Indiana Streets.
- [09-3839](#)      **Subject:** Communication from Amanda Lawrence, Chairperson for the Starving Artists Outdoor Fair, requesting the use of "Temporary No Parking" signs to be used on the east side of S. Main Street, between 10th St. and 11th St. with restriction for the hours of 9:00 A.M. - 4:00 P.M. for Sunday, August 2, 2009; also requesting the "No Parking at Any Time" restrictions on 10th St. and 11th St. east of S. Main Street be waived for daylight hours prior to 9:00 A.M. and for a period not to exceed one (1) hour from 4:00 P.M. - 5:00 P.M. on Sunday, August 2,

2009.

**Refer to Transit and Parking Commission, by Ald. DeHahn**

[09-3825](#)      **Subject:** Communication from the Executive Director of PTMR requesting permission to relocate the bus stop at Douglas north of Hamilton to the south.

**Refer to Community Development Committee, by Ald. Q. A. Shakoor, II**

[09-3840](#)      **Subject:** Request of JML Healthcare Services LLC for HOME Housing Investment Partnerships Funding.

**G. Committee Reports**

**Public Works and Services Committee Report, by Ald. Holding**

[09-3366](#)      **Subject:** Communication from Tc3Telecom.neT requesting to expand wireless coverage from North Beach, Reef Point Harbor area, the Root River in the area of Pugh's Marina, the area around Festival Hall, through Pershing Park to Samuel Myers Park.

**Recommendation of the Public Works and Services Committee on 6-9-09:** Defer

**Recommendation of the Public Works and Services Committee on 6-30-09:** The communication be received and filed.

**Fiscal Note:** N/A

[09-3574](#)      **Subject:** Communication from the Commissioner of Public Works/City Engineer requesting permission to submit a grant application to the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants Program. (Res.09-1486)

**Recommendation of the Public Works and Services Committee on 6-9-09:** Defer

**Recommendation of the Public Works and Services Committee on 6-30-09:** The Mayor and City Clerk be authorized and directed to enter into a professional services agreement with HNTB for preparation of Grant No. 2009-027, Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant, in the total amount of \$25,750.00.

Further recommend that funding for these professional services are

available in Account 988.908.5220, Curb and Gutter Replacement.

**Fiscal Note:** Funds are available as herein delineated.

09-3692

**Subject:** Communication from the residents abutting the alley bounded by 20th Street, DeKoven Avenue, Kearney Avenue and Hickory Grove Avenue requesting the vacation of said alley. (Res.09-1445)

**Recommendation of the Public Works Services Committee on 6-9-09:** Since public interest requires it, that the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

The alley bounded by 20th Street, DeKoven Avenue, Kearney Avenue and Hickory Grove Avenue.

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

Further recommends that Resolution 09-1381 of May 6, 2009 be amended by deleting the alley bounded by 20th Street, DeKoven Avenue, Kearney Avenue and Hickory Grove Avenue.

**Fiscal Note:** Not applicable.

**Recommendation of the City Plan Commission on 6-24-09:** That vacation and discontinuance of the alley bounded by 20th Street, DeKoven Avenue, Kearney Avenue, and Hickory Grove Avenue is not in conflict with existing city plans and programs and recommends that the alley be vacated.

Further, that Res.09-1445 be adopted.

**Fiscal Note:** N/A

09-3612

**Subject:** Communication from City Attorney's Office regarding transfer of land between City of Racine and Racine Unified School District.

**Recommendation of the Public Works and Services Committee on 6-9-09:** Defer

**Recommendation of the Public Works and Services Committee on 6-30-09:** The Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Nielsen, Madsen & Barber, SC, for the preparation of deed descriptions for the city properties which were to be transferred to the Racine Unified School District when the school district was formed, for a not-to-exceed cost of \$18,460.00.

Further recommend that since funds for this activity were not budgeted for in 2009, that this item be referred to the Finance and Personnel Committee for determination of funding.

**Fiscal Note:** N/A

09-3754

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 on Contract 45-08 (K8-053), Memorial Hall Exterior Restoration, Pukall Co., Inc., contractor. (Res.09-1497)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That Change Order No. 1 on Contract 45-08 (K8-053), Memorial Hall Exterior Restoration, Pukall Co., Inc., contractor, as submitted, be approved in the deduct amount of \$6,132.89.

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

09-3755

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 45-08 (K8-053), Memorial Hall Exterior Restoration, Pukall Co., Inc., contractor. (Res.09-1498)

**Recommendation of the Public Works and Services Committee on 6-30-09:** The work done by Pukall Co., Inc. under Contract 45-08 (K8-053), Memorial Hall Exterior Restoration, be accepted and final payment authorized for a total contract amount of \$76,699.11.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0979, dated August 19, 2008.

09-3756

**Subject:** Communication from Caleb Robinson, Top Dog Hot Dogs, requesting permission to sell hot dogs in the downtown Racine area.

**Recommendation of the Public Works and Services Committee on 6-30-09:** That Caleb Robinson, Top Dog Hot Dogs, be granted permission to operate a hot dog vending cart on the sidewalks within the downtown area with the following stipulations:

A. The applicant shall meet all requirements of the City Health Department and the City Clerk's office;

B. The cart can only be located in front of city owned property, on the widened bump outs, or fronting other publicly owned property;

C. Sidewalks must be a least 10' wide and vendor shall maintain at least a 5' clear zone at all times for pedestrians;

D. The cart shall be removed nightly from the downtown area;

E. It is permitted to stop temporarily to make a sale as requested by a customer. However, once the sale is completed, the vendor shall move the cart to its approved location.

**Fiscal Note:** The Peddler's License through the City Clerk's office will generate certain funds for the City of Racine.

[09-3760](#)

**Subject:** (Direct Referral) Communication from Downtown Racine Corporation requesting permission to place artistically decorated Adirondack-style chairs on the public sidewalks along Main Street from State Street to 6th Street, and on 6th Street from Main Street to Grand Avenue for the "Sonny & Chair. . .Summer '09 Tour" public art event from May 1 to October 1, 2009. (Res.09-1484)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That an agreement be executed, in accordance with Wisconsin State Statute 66.0425, Privileges in Streets, to grant permission to the Downtown Racine Corporation, to place Adirondack-style chairs on the sidewalks of Main Street from State Street to 7th Street, and 6th Street from Main Street to Grand Avenue, from May 1, 2009 to October 1, 2009, with the stipulation that a minimum of a 5' sidewalk must be maintained at all times and that any damage to the sidewalk be repaired so as to not present a hazard to pedestrians.

**Fiscal Note:** N/A

[09-3763](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 8-08 (K8-009), Professional Serviced - Memorial Hall Exterior Repair Design, Industrial Roofing Services, Inc., consultant. (Res.09-1494)

**Recommendation of the Public Works and Services Committee on 6-30-09:** The professional services provided by Industrial Roofing Services, Inc., under Contract 8-08 (K8-009), Professional Services -Memorial Hall Exterior Repair Design, be accepted and final payment authorized for a total contract amount of \$5,250.00.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0622, dated February 5, 2008.

