



City of Racine Meeting Minutes Common Council

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

*Alderman Keith Fair, Alderman Robert Anderson, Alderman Tim Hermes,
Alderman Jim Kaplan, Alderman David L. Maack, Alderman Sandy Weidner,
Alderman Raymond DeHahn, Alderman Q.A. Shakoor, II, Alderman Pete Karas,
Alderman Thomas Friedel, Alderman Gregory Holding, Alderman Ronald D. Hart,
Alderman Thomas M. Sollman, Alderman James T. Spangenberg, Alderman Aron Wisneski*

Tuesday, March 6, 2007

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 14 - Fair, Anderson, Hermes, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Spangenberg and Wisneski
EXCUSED: 1 - Sollman

B. Pledge of Allegiance To The Flag

President Weidner led the Council in the Pledge of Allegiance to the Flag.

C. Approval of Journal of Council Proceedings (Minutes)

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

D. Public Comments

Alfonzo Gardner

E. Public Hearings

1. [Ord.04-07](#) Ordinance No. 4-07

To amend Sec. 114-1, repeal and recreate Sec. 114-468 (20), repeal Sec. 114-487 (24), and amend Sec. 114-488 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Pawnbrokers; Conditional Uses.

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

Part 1:

Sec. 114-1 of the Municipal Code of the City of Racine is hereby amended by adding the following definition after the definition for "*parking space*":

"Pawnbroker business means any business that engages in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price."

Part 2:

Sec. 114-468 (20) of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“(20) Pawnbroker businesses, provided that no other pawnbroker business is located within two thousand five hundred (2,500) feet and the business is located at least two hundred fifty (250) feet from a residential district.”

Part 3:

Sec. 114-487 (24) of the Municipal Code of the City of Racine is hereby repealed and renumber the subsequent paragraphs accordingly.

Part 4:

Sec. 114-488 of the Municipal Code of the City of Racine is hereby amended by adding the following at the end of the section:

“(19) Pawnbroker businesses, provided that no other pawnbroker business is located within two thousand five hundred (2,500) feet and the business is located at least two hundred fifty (250) feet from a residential district.”

Part 5:

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

President Weidner, declared the public hearing closed

F. Communications

- 2. [07-0260](#) **Subject:** Monthly Building Report February 2007.

Received and Filed as Reported

Refer to Finance and Personnel Committee, by Ald. Spangenberg

3. [07-0223](#) **Subject:** communication from the City Attorney requesting authorization for settlement of Racine County Circuit Court Case No. 06-CV-1206, Kong Enterprises LLC v City of Racine.

Staff Recommendation: the case be settled in the amount of \$13,515.00
Referred to the Finance and Personnel Committee

4. [07-0236](#) **Subject:** Communication from Chief of Police Wahlen, requesting to waive formal bidding for the purchase of an interactive "Smart Board" for the Racine Police Department; further requesting that the Purchasing Agent be authorized and directed to negotiate with Smart Technologies for this purchase.

Referred to the Finance and Personnel Committee
Referred to the Public Safety and Licensing Committee

5. [07-0237](#) **Subject:** Request that the City of Racine accept a brownfields grant from the Wisconsin Dept. of Commerce for the Thompson Building redevelopment.
Referred to the Finance and Personnel Committee

6. [07-0238](#) **Subject:** Communication from the Public Health Administrator requesting a transfer of funds.
Referred to the Finance and Personnel Committee

7. [07-0249](#) **Subject:** Request of the Director of Parks, Recreation & Cultural Services to meet with the Finance and Personnel Committee and the Cemetery Commission for permission to use additional funds from the Cemetery's maintenance fund and Crypt fund for 2007 projects.
Referred to the Finance and Personnel Committee

8. [07-0251](#) **Subject:** Request of the Derby Director of Racine Area Soap Box Derby to waive the fee to close the road for the following dates: May 11, 12 & 13, June 15 & 16, and September 7, 8 & 9.
Referred to the Finance and Personnel Committee

9. [07-0254](#) **Subject:** A communication from the Fire Chief requesting permission to accept the donation of stock certificates to be used in the purchase of four Thermo Imaging Cameras for the Racine Fire Department. It is also

requested that the Finance Director be authorized to set up the necessary accounts to facilitate this donation.