[09-3785](#)

**Subject:** (Direct Referral) Communication from the Commissioner of

Public Works/City Engineer submitting bid results on Contract 44-09 (K9-045), 2009 Storm and Sanitary CIPP Lining. (Res.09-1490)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That Contract 44-09 (K9-045), 2009 Storm & Sanitary CIPP Lining and Manhole Repair, be awarded to Visu-Sewer Clean & Seal, Inc., Pewaukee, WI, at their bid price of \$366,627.00, 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:

\$125,256.70 - Account 287.988.5310, Sanitary Sewer-Var. Loc.  
\$241,370.30 - Account 104.900.5420, Storm Sewers, Misc. Loc.  
\$366,627.00 - Total

**Fiscal Note:** Funds are available as herein delineated.

09-3786

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 51-08(09) (K8-059), City Hall Exterior Restoration. (Res.09-1488)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That Contract 51-08(09) (K8-059), City Hall Exterior Renovations, be awarded to Arnie Christiansen Mason Contractor, LLC, Franksville, WI, at their bid price of \$58,689.60, plus Alternate #1 in the amount of \$28,681.90 and Alternate #2 in the amount of \$28,681.90, for a total contract of \$116,053.40, 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:

\$ 51,191.03 - Account 987.100.5020, City Hall Tuckpointing  
\$ 64,862.37 - Account 989.100.5020, City Hall Tuckpointing  
\$116,053.40 - Total

**Fiscal Note:** Funds are available as herein delineated.

09-3787

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 31-09 (K9-032), Memorial Hall Exterior Restoration. (Res.09-1489)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That Contract 31-09 (K9-032), Memorial Hall Exterior Restoration, be awarded to RAM Construction Services of MI, Inc., Livonia, MI, at their bid price of \$65,375.00, plus Alternate #1 in the



amount of \$3,950.00, for a total contract of \$69,325.00, 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:

\$ 5,747.69 - Account 108.988.5510, Memorial Hall Tuckpointing  
\$63,577.31 - Account 108.989.5510, Memorial Hall Tuckpointing  
\$69,325.00 - Total

**Fiscal Note:** Funds are available as herein delineated.

[09-3788](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 47-09 (K9-048), Sanitary Sewer Relay (R1). (Res.09-1491)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That Contract 47-09 (K9-048), Sanitary Sewer Relay, be awarded to The Wanasek Corporation, Burlington, WI, at their bid price of \$243,608.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 287.989.5310, Sanitary Sewers, Misc. Loc.

**Fiscal Note:** Funds are available as herein delineated.

[09-3793](#)

**Subject:** (Direct Referral) Communication from Racine County submitting bid results for salt for ice control for the 2009-2010 winter season. (Res.09-1487)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That the County of Racine be authorized and directed to accept the bid of North American Salt Company for the purchase of 7,500 tons (more or less) of salt for ice control for the 2009-2010 year at their bid price of \$55.90/ton delivered.

Further recommends that funds to defray the cost of this purchase are available in Account 101.540.5250, Snow and Ice Control, Work Supplies.

**Fiscal Note:** The City of Racine's allotment of salt will be based upon 6,500 tons, and funds to make these purchases are budgeted in Account 101.540.5250, Snow and Ice Control, Work Supplies.

[09-3797](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal from

David L. Hanson & Associates, Inc. to provide engineering services for backup generators at the radio tower and City Hall Annex.  
(Res.09-1502)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with David L. Hanson & Associates, Inc. for designing backup electrical generators for the Radio Tower and for the radio transmissions systems at the City Hall Annex, at a price not-to-exceed \$2,910.00.

Further recommends that funds to defray the cost of these professional services be appropriated from the following accounts:

\$1,200.00 - Account 989.310.5030, Radio Tower Generator Replacement

\$1,710.00 - Account 989.310.5040, Annex Generator Replacement

\$2,910.00 - Total

**Fiscal Note:** Funds are available as herein delineated.

09-3798

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 1 to Contract 7-08 (K8-008), Professional Services - 2009 Parking Ramp Maintenance, Arnold & O'Sheridan, consultant. (Res.09-1492)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That Amendment No. 1 to Contract 7-08 (K8-008), Professional Services - 2009 Parking Ramp Maintenance, Arnold & O'Sheridan, Inc., consultant, as submitted, be approved in the amount of \$1,300.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 106.989.5760, Building Improvements-Ramps:

**Fiscal Note:** Funds are available as herein delineated.

09-3799

**Subject:** (Direct Referral) Communicaiton from the Commissioner of Public Works/City Engineer submitting a final payment request on Contract 7-08 (K8-008), Professional Services - 2009 Parking Ramp Maintenance, Arnold & O'Sheridan, consultant. (Res.09-1493)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That the professional services provided by Arnold & O'Sheridan, Inc. under Contract 7-08 (K8-008), 2009 Parking Ramp Maintenance, be accepted and final payment authorized for a total

contract amount of \$43,900.00.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0621, dated February 5, 2008.

09-3800

**Subject:** (Direct Referral) Communication from the Racine County Convention and Visitors Bureau requesting to use the Walker Site for parking on July 19, 2009 in conjunction with the Spirit of Racine Triathlon. (Res.09-1485)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That permission be granted to the Racine County Convention and Visitors Bureau to use the City owned property, commonly referred to as the Walker Site, for special event parking on Sunday, July 19, 2009, in connection with the Spirit of Racine Triathlon with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to the event;
- C. Any overtime costs incurred by any City department be charged to the sponsor; and,
- D. The sponsor pay the City \$1.50 for each car which is allowed to park on this public property.

**Fiscal Note:** The City of Racine will share a percentage of the proceeds which the Racine County Convention and Visitors Bureau obtains through charging for parking on this property.

09-3815

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 2-09 (K9-002), 2009 Parking Ramp Maintenance, SPS Infrastructure, Inc., contractor. (Res.09-1500)

**Recommendation of the Public Works and Services Committee on 6-30-09:** The work done by SPS Infrastructure, Inc. under Contract 2-09 (K9-002), 2009 Parking Ramp Maintenance, be accepted and final payment authorized for a total contract amount of \$117,102.22.

**Fiscal Note:** Contract was authorized under Resolution No. 09-1264, dated March 3, 2009.

09-3817

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 16-09 (K9-016), Professional Services - Design North Horlick Drive Bridge, Ayres Associates, consultant. (Res.09-1496)

**Recommendation of the Public Works and Services Committee on 6-30-09:** The professional services provided by Ayers Associates, under Contract 16-09 (K9-016), Professional Services - Design North Horlick Drive Bridge, be accepted and final payment authorized for a total contract amount of \$4,200.00.

**Fiscal Note:** Contract was authorized under Resolution No. 09-1227, dated February 3, 2009.

09-3818

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a lease agreement for WIC for a room at the City Hall Annex. (Res.09-1504)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That the Mayor and City Clerk be authorized and directed enter into a lease agreement with W.I.C. for 200 square feet in Room 320 at the City Hall Annex at a rate of \$5.62 per square foot. The term of the lease will be July 1, 2009 to June 30, 2010.

**Fiscal Note:** This rental agreement will result in \$1,124.00 of additional revenue to the City of Racine.

09-3819

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 47-08 (K8-055), PS - Colonial Park Streambank Stabilization, Earth Tech/AECOM, consultant. (Res.09-1495)

**Recommendation of the Public Works and Services Committee on 6-30-09:** The professional services provided by Earth Tech/AECOM under Contract 47-08 (K8-048), Professional Services - Colonial Park Streambank Stabilization, be accepted and final payment authorized for a total contract amount of \$23,000.00.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0847, dated June 3, 2008.

09-3820

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer recommending that the City Attorney be authorized and directed to take the necessary steps to recover the cost of repairs to a sewer lateral which was damaged by A.W. Oakes & Son, Inc. (Res.09-1483)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That the settlement proposal in the amount of \$12,929.24 be accepted for the cost of sewer repairs at 2044 Racine Street.

**Fiscal Note:** The City of Racine will receive \$12,929.24 for the cost of sewer repairs at 2044 Racine Street.

[09-3821](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 5 on Contract 53-08 (K8-061), City Hall Renovations-Phase II (R1), Absolute Construction Enterprises, Inc. (Res.09-1501)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That Change Order No. 5 on Contract 53-08 (K8-061), City Hall Renovations-Phase II (R1), Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$21,138.00.

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

**Fiscal Note:** Funds are available as herein delineated.

[09-3822](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 on Contract 2-09 (K9-002), 2009 Parking Ramp Maintenance, SPS Infrastructure, Inc., contractor. (Res.09-1499)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That Change Order No. 1 on Contract 2-09 (K9-002), 2009 Parking Ramp Maintenance, SPS Infrastructure, Inc., contractor, be approved in the amount of \$7,220.34.

Further recommends that funding to defray the cost of this change order be appropriated from Account 106.989.5760, Building Improvements-Ramps.

**Fiscal Note:** Funds are available as herein delineated.

[09-3823](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a two-party design contract between the City of Racine and the Wisconsin Department of Transportation for design services for signal interconnect and signal timing, Project ID: 1693-49-01 (South of 6th Street to City Limits). (Res.09-1505)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for designing Signal Interconnect and Signal Timing on Project ID: 1693-49-01, South of 6th Street to City Limits, be approved

in the reimbursable not-to-exceed amount of \$71,298.94.

Further recommends that funding to defray any local match in excess of this amount will be provided in the 2010 Capital Improvement Program.

**Fiscal Note:** The City of Racine will receive \$71,298.94 in revenue from this agreement.

[09-3824](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a two-party design contract between the City of Racine and the Wisconsin Department of Transportation for design services for signal interconnect and signal timing, Project ID: 1693-49-02 (6th Street North to City Limits). (Res.09-1506)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for designing Signal Interconnect and Signal Timing on Project ID: 1693-49-02, 6th Street North to City Limits, be approved in the reimbursable not-to-exceed amount of \$69,016.72.

Further recommends that funding to defray any local match in excess of this amount will be provided in the 2010 Capital Improvement Program.

**Fiscal Note:** The City of Racine will receive \$69,016.72 from this agreement.

[09-3826](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 2 to Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., consultant. (Res.09-1503)

**Recommendation of the Public Works and Services Committee on 6-30-09:** That Amendment No. 2 to Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., consultant, as submitted, be approved in the amount of \$16,900.00.

Further recommends that funding to defray the cost of these professional services be appropriated from the following account:

\$12,367.00 - Account 987.220.5030, CHP-Structural Repairs  
\$ 4,533.00 - Account 989.220.5030, CHP-Structural Repairs  
\$16,900.00 - Total

**Fiscal Note:** Funds are available as herein delineated.

[09-3842](#)

**Subject:** (Direct Referral) Communication from Fourth Fest of Greater Racine, Inc. requesting permission to use the Walker Site parking lot on Saturday, July 4, 2009. (Res.09-1507)

**Recommendation of the Public Works and Services Committee on 6-30-09:** Permission be granted to Fourth Fest of Greater Racine, Inc. to use the Walker Site on Saturday, July 4, 2009, for parking of vehicles in conjunction with the Fourth of July fireworks display.

**Fiscal Note:** N/A

**Public Safety and Licensing Committee Report, by Ald. Wisneski**

[09-3622](#)

**Subject:** (New) Application of Gary DePelecyn for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1518 Washington. (3rd District)

**Recommendation of the Public Safety and Licensing Committee of 6-8-09:** to defer the approval of the application for "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1518 Washington until the applicant can appear.

**Recommendation of the Public Safety and Licesning Committee of 6-8-09:** to receive and file the application for Gary DePelecyn as the new owner for 1518 Washington since he withdrew his applicaton.

**Fiscal Note:** N/A

[09-3729](#)

**Subject:** The following renewal application for a Class "B" Retail Fermented Malt beverage license for 2009-2010.

Fernando E. Barajas                      1221 Douglas Avenue

**Recommendation of the Public Safety and Licensing Committee on 6-22-09:** That the request for a renewal application for a Class " B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2009-2010 be approved.

**Fiscal Note:** N/A

[09-3735](#)

**Subject:** The following renewal application(s) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2009-2010:

Hillside Lanes, Inc.                      1400 Thirteenth Street

Richard Wonders, Agent

Tango bar, LLC                      509 Sixth Street  
Alejandro D. Horbatenko, Agent

**Recommendation of the Public Safety and Licensing Committee on 6-22-09:** To approve the renewal application(s) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2009-2010.

**Fiscal Note:** N/A

[09-3764](#)

**Subject:** (Direct Referral) Communication from the Purchasing Agent submitting the sale of abandoned vehicles for June 9, 2009.

**Recommendation of the Public Safety and Licensing Committee on 6-22-09:** That the sale of abandoned vehicles on June 9, 2009 be received and filed.

**Fiscal Note:** This will generate \$8477.01 in revenues.

[09-3829](#)

**Subject:** To amend Secs. 22-832, 22-835 (1) a, and (1) b., 22-835 (8), 22-835(13), 22-836(a)and(c), 22-837, and Sec. 22-838(a) and (b) of the Municipal Code of the City of Racine, Wisconsin relating to Business, Professions and Occupations - Motor Vehicle Recovery and Towing.

**Recommendation of the Public Safety and Licensing Committee on 6-22-09** to approve the adoption of Ordinance 15-09 as submitted.

**Fiscal Note:** None

**Sponsors:** Aron Wisneski

**Traffic Commission Report, by Ald. Holding**

[09-3682](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting to change the time of day parking restrictions on the north side of Sixteenth Street, east of Taylor Avenue. (2120 & 2124 Sixteenth Street Owners)

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

[Ord.13-09](#)

Ordinance No. 13-09

To amend Section 94-93 of the Municipal Code of the City of Racine,



Wisconsin relating to Mandatory left turn.

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

Part 1:

Section 94-93 of the Municipal Code of the City of Racine is hereby amended by adding the following at the end of the section:

“(f) The operator of a vehicle proceeding westerly on 16th Street and approaching Taylor Avenue in the lane farthest to the left shall turn left onto Taylor Avenue and shall not proceed in any other direction.”

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

### **Transit and Parking Commission Report, by Ald. DeHahn**

**09-3769**

**Subject:** (Direct Referral) Communication from the Executive Director of PTMR requesting the authorization for the Purchasing Agent to take steps necessary to procure a new service vehicle for the Belle Urban System subject to receipt of American Reinvestment and Recovery Act funding. (Res.09-1476)

**Recommendation:** Authorize the Purchasing Agent to procure a new service vehicle for the Belle Urban System subject to receipt of American Reinvestment and Recovery Act funding.

**Fiscal Note:** Subject to receipt of American Reinvestment and Recovery Act funding.

**09-3770**

**Subject:** (Direct Referral) Communication from the Executive Director of PTMR requesting that formal bidding be waived and authorization be given to the Purchasing Agent to take steps necessary to procure 33

magnetic swipe-card readers and the supporting data collection system subject to receipt of American Reinvestment and Recovery Act funding. (Res.09-1477)

**Recommendation:** Authorize the Purchasing Agent to waive formal bidding and procure 33 magnetic swipe-card readers and the supporting data collection system subject to receipt of American Reinvestment and Recover Act funding.

**Fiscal Note:** Subject to receipt of American Reinvestment and Recovery Act funding.

09-3771

**Subject:** (Direct Referral) Communication from the Executive Director of PTMR requesting the waiving of formal bidding and authorizing the Purchasing Agent to take steps necessary to procure a software upgrade for the Continental Transit Master system subject to receipt of American Reinvestment and Recovery Act funding. (Res.09-1478)

**Recommendation:** Authorize the Purchasing Agent to waive formal bidding to procure a software upgrade for the Continental Transit Master system subject to receipt of American Reinvestment and Recovery Act funding.

**Fiscal Note:** Subject to receipt of American Reinvestment and Recovery Act funding.

09-3772

**Subject:** (Direct Referral) Communication from the Executive Director of PTMR requesting the waiving of formal bidding and authorizing the Purchasing Agent to take steps necessary to procure a ticket/pass vending machine for the BUS Transit Center subject to receipt of American Reinvestment and Recovery Act funding. (Res.09-1479)

**Recommendation:** Authorize the Purchasing Agent to waive formal bidding to procure a ticket/pass vending machine for the BUS Transit Center subject to receipt of American Reinvestment and Recovery Act funding.

**Fiscal Note:** Subject to receipt of American Reinvestment and Recovery Act funding.

09-3773

**Subject:** (Direct Referral) Communication from the Executive Director of PTMR requesting authorization for the Purchasing Agent to take steps necessary to procure four new hybrid buses for the Belle Urban System subject to receipt of American Reinvestment and Recovery Act funding. (Res.09-1480)

**Recommendation:** Authorize the Purchasing Agent to issue a RFP to

procure four new hybrid buses for the Belle Urban System subject to receipt of American Reinvestment and Recovery Act funding.