Referred to the Finance and Personnel Committee

Referred to the Public Safety and Licensing Committee

10. [07-0261](#) **Subject:** Communication from the Director of Human Resources requesting an opportunity to discuss updating employment status and allocation of benefits for Non-Represented employees.
Referred to the Finance and Personnel Committee
11. [07-0264](#) **Subject:** Request of the Director of Parks, Recreation & Cultural Services to meet with the Finance & Personnel Committee to discuss the use of remaining contingency funds from Monument Square Site & Landscaping Improvement Project.
Referred to the Finance and Personnel Committee
12. [07-0266](#) **Subject:** Request of Por La Gente Association, for the use of Chavez Community Center at a reduced rate for their basketball invitational tournament.
Referred to the Finance and Personnel Committee
13. [07-0269](#) **Subject:** Communication from the Finance Director requesting to discuss transfers to cover operating shortfalls in the Building Complex Internal Service Fund.
Referred to the Finance and Personnel Committee
14. [07-0270](#) **Subject:** Communication from the Finance Director requesting to discuss annual carry forwards of unspent 2006 appropriations to 2007.
Referred to the Finance and Personnel Committee
15. [07-0271](#) **Subject:** Communication from the Finance Director wishing to discuss the issuance of an annual reimbursement resolution for current year capital projects.
Referred to the Finance and Personnel Committee

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

16. [07-0160](#) **Subject:** Communication from the Commissioner of Public Works/City Engineering submitting "A Regional Transportation System Plan for Southeastern Wisconsin: 2035" from the Southeastern Wisconsin Regional Planning Commission.
Referred to the Public Works and Services Committee

Referred to the City Plan Commission

17. [07-0208](#) **Subject:** Communication from the Pastor of Wayman A.M.E. Church requesting permission to close the alleys behind 424 N. Memorial Drive for their annual Wayman Fest on July 28, 2007 and July 29, 2007.

Referred to the Public Works and Services Committee

18. [07-0233](#) **Subject:** Communication from the Pentacost Lutheran Church requesting permission to close Jerome Boulevard, between Coolidge Avenue and Case Avenue, on Saturday, August 18, 2007, from 7 a.m. until 10 p.m., for their 6th Annual Neighborhood Block Party.

Referred to the Public Works and Services Committee

19. [07-0234](#) **Subject:** Communication from the High Street Association requesting that higher wattage lights be installed on High Street between Douglas Avenue and Main Street.

Referred to the Public Works and Services Committee

20. [07-0256](#) **Subject:** Communication from the President of 4th Fest of Greater Racine requesting permission to use city right-of-way for the 4th of July parade and permission to use North Beach for the fireworks.

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

Referred to the Public Works and Services Committee

Referred to the Board of Park, Recreation and Cultural Services

21. [07-0268](#) **Subject:** Item 14 of March 7, 2006, communication from the YMCA requesting to use city right-of-way and Monument Square on June 16, 2007 for the 29th annual Lighthouse Run.

(Also referred to Board of Parks, Recreation and Cultural Services)

Referred to the Public Works and Services Committee

Referred to the Board of Park, Recreation and Cultural Services

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

22. [07-0241](#) **Subject:** Communication from the 7th & 9th District Alderman requesting to discuss concerns regarding the expired City contract with P.A.M., the firm which handles parking ticket collections.

Referred to the Public Safety and Licensing Committee

Referred to the Finance and Personnel Committee

23. [07-0253](#) **Subject: (Change of Agent)** Application of J & A, LLC (Bar 44), Kenneth R. Meyer, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1300 N. Main Street. (4th District)
Referred to the Public Safety and Licensing Committee

Refer to Traffic Commission, by Ald. Hart

24. [07-0267](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering wishing to discuss the installation of right-turn only at the intersection of Racine Street and Washington Avenue.
Referred to the Traffic Commission

Refer to Community Development Committee, by Ald. Spangenberg

25. [07-0258](#) **Subject:** Executive Director of OIC of Racine County, requesting extension and amendment of the scope of services of their 2004 Community Development Block Grant agreement to improve the OIC facility at 1020 Washington Avenue.

Referred to the Community Development Committee

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

26. [07-0255](#) **Subject:** Request of SkyLink Networks, Inc. to discuss placing a cellular tower at Lockwood Park.
Referred to the Board of Park, Recreation and Cultural Services

Refer to City Landmark's Preservation Commission, by Ald. Anderson

27. [07-0235](#) **Subject:** Group Re-Designation of Racine Landmarks.
Referred to the Landmark Preservation Commission

28. [07-0265](#) **Subject:** Request to designate the 1100 block of Lake Avenue as a historic district.
Referred to the Landmark Preservation Commission

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Spangenberg

29. 07-0146 **Subject:** Communication from the City Attorney submitting the claim of Sloan Friedl and Kenneth Friedl for consideration.