**Fiscal Note:** Subject to receipt of American Reinvestment and Recovery Act funding.

09-3774

**Subject:** (Direct Referral) Communication from the Executive Director of PTMR requesting authorization for the Purchasing Agent to take steps necessary to procure a new plow truck with salt-spreader for the Belle Urban System subject to receipt of American Reinvestment and Recovery Act funding. (Res.09-1481)

**Recommendation:** Authorize the Purchasing Agent to procure a new plow truck with salt-spreader for the Belle Urban System subject to receipt of American Reinvestment and Recovery Act funding.

**Fiscal Note:** Subject to receipt of American Reinvestment and Recovery Act funding.

**City Plan Commission Report, by Ald. Holding**

09-3733

**Subject:** (Direct Referral) Consideration of a request from Pedro Hernandez seeking a conditional use permit to accommodate an automobile repair facility at 914 Marquette Street. (Res.09-1474)

**Recommendation of the City Plan Commission on 6-24-09:** Approve subject to staff recommendations.

**Fiscal Note:** N/A

09-3734

**Subject:** (Direct Referral) Consideration of a request from Curt Pruitt, representing Racine Joint Venture, d/b/a Regency Mall, seeking consideration of a request to amend a conditional use permit to allow additional locations for outside events and to extend the time period in which tent sales may be conducted. (Res.09-1470)

**Recommendation of the City Plan Commission on 6-10-09:** That this item be approved subject to staff recommendations.

**Recommendation of the City Plan Commission on 6-24-09:** That this item be approved subject to staff recommendations.

**Fiscal Note:** N/A

09-3796

**Subject:** (Direct Referral) Consideration of a request from Curt Pruitt, representing Racine Joint Venture d/b/a Regency Mall seeking a

conditional use permit to allow for a temporary building to allow temporary sales for Halloween Express at 5200 Durand Avenue. (Res.09-1475)

**Recommendation of the City Plan Commission on 6-24-09:** That the request be approved subject to commission recommendations.

**Fiscal Note:** N/A

[09-3827](#)

**Subject:** (Res.09-1445) Vacation of alley bounded by 20th Street, DeKoven Avenue, Kearney Avenue and Hickory Grove Avenue.

**Recommendation of the City Plan Commission on 6-24-09:** That the resolution be adopted.

**Fiscal Note:** N/A

[09-3828](#)

**Subject:** (Res. 09-1470) Amendment of Conditional Use Permit for Racine Joint Venture, d/b/a Regency Mall.

**Recommendation of the City Plan Commission on 6-24-09:** That the resolution be adopted.

**Fiscal Note:** N/A

#### **Housing Loan Board Report, by Ald. Spangenberg**

[09-3765](#)

**Subject:** Communication from Jim Spodick wishing to discuss paying off a loan on 255 North Memorial Drive. (Res.09-1509)

**Recommendation of the Loan Board on 6-18-09:** That the city accept a final payoff of the loan on 255 North Memorial Drive in the amount of \$635,000.

**Fiscal Note:** The loan is a no-interest balloon payment loan for \$675,000 due on October 8, 2011. The reduction of \$40,000 is recommended because the loan would be paid off early. Specifically, \$635,000 paid now is equivalent to \$675,000 paid in 2 1/4 years at the interest rate that the city currently earns on its short term investments (approximately 3%).

#### **Committee of the Whole Report, by Ald. Q. A. Shakoor, II**

[09-3449](#)

**Subject:** Authorization to acquire 1125 Grand Avenue from Racine County. (Res.09-1360)

**Recommendation of the Loan Board of Review on 4-16-09:** That the

Common Council authorize the appropriate city officials to acquire 1125 Grand Avenue, a tax delinquent property from Racine County for renovation and resale.

**Recommendation of the Committee of the Whole on 06-16-2009:** to authorize the non-precedential acquisition of 1125 Grand Avenue from Racine County with federal foreclosure funds from the Neighborhood Stabilization Program, and that Resolution 09-1360 be adopted.

**Fiscal Note:** The acquisition and renovation will be funded through the Neighborhood Stabilization Program, federal foreclosure funds.

09-3751

**Subject:** (Direct Referral) Presentation by Brian O'Connell, Director of City Development, of the Post-Foreclosure Neighborhood Stabilization Program.

**Recommendation:** the Item be received and filed, with directions to City Development staff to develop and communicate criteria for the selection of participant properties and apportionment of funds available under the Post-foreclosure Neighborhood Stabilization Program.

**Fiscal Note:** funds are available under the Federal Post-foreclosure Neighborhood Stabilization Program.

09-3752

**Subject:** Charter Ordinance No. 0001-08, to amend Charter Ordinance Secs. 2-1, 2-2, 2-52, and 2-76 of the Municipal Code of the City of Racine, Wisconsin, being sections of the Municipal Code of the City of Racine prescribing the method of appointment of various city officers and employees and relating to the human resources department.

**Recommendation:** that the Item be approved and that Charter Ordinance No. 0001-08 be approved.

**Fiscal Note:** N/A

**Office of the Mayor Report, by Ald. Q. A. Shakoor, II**

09-3834

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

City Administrator

Appoint Thomas Friedel, 1904 Dwight St.

**Water Works Committee Report, by Ald Hart**

[09-3610](#)

**Subject:** Presentation of the 2008 Audit from Clifton-Gunderson

**Recommendation: (Direct Referral) Recommendation of the Waterworks Commission on 06/30/09:** Waterworks Commission approved and further recommends to refer to the Finance and Personnel Committee for adoption

#### **Wastewater Commission Report, by Ald Hart**

[09-3607](#)

**Subject:** Presentation of the 2008 Audit from Clifton-Gunderson

**Recommendation: (Direct Referral) Recommendation of the Wastewater Commission on 06/30/09:** Wastewater Commission approved and further recommends to refer to the Finance and Personnel Committee for adoption

[09-3737](#)

**Subject:** Household Hazardous Waste Agreement with the Village of North Bay

**Recommendation: Recommendation of the Wastewater Commission on 06/30/09:** Wastewater Commission approved and further recommends that the Mayor and City Clerk be authorized to enter into a Household Hazardous Waste agreement with the Village of North Bay

## **H. Consent Agenda - Resolutions**

[Res.09-1474](#)

Conditional Use Permit for 914 Marquette Street be approved

Resolved, that the request of Pedro Hernandez to operate an automobile repair service at 914 Marquette Street be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on June 10, 2009 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the hours the establishment is open to the general public be from 8:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 4:00 p.m. Saturdays. No hours on Sundays.
- d. That no vehicle sales be conducted at this location.
- e. That no more than four (4) vehicles being worked on may be stored on the outdoor lot, as this lot is shared with four (6) apartments, as well as two (2) other tenant uses in this building.

- f. That the applicant shall use and complete the facade grant and work shall be done per the approved plans no later than November 1, 2009.
- g. That work be limited to engine repair and tire work, and that there be no painting or body work done at this location.
- h. That all activity and equipment of the business be conducted indoors and that there be no external storage of equipment or work activities done outside the building.
- i. A tow truck is allowed and must be stored indoors over night. During the day it may be parked in the parking lot, and moved inside after hours. The tow truck may be used during business hours, not before or after.
- j. All junk and trash generated by the business shall be stored inside until picked up or taken to trash facility.
- k. That all future signs comply with the zoning ordinance requirements, be professionally made, and be subject to review and approval of the Access Corridor Committee.
- l. That all codes and ordinances be complied with and required permits acquired.
- m. 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.
- n. That this permit is subject to Plan Commission review for compliance with the listed conditions.
- o. That a NO LEFT TURN sign shall be posted at the exit/entry to the parking lot to help guide traffic out of the lot without going the wrong way.
- p. That the plan is subject to review and approval of the Access Corridor Development Review Committee.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.09-1475** Conditional Use Permit for Racine Joint Venture for Halloween Express at 5200 Durand Avenue be approved

Resolved, that the request from Curt Pruitt representing Racine Joint Venture d/b/a Regency Mall, seeking a Conditional Use Permit to allow for a temporary building to allow temporary sales for Halloween Express at 5200 Durand Avenue, be approved subject to the following conditions:

- a. That the plans presented to the Plan Commission on June 24, 2009 be approved subject to the conditions contained herein.

- b. That this event be approved on a one time experimental basis to determine the effects of this approval.
- c. That all codes and ordinances be complied with.
- d. That the hours of operation match those of the Mall.
- e. That sign plans be submitted to the director of city development for review and approval.
- f. That Noise levels not exceed code allowances.
- g. That the duration of the event (setup to teardown) not exceed 60 consecutive days.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.09-1476** Authorize Purchasing Agent to procure a new service vehicle for the BUS

Resolved, that the Purchasing Agent be authorized to procure a new service vehicle for the Belle Urban System subject to receipt of American Reinvestment and Recovery Act funding.

Fiscal Note: Subject to receipt of American Reinvestment and Recovery Act funding.

Sponsors: Raymond DeHahn

**Res.09-1477** Waive formal bidding procedures and authorize Purchasing Agent to procure magnetic swipe-card readers and supporting data collection for BUS

Resolved, that formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to procure 33 magnetic swipe-card readers and the supporting data collection system subject to receipt of American Reinvestment and Recovery Act funding.

Fiscal Note: Subject to receipt of american Reinvestment and Recovery Act funding.

Sponsors: Raymond DeHahn

**Res.09-1478** Formal bidding procedures be waived and Purchasing Agent be authorized to procure a software upgrade for Continental Transit Master system

Resolved, that formal bidding procedures be waived and that the Purchasing Agent be authorized to procure a software upgrade for the Continental Transit Master system subject to receipt of American Reinvestment and Recovery Act funding.



Fiscal Note: Subject to receipt of American Reinvestment and Recovery Act funding.

Sponsors: Raymond DeHahn

[Res.09-1479](#) Formal bidding procedures be waived and Purchasing Agent be authorized to procure a ticket/pass vending machine for the BUS Transit Center

Resolved, that formal bidding procedures be waived and that the Purchasing Agent be authorized to procure a ticket/pass vending machine for the BUS Transit Center, subject to receipt of American Reinvestment and Recovery Act funding.

Fiscal Note: Subject to receipt of American Reinvestment and Recovery Act funding.

Sponsors: Raymond DeHahn

[Res.09-1480](#) Authorize Purchasing Agent to take steps to procure four new hybrid buses for the BUS

Resolved, that the Purchasing Agent be authorized to take necessary steps to procure four new hybrid buses for the Belle Urban System subject to receipt of American Reinvestment and Recovery Act funding.

Fiscal Note: Subject to receipt of American Reinvestment and Recovery Act funding.

Sponsors: Raymond DeHahn

[Res.09-1481](#) Authorize Purchasing Agent to take steps to procure plow truck with salt-spreader for BUS

Resolved, that the Purchasing Agent be authorized to take necessary steps to procure a new plow truck with salt-spreader for the Belle Urban System subject to receipt of American Reinvestment and Recovery Act funding.

Fiscal Note: Subject to receipt of American Reinvestment and Recovery Act funding.

Sponsors: Raymond DeHahn

[Res.09-1483](#) Settlement offer for cost of repairs to sewer lateral at 2044 Racine Street be approved

Resolved, that the settlement offer from A.W. Oakes & Son, Inc., for the cost of sewer repairs at 2044 Racine Street be accepted in the amount of \$12,929.24.

Fiscal Note: The City of Racine will receive \$12,929.24 for the cost of sewer repairs at 2044 Racine Street.

Sponsors: Gregory Holding

**Res.09-1484** Agreement with DRC to place chairs on sidewalks of Main Street be approved

Resolved, that an agreement be executed in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets, to grant permission to the Downtown Racine Corporation, to place Adirondack-style chairs on the sidewalks of Main Street from State Street to 7th Street, and 6th Street from Main Street to Grand Avenue, from May 1, 2009 to October 1, 2009, with the stipulation that a minimum of a 5' sidewalk must be maintained at all times and that any damage to the sidewalk be repaired so as to not present a hazard to pedestrians.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.09-1485** Permission granted to Racine County Convention and Visitors Bureau to use Walker Site for parking for Spirit of Racine Triathlon

Resolved, that permission be granted to the Racine County Convention and Visitors Bureau to use the City owned property, commonly referred to as the Walker Site, for special event parking on Sunday, July 19, 2009, in connection with the Spirit of Racine Triathlon with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to the event;
- C. Any overtime costs incurred by any City department be charged to the sponsor; and,
- D. The sponsor pay the City \$1.50 for each car which is allowed to park on this public property.

Fiscal Note: The City of Racine will share a percentage of the proceeds which the Racine County Convention and Visitors Bureau obtains through charging for parking on this property.

Sponsors: Gregory Holding

**Res.09-1486** Mayor and City Clerk be authorized to enter into a professional services agreement with HNTB for preparation of TIGER Grant

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with HNTB for preparation of Grant No. 2009-027, Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant, in the total amount of \$25,750.00.

Further resolved, that funding for these professional services are available in Account 988.908.5220, Curb and Gutter Replacement.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.09-1487** County of Racine be authorized to accept bid of North American Salt Company for purchase of salt for ice control for 2009-2010 year for City of Racine

Resolved, that the County of Racine be authorized and directed to accept the bid of North American Salt Company for the purchase of 7,500 tons (more or less) of salt for ice control for the 2009-2010 year at their bid price of \$55.90/ton delivered.

Further resolved, that funds to defray the cost of this purchase are available in Account 101.540.5250, Snow and Ice Control, Work Supplies.

Fiscal Note: The City of Racine's allotment of salt will be based upon 6,500 tons, and funds to make these purchases are budgeted in Account 101.540.5250, Snow and Ice Control, Work Supplies.

Sponsors: Gregory Holding

**Res.09-1488** Contract 51-08(09)( K8-059), City Hall Exterior Renovations, be awarded to Arnie Christiansen Mason Contractor

Resolved, that Contract 51-08(09) (K8-059), City Hall Exterior Renovations, be awarded to Arnie Christiansen Mason Contractor, LLC, Franksville, WI, at their bid price of \$58,689.60, plus Alternate #1 in the amount of \$28,681.90 and Alternate #2 in the amount of \$28,681.90, for a total contract of \$116,053.40, 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:

\$ 51,191.03 - Account 987.100.5020, City Hall Tuckpointing  
\$ 64,862.37 - Account 989.100.5020, City Hall Tuckpointing  
\$116,053.40 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.09-1489** Contract 31-09 (K9-032), Memorial Hall Exterior Restoration, be awarded to Ram Construction Services

Resolved, that Contract 31-09 (K9-032), Memorial Hall Exterior Restoration, be awarded to RAM Construction Services of MI, Inc., Livonia, MI, at their bid price of \$65,375.00, plus Alternate #1 in the amount of \$3,950.00, for a total contract of \$69,325.00, 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:

\$ 5,747.69 - Account 108.988.5510, Memorial Hall Tuckpointing  
\$63,577.31 - Account 108.989.5510, Memorial Hall Tuckpointing  
\$69,325.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.09-1490** Contract 44-09 (K9-045), 2009 Storm & Sanitary CIPP Lining and Manhole Repair, be awarded to Visu-Sewer Clean & Seal, Inc.