Recommendation of the Finance & Personnel Committee on

02-26-07: The claim of Sloan Friedl and Kenneth Friedl for sanitary sewer wye connection failure adjacent to 1561 Holmes Avenue be settled in the amount of \$11,601.90.

Fiscal Note: There are sufficient funds available in account 101.160.5910, Judgment and Claims for the settlement.

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

30. [07-0130](#)

Subject: Communication from the Director of the City Library requesting reimbursement of \$6,876 from costs stemming from the Mobile Library broken into, items stolen and an alarm system installed into the Mobile Library.

Recommendation of the Finance & Personnel Committee on

2-12-07: Reimbursement of \$6,876 be paid to the city Library for costs stemming from the Mobile Library break in.

Recommendation of the Finance & Personnel Committee on

02-26-07: To amend the recommendation by deleting the reimbursed amount of \$6,876 and inserting \$6001 to be paid to the City Librarian for the costs of materials stolen resulting from a break-in at the Mobile Library parked at the DPW garage lot.

Fiscal Note: Funds will be appropriated from Account 101.990.5970, Contingency.

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

31. [Ord.02-07](#)

Ordinance No. 2-07

To repeal and recreate Sec. 66-566 of the Municipal Code of the City of Racine, Wisconsin relating to Offenses - Issuance of Worthless Checks - Prohibition.

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

Part 1:

Sec. 66-566 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

"Sec. 66-566. Prohibitions.

It shall be unlawful for anyone to issue a check or other order for the payment of money that, at the time of issuance, the person intends shall not be paid."

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

Recommendation of the Finance & Personnel Committee on

2-12-07: Refer to Public Safety and Licensing Committee as this is a law enforcement issue as opposed to a municipal finance issue.

Recommendation of the Finance & Personnel Committee on

02-26-07: The action taken of deferred on 02-12-07 meeting did not allow the item to Council. The recommendation remains the same to refer to Public Safety and Licensing Committee with the action changed to recommended for further consideration.

Fiscal Note: N/A

Sponsors: Gregory Holding

Referred to the Public Safety and Licensing Committee

32. [07-0178](#)

Subject: The City of Racine's Fair Housing Department is requesting the \$1000 donation from SC Johnson to be donated to the Wisconsin Fair Housing Network.

Recommendation of the Finance & Personnel Committee on

02-26-07: Permission granted for the Director of Fair Housing to accept from S.C. Johnson a \$1,000 donation, on behalf of the Wisconsin Fair Housing Network, to be utilized for the State Fair Housing conference on April 19 - 20, 2007 and an appropriate letter of thanks be sent.

Fiscal Note: N/A

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

33. [07-0195](#)

Subject: Communication from the Finance Director requesting permission

to have Terry Maier, Senior Accountant, and Joy Hansche, Accountant, be designated as signers on all accounts associated with the Assets for Independence Demonstration Program (IDA) Grant.

Staff recommendation to the Finance & Personnel Committee on

02-26-07: Permission granted for Terry Maier, Senior Accountant, and Joy Hansche, Accountant, be designated as signers on all accounts associated with the Assets for Independence Demonstration Program (IDA).

Fiscal Note: N/A

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

34. [07-0201](#)

Subject: Communication from the Director of City Development requesting permission to accept a Historic Preservation Certified Local Government Subgrant, Grant Control No. 2006-033: North side Reconnaissance Survey.

Recommendation of the Finance & Personnel Committee on

02-26-07: The Mayor and City Clerk to be authorized and directed to enter into a \$16,885 agreement with the Historic Preservation Certified Local Government Subgrant (Grant Control No. 2006-033) to be utilized for the north side Reconnaissance Survey.

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

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

35. [07-0203](#)

Subject: Communication from the Secretary of the Harbor Commission submitting Racine County Board Resolution No. 2006-148 requesting funds for the harbor navigational improvements.

Recommendation of the Finance & Personnel Committee on

02-26-07: Permission granted for the Secretary of the Harbor Commission to accept funding for harbor navigational improvements from Racine County in the amount not to exceed \$39,600 per Racine County Board Resolution No. 2006-148.

Fiscal Note: Estimated project cost at \$99,000. 60% or \$59,400 is awarded from Wisconsin Waterway's Recreational Boating Program Grant No. RBF-333 and the County's share at 40%, \$39,600. The City will administer the grant and complete the project.