Resolved, that Contract 44-09 (K9-045), 2009 Storm & Sanitary CIPP Lining and Manhole Repair, be awarded to Visu-Sewer Clean & Seal, Inc., Pewaukee, WI, at their bid price of \$366,627.00, 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:

\$125,256.70 - Account 287.988.5310, Sanitary Sewer-Var. Loc.  
\$241,370.30 - Account 104.900.5420, Storm Sewers, Misc. Loc.  
\$366,627.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.09-1491** Contract 47-09 (K9-048), Sanitary Sewer Relay, be awarded to The Wanasek Corporation

Resolved, that Contract 47-09 (K9-048), Sanitary Sewer Relay, be awarded to The Wanasek Corporation, Burlington, WI, at their bid price of \$243,608.00, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 287.989.5310, Sanitary Sewers, Misc. Loc.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.09-1492** Amendment No. 1 to Contract 7-08 (K8-008), Professional Services - 2009 Parking Ramp Maintenance, Arnold & O'Sheridan, Inc., be approved

Resolved, that Amendment No. 1 to Contract 7-08 (K8-008), Professional Services - 2009 Parking Ramp Maintenance, Arnold & O'Sheridan, Inc., consultant, as submitted, be approved in the amount of \$1,300.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 106.989.5760, Building Improvements-Ramps:

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

[Res.09-1493](#) Professional Services provided by Arnold & O'Sheridan, Inc. under Contract 7-08 (K8-008), 2009 Parking Ramp Maintenance, be accepted and final payment authorized

Resolved, that the professional services provided by Arnold & O'Sheridan, Inc. under Contract 7-08 (K8-008), 2009 Parking Ramp Maintenance, be accepted and final payment authorized for a total contract amount of \$43,900.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0621, dated February 5, 2008.

Sponsors: Gregory Holding

[Res.09-1494](#) Professional Services provided by Industrial Roofing Services, Inc., under Contract 8-08 (K8-009), Memorial Hall Exterior Repair Design, be accepted and final payment authorized

Resolved, that the professional services provided by Industrial Roofing Services, Inc., under Contract 8-08 (K8-009), Professional Services - Memorial Hall Exterior Repair Design, be accepted and final payment authorized for a total contract amount of \$5,250.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0622, dated February 5, 2008.

Sponsors: Gregory Holding

[Res.09-1495](#) Professional Services provided by Earth Tech/AECOM under Contract 47-08 (K8-048), Colonial Park Streambank Stabilization, be accepted and final payment authorized

Resolved, that the professional services provided by Earth Tech/AECOM under Contract 47-08 (K8-048), Professional Services - Colonial Park Streambank Stabilization, be accepted and final payment authorized for a total contract amount of \$23,000.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0847, dated June 3, 2008.

Sponsors: Gregory Holding

[Res.09-1496](#) Professional Services provided by Ayers Associates under Contract 16-09 (K9-016), Design North Horlick Drive Bridge, be accepted and final payment authorized

Resolved, that the professional services provided by Ayers Associates, under Contract 16-09 (K9-016), Professional Services - Design North

Horlick Drive Bridge, be accepted and final payment authorized for a total contract amount of \$4,200.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1227, dated February 3, 2009.

Sponsors: Gregory Holding

[Res.09-1497](#) Change Order No. 1 on Contract 45-08 (K8-053), Memorial Hall Exterior Restoration, Pukall Co., Inc., be approved

Resolved, that Change Order No. 1 on Contract 45-08 (K8-053), Memorial Hall Exterior Restoration, Pukall Co., Inc., contractor, as submitted, be approved in the deduct amount of \$6,132.89.

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

Sponsors: Gregory Holding

[Res.09-1498](#) Work done by Pukall Co., Inc., under Contract 45-08 (K8-053), Memorial Hall Exterior Restoration, be accepted and final payment authorized

Resolved, that the work done by Pukall Co., Inc. under Contract 45-08 (K8-053), Memorial Hall Exterior Restoration, be accepted and final payment authorized for a total contract amount of \$76,699.11.

Fiscal Note: Contract was authorized under Resolution No. 08-0979, dated August 19, 2008.

Sponsors: Gregory Holding

[Res.09-1499](#) Change Order No. 1 on Contract 2-09 (K9-002), 2009 Parking Ramp Maintenance, SPS Infrastructure, Inc., be approved

Resolved, that Change Order No. 1 on Contract 2-09 (K9-002), 2009 Parking Ramp Maintenance, SPS Infrastructure, Inc., contractor, be approved in the amount of \$7,220.34.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 106.989.5760, Building Improvements-Ramps.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

[Res.09-1500](#) Work done by SPS Infrastructure, Inc., under Contract 2-09 (K9-002), 2009 Parking Ramp Maintenance, be accepted and final payment authorized

Resolved, that the work done by SPS Infrastructure, Inc. under Contract 2-09 (K9-002), 2009 Parking Ramp Maintenance, be accepted and final payment authorized for a total contract amount of \$117,102.22.

Fiscal Note: Contract was authorized under Resolution No. 09-1264, dated

March 3, 2009.

**Sponsors:** Gregory Holding

**Res.09-1501** Change Order No. 5 on Contract 53-08 (K8-061), City Hall Renovations-Phase II (R1), Absolute Construction Enterprises, Inc., be approved

Resolved, that Change Order No. 5 on Contract 53-08 (K8-061), City Hall Renovations-Phase II (R1), Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$21,138.00.

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

**Fiscal Note:** Funds are available as herein delineated.

**Sponsors:** Gregory Holding

**Res.09-1502** Mayor and City Clerk be authorized to enter into a professional services agreement with David L. Hanson & Associates, Inc., for designing backup electrical generators for the Radio Tower at City Hall Annex

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with David L. Hanson & Associates, Inc. for designing backup electrical generators for the Radio Tower and for the radio transmissions systems at the City Hall Annex, at a price not-to-exceed \$2,910.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from the following accounts:

\$1,200.00 - Account 989.310.5030, Radio Tower Generator Replacement

\$1,710.00 - Account 989.310.5040, Annex Generator Replacement

\$2,910.00 - Total

**Fiscal Note:** Funds are available as herein delineated.

**Sponsors:** Gregory Holding

**Res.09-1503** Amendment No. 2 to Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., be approved

Resolved, that Amendment No. 2 to Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., consultant, as submitted, be approved in the amount of \$16,900.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from the following account:

\$12,367.00 - Account 987.220.5030, CHP-Structural Repairs  
\$ 4,533.00 - Account 989.220.5030, CHP-Structural Repairs  
\$16,900.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.09-1504** Mayor and City Clerk be authorized to enter into a lease agreement with W.I.C. for Room 320 at City Hall Annex

Resolved, that the Mayor and City Clerk be authorized and directed enter into a lease agreement with W.I.C. for 200 square feet in Room 320 at the City Hall Annex at a rate of \$5.62 per square foot. The term of the lease will be July 1, 2009 to June 30, 2010.

Fiscal Note: This rental agreement will result in \$1,124.00 of additional revenue to the City of Racine.

Sponsors: Gregory Holding

**Res.09-1505** Mayor and City Clerk be authorized to enter into a 2-party agreement with Wisconsin Dept. of Transportation for designing Signal Interconnect and Signal Timing South of 6th Street to City Limits

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for designing Signal Interconnect and Signal Timing on Project ID: 1693-49-01, South of 6th Street to City Limits, be approved in the reimbursable not-to-exceed amount of \$71,298.94.

Further resolved, that funding to defray any local match in excess of this amount will be provided in the 2010 Capital Improvement Program.

Fiscal Note: The City of Racine will receive \$71,298.94 in revenue from this agreement.

Sponsors: Gregory Holding

**Res.09-1506** Mayor and City Clerk be authorized to enter into a 2-party agreement with Wisconsin Dept. of Transportation for designing Signal Interconnect and Signal Timing 6th Street North to City Limits

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for designing Signal Interconnect and Signal Timing on Project ID: 1693-49-02, 6th Street North to City Limits, be approved in the reimbursable not-to-exceed amount of \$69,016.72.

Further resolved, that funding to defray any local match in excess of this amount will be provided in the 2010 Capital Improvement Program.



Fiscal Note: The City of Racine will receive \$69,016.72 from this agreement.

Sponsors: Gregory Holding

**Res.09-1507** Permission granted to Fourth Fest of Greater Racine, Inc., to use Walker site on July 4, 2009 for parking of vehicles in conjunction with fireworks display

Resolved, that permission be granted to Fourth Fest of Greater Racine, Inc. to use the Walker Site on Saturday, July 4, 2009, for parking of vehicles in conjunction with the Fourth of July fireworks display.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.09-1509** City accept final payoff on loan for 255 North Memorial Drive

Resolved, that the City accept a final payoff of the loan on 255 North Memorial Drive in the amount of \$635,000.

Fiscal Note: The loan is a no-interest balloon payment loan for \$675,000 due on October 8, 2011. The reduction of \$40,000 is recommended because the loan would be paid off early. Specifically, \$635,000 paid now is equivalent to \$675,000 paid in 2 1/4 years at the interest rate that the city currently earns on its short term investments (approximately 3%).

Sponsors: Q.A. Shakoor, II

**Res.09-1445** Vacation of alley bounded by 20th Street, DeKoven Avenue, Kearney Avenue and Hickory Grove Avenue

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

The alley bounded by 20th Street, DeKoven Avenue, Kearney Avenue and Hickory Grove Avenue.

Fiscal Note: Not applicable.

Sponsors: Gregory Holding

**Res.09-1360** Authorization to acquire 1125 Grand Avenue from Racine County

Resolved, that appropriate city officials be authorized and directed to acquire 1125 Grand Avenue, a tax delinquent property, from Racine County for renovation and resale.

Fiscal Note: The acquisition and renovation will be funded through the Neighborhood Stabilization Program, federal foreclosure funds.

**Sponsors:** Jeff Coe

**Res.09-1470** Amendment of Conditional Use Permit for Racine Joint Venture, d/b/a Regency Mall, be approved subject to conditions

Resolved, that the request from Curt Pruitt, representing Racine Joint Venture, d/b/a/ Regency Mall, seeking consideration of a request to amend the Conditional Use Permit to allow additional locations for outside events be approved, subject to the following conditions:

- a. That additional locations for outside events be the parking area of the current Burlington Coat Factory and the former Chi-Chi's restaurant site.
- b. That as an amendment to the language of Plan Commission approval of May 30, 2001, conditions "c," strike the phrase "tent sales no more than once a month," and replace it with the phrase "tent or any other temporary buildings or shelters used to accommodate temporary sales or events may be permitted, and allowed for a time period of up to 30 consecutive days."
- c. That all other conditions regulating outside events be complied with as stated in Common Council Resolution No. 6302 of August 21, 1979, or as amended by the action of the Plan Commission on May 30, 2001, by Common Council Resolution No. 6217 of November 16, 2004, and by Common Council Resolution No. 07-0393 of August 21, 2007, unless otherwise amended herein.

**Fiscal Note:** N/A

**Sponsors:** Gregory Holding

## I. Resolutions

**Res.09-1482** Resolution Authorizing the Issuance of \$7,600,000 General Obligation Promissory Notes and the Issuance and Sale of \$7,600,000 Note Anticipation Notes in Anticipation thereof

WHEREAS, the City of Racine, Racine County, Wisconsin (the "City") is presently in need of the sum of \$7,600,000 for the public purpose of financing capital improvement projects and acquisitions set forth in the City's 2009 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), Wisconsin Statutes; and

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

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and covenant 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, cities are authorized by the provisions of Section 67.12(1)(b), Wisconsin Statutes, to issue note anticipation notes in anticipation of receiving

the proceeds from the issuance and sale of the Securities; and  
WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance and sale of Note Anticipation Notes pursuant to Section 67.12(1)(b), Wisconsin Statutes (the "Notes"), in anticipation of receiving the proceeds from the issuance and sale of the Securities, to provide interim financing to pay costs of the Project; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to sell the Notes to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of its note purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

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

Section 1. Authorization of Securities. The City hereby authorizes the issuance and declares its intention and covenants to issue the Securities pursuant to the provisions of Chapter 67, Wisconsin Statutes, in an amount sufficient to retire any outstanding note anticipation notes issued for the purpose of paying costs of the Project. There is hereby 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.

Section 2. Authorization and Sale of the Notes. In anticipation of the sale of the Securities, for the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of SEVEN MILLION SIX HUNDRED THOUSAND DOLLARS (\$7,600,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, 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, the Notes aggregating the principal amount of SEVEN MILLION SIX HUNDRED THOUSAND DOLLARS (\$7,600,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 3. Terms of the Notes. The Notes shall be designated "Note Anticipation Notes"; shall be issued in the aggregate principal amount of \$7,600,000; shall be dated July 27, 2009; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rate and mature on December 15, 2009 as set forth on the schedule attached hereto as Exhibit B and incorporated herein by this reference (the "Schedule"). Interest is payable at maturity. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 4. Redemption Provisions. The Notes shall not be subject to optional redemption.

Section 5. 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 6. 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 any other property of the City as a result of the issuance of the Notes. The Notes shall be payable only 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 until paid. 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 annual general tax levy or other available funds of the City; provided, however, that such payment shall be subject to annual budgetary appropriations therefor and any applicable levy limits; 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 payments.

Section 7. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City a separate and distinct fund account designated as the "Debt Service Fund Account for \$7,600,000 Note Anticipation Notes, dated July 27, 2009" (the "Debt Service Fund Account"), and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any proceeds of the Notes representing capitalized interest on the Notes or other funds appropriated by the City for payment of interest on the Notes, 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); (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 9 hereof.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided that such monies may be invested in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Said account 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 the Notes are 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 Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 8. Covenants of the City. The City hereby covenants with the owners

of the Notes as follows:

(A) It shall issue and sell the Securities as soon as practicable, as necessary to provide for payment of the Notes;

(B) It shall segregate the proceeds derived from the sale of the Securities into the special trust fund herein created and established 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. After the payment of principal of and interest on the Notes in full, said special trust fund may be used for such other purposes as the Common Council may direct in accordance with law; and,

(C) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness and the \$7,600,000 authorized for the issuance of the Securities shall at no time exceed its constitutional debt limit.

Section 9. Proceeds of the Notes; Segregated Borrowed Money Fund. All monies received by the City upon the delivery of the Notes to the Purchaser thereof, except for accrued interest and premium, if any, shall be deposited by the City Clerk into a special fund (the "Borrowed Money Fund") which shall be maintained separate and distinct from all other funds of the City and shall be used for no purpose other than the purposes for which the Notes are issued. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes, shall be deposited in the Debt Service Fund Account created herein.

Section 10. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 11. Compliance with Federal Tax Laws. (a) The City represents and covenants that the Project financed by the Notes and their ownership, management and use will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. 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 certifying that the City can and covenanting that it will comply with the provisions of the Code and

Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 12. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 13. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), 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 (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 14. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 15. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person 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 Fiscal Agent, 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 Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent 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.

Section 16. Record Date. The last business day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). 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 Record Date.

Section 17. 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 18. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 19. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") required by the Rule to provide timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners 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 20. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 21. Bond Insurance. If the Purchaser of the Notes determines to obtain municipal bond insurance with respect to the Notes, the officers of the

City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 22. 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: Amount will cover the 2009 Capital Improvement Budget.

Sponsors: James T. Spangenberg

**Res.09-1508**

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 30th day of June, 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**

**Chatham Street** from Hamilton Street to Hubbard Street

**Chatham Street** from Hubbard Street to Barker Street

**Erie Street** from St. Patrick Street to High Street

**Alley** from West Sixth Street, Horlick Drive; Parkview, Root River

**Alley** from Linden Avenue, 11th Street; Harbridge Avenue, S. Memorial Drive

**Riverview Terrace** from N. Memorial Drive to dead end

**Kentucky Street** from Shadow Lane to Maryland Avenue

**Pritchard Drive** from Maryland Avenue to +/- 450' north of Pritchard Drive

**SEWER AND WATER**

**Erie Street** from St. Patrick Street to High Street

**Riverview Terrace** from N. Memorial Drive to the dead end

**CURB AND GUTTER**

**Riverview Terrace** from N. Memorial Drive to the dead end

**Pritchard Drive** from Maryland Avenue to +/- 450' north of Pritchard Drive



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 \_\_\_\_\_

Signed \_\_\_\_\_

Mayor

Published \_\_\_\_\_

Attest \_\_\_\_\_

City Clerk

**Sponsors:** Gregory Holding

## J. Ordinances

Ord.15-09

Ordinance 15-09

To amend Secs. 22-832, 22-835 (1) a. and (1) b., 22-835 (8), 22-835 (13), 22-836 (a) and (c), 22-837, and Sec. 22-838 (a) and (b) of the Municipal Code of the City of Racine, Wisconsin relating to Business, Professions and Occupations - Motor Vehicle Recovery and Towing.

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

Part 1:

Sec. 22-832 of the Municipal Code of the City of Racine is hereby amended in the definition, second sentence, of "Flatbed truck" by deleting "17" and inserting "19" in its place.

Part 2:

Sec. 22-835 (1) a. and (1) b., (8), and (13) of the Municipal Code of the City of Racine are amended to read as follows:

"a. One flatbed truck and two Class A wreckers, equipped with wheel lifts.

b. One class B wrecker, single-or twin-boom, which has either air brakes or an auxiliary air supply which is ready and available for use in the recovery or towing of motor vehicles which have an air brake system, and which is equipped with a mechanical or hydraulic power supply and dual rear wheel units."

(8) Delete the phrase "micro locks for the brakes" and insert "50 feet for each flatbed" after the word "winch" in the first sentence. Delete the last sentence of the paragraph.

(13) Delete the phrase "chauffeur's license number" and insert "appropriate commercial/regular driver's license number" in its place.

Part 3:

Sec. 22-836 (a) and (c) of the Municipal Code of the City of Racine are hereby amended as follows:

(a) In the fourth sentence, delete the phrase "city director of transportation" and insert "traffic engineer" in its place.

(c) In the first sentence, after the word "vehicles" insert the words "abandoned vehicles" and insert a comma after the word "evidence" in the first sentence.

Part 4:

Sec. 22-837 of the Municipal Code of the City of Racine is hereby amended by inserting a period after the word "year" in the first sentence and deleting "except that, with respect to towing abandoned vehicles, such services are required only from 7:00 a.m. to 7:00 p.m., Monday through Saturday."

Part 5:

Sec. 22-838(a) and (b) of the Municipal Code of the City of Racine is hereby amended to read as follows:

“(a) The licensees agree to tow vehicles as provided under this article at rates not exceeding those as indicated below. All billings made for towing of vehicles as “tows for city - to city lot(s)” and “vehicles owned by the city” shall be made to the police department. Any billings for “General Public” tows shall be made directly to the vehicle owner.

(b) Licensees may, from time to time, request the Public Safety Committee to review the towing rates set forth in the schedule agreed to by the parties, the original of which is retained by the Racine Police Department and dated July 16, 2009, and make recommendations to the common council as to adjustments in the rates according to generally acceptable towing industry standards.”

Part 6:

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

Passed by the Common Council

\_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

**Sponsors:** Aron Wisneski

**Ord.16-09**

Ordinance No. 16-09

To create Chapter 19, Article I. of the Municipal Code of the City of Racine, Wisconsin relating to Purchase Incentive Program for Municipal Employees Who are Non-Residents or Renters.

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

Part 1:

Chapter 19, Article I of the Municipal Code of the City of Racine is hereby created to read as follows:

“Chapter 19

**Purchase Incentive Program for Municipal Employees Who are Non-Residents or Renters**

**Article I. In General**

Sec. 19-1. Purpose.

The primary purpose of this ordinance is to improve existing neighborhoods in greatest need within the City of Racine, by encouraging City, County and RUSD employees to build homes in the City. Other purposes include

increasing the value of properties eligible to participate in the program offered by this ordinance and increasing the value of other properties in the neighborhoods where participating properties are located.

Sec.19-2. Definitions.

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

The term *Eligible Real Estate* as used in this ordinance shall be defined to mean real property acquired by the City of Racine by means of foreclosure or nuisance action and subsequently cleared of all structures, and which meets the following qualifications:

- (1) Be purchased from the City of Racine in a good faith transaction after the effective date of this ordinance;
- (2) Acquired by the owner as the owner's primary residence after the effective date of this ordinance:

*Residence* means:

- (1) A house that is:
  - a. Occupied as the principal residence of the homeowner; and
  - b. Actually occupied (resided at) or expected to be actually occupied by the owner for more than 9 months of the 12-month period beginning with the later of the date of closing or the occupancy, unless the homeowner does not actually reside in a dwelling for the required time period because of illness or need of special care; and
- (2) The lot on which the house is erected.

*Applicant* means prospective owner(s) of a qualified residence who (has) (have) lived at least one year continuously at current address and who enters a contract of sale for a qualified property and applies for the incentives described herein.

*Qualifying employee* means any regular full-time or part-time employee of the City of Racine, County of Racine or Racine Unified School District who is currently renting or who currently lives outside the City of Racine.

Sec. 19-3. Process.

- (1) Upon the receipt of a proper application, and certification by the Director of Finance of eligibility, the City shall deed the real estate to the qualifying employee at no cost and shall absorb any closing fees.

- (2) For the first five years the City of Racine will not assess its share of the property taxes on said real property, excluding buildings or improvements.

Section 19-4. Dates.

- (1) The effective date of this ordinance shall be the date it is passed for a 5 year period, after which it should be reconsidered by the City Council for continuation;
- (2) The real estate incentive authorized by this ordinance shall be available on a first come first served basis after the effective date of the ordinance as long as properties are available and the program is in place;
- (3) For purposes of this ordinance, real estate shall be deemed to have been purchased on the date title was conveyed to the buyer from the City; and
- (4) This ordinance shall apply only to property purchased after the date of ordinance approval.

Sec. 19-5. Conditions of Eligibility.

- (1) The qualifying employee shall build and occupy a single family residence (i.e., one residential structure) on the real property within one year of purchase, said residence being of a square footage equal to or greater than the average for the houses on that block, with at least the average number of bedrooms and bathrooms for the houses on that block and satisfying all City of Racine codes and inspections.
- (2) An owner may be an individual holding title as sole owner, a joint tenancy, tenancy by the entireties, tenants in common, or a trust, provided the primary beneficiaries of the trust and all members of other forms of tenancy or ownership occupy the property as a primary residency;
- (3) Evidence of an owner's primary residence shall be established as the residence shown on county tax records after the incentive is received;
- (4) An owner must continue to reside at the property for the full five years during which then taxes are abated, unless one or more owners occupying the property shall die or become confined to a long-term residential health care facility before the end of a the five year period;
- (5) The total number of properties which can participate in the program authorized by this ordinance shall be limited by the availability of funds and property.

- (6) This program is limited to one property per direct family.
- (7) No portion of this property may be rented out.
- (8) The property owner shall not be cited by the Racine Unified Inspection Team or by the Racine Police for any negligence or activity deemed detrimental to the neighborhood that was the result of the previous owner's actions or omissions.

Sec. 19-6. Recapture.

- (1) As a further condition to participating in the programs authorized by this ordinance, an owner of real estate shall agree to permit the City to recapture the full amount of property taxes abated under this Ordinance if the owner:
  - a. Ceases residing at the property as the owner's primary residence within five years of the date when the owner first became eligible to participate in the program (unless the homeowner does not actually reside in the primary residence for the required time period because of illness or need of special care).
  - b. Violates any of the Conditions of Eligibility

The owner shall further agree to permit the City to assess the amount of the full amount of the reimbursed taxes as a lien on the real estate."

Part 2:

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

Passed by the Common Council:

\_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

Fiscal Note: N/A

Sponsors: Terry McCarthy and Aron Wisneski

**K. Miscellaneous Business**

**L. Adjourn**

Office of The City Clerk

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