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

Council Action

**A motion was made by Alderman James T. Spangenberg to Adopt the Report.
Adopted by the following vote:**

AYES: 13 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Karas,
Friedel, Holding, Hart, Spangenberg and Wisneski

EXCUSED: 1 - Sollman

NON VOTING: 1 - Weidner

36. [07-0214](#) **Subject:** (Direct Referral) Communication from the Purchasing Agent requesting to waive formal bidding and award a 3-year contract for the 4th of July fireworks to Melrose Pyrotechnics, Inc. of Kingsbury Indiana.

Recommendation to the Finance & Personnel Committee on

02-26-07: Formal bidding procedures be waived and the Purchasing Agent be authorized and directed to enter into a 3-year contract, 2007 - 2009, with Melrose Pyrotechnics, Inc. of Kingsbury Indiana for the 4th of July fireworks.

Fiscal Note: Contract agreement amount will not exceed \$15,000 with funds available in account 101.990.9020, Fireworks and Donations.

Alderman Karas requested that item 07-0214 be considered separately.

A motion was made by Alderman James T. Spangenberg that this be Received and Filed as Reported. The motion PASSED by the following vote:

NON VOTING: 1 - Weidner

AYES: 12 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Friedel,
Holding, Hart, Spangenberg and Wisneski

NOES: 1 - Karas

EXCUSED: 1 - Sollman

Public Works and Services Committee Report, by Ald. Hart

37. [07-0076](#) **Subject:** Communication from the Rotary Foundation of Racine West, Inc., requesting permission to utilize various parks for the fourth annual Great Midwest Dragon Boat Festival, on July 13 and 14, 2007, for the use of selling beverages, beer, food items and providing live entertainment, to close city streets and parking lanes for a parade and race administration and to utilize the parking lot at the south end of Pershing Drive. Also, sponsoring organizations request permission to place posters on or about city streets and parks regarding this free event.

Recommendation of the Board of Parks, Recreation & Cultural Services 2-14-07: that the request be approved.

Fiscal note: \$193.00 revenue to the City

Recommendation of the License and Welfare Committee: That permission be granted upon the Rotary Club obtaining a Temporary Class "B" Retailer's License and contingent upon approval of the Parks, Recreation & Cultural Service Board and the Department of Public Works.

Fiscal Note: N/A

Recommendation of the Public Works and Services Committee (2-27-07): Permission be granted to the Rotary Foundation of Racine West, Inc. to use the City-owned parking lot east of Gateway Technical College and the gravel area immediately east of the Gateway parking lot between Pershing Park Drive and Lake Michigan for the fourth annual Great Midwest Dragon Boat Festival, to be held July 13-14, 2007.

Further recommends that the parking lane along the east side of Main Street from 11th Street to 14th Street be closed during the event.

Further recommends that no parking be allowed along the west side of Main Street from 11th Street to 14th Street during the event and that traffic be shifted to the west half of the roadway.

Further recommends that permission be granted to the sponsor to use certain city streets on Friday, July 13, 2007, and to close the following streets:

6th Street from Library Drive to Pershing Park Drive
Pershing Park Drive from 6th Street to 11th Street
11th Street from Main Street to Pershing Park Drive

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

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to the event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall pay a \$350.00 special event fee.

Further recommends that the Commissioner of Public Works/City Engineer, Chief of Police, and Director of Parks, Recreation and Cultural Services provide limited assistance, in the interest of public safety, to implement this event.

Fiscal Note: There will be nominal costs to various City departments, on a regular shift basis, to assist in implementing this event.

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

38. [07-0137](#)

Subject: Communication from ATM Financial regarding placing ATM machines in City Hall and the Safety Building.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into an agreement with ATM Financial to install one (1) ATM machine in City Hall and one (1) ATM machine in the Safety Building with the following stipulations:

1. That ATM Financial pay the initial cost for installation of the electrical lines and phone lines.
2. That ATM Financial pay to the City of Racine the greater value of the monthly phone charge and cost of electrical or a \$0.50 transaction fee applied to all transactions above 300 per month.
3. That the locations be acceptable to the Department of Public Works.
4. That anchors for the machines not be placed in any decorative floor.

Fiscal Note: Unknown at this time.

Alderman Hart requested that item 07-0137 be considered separately.

Alderman Wisneski requested that the item be referred to the Finance and Personnel Committee.

Referred to the Finance and Personnel Committee

39. [07-0149](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations requesting to accept a donation of parts from Johnson Controls, Inc. for upgrading the inner city community centers.

Recommendation: The offer of Potawatomi Bingo Casino to donate Metasys parts to aid in upgrading the Metasys system be accepted.

Further recommends that the Mayor send a letter of gratitude acknowledging this donation.

Fiscal Note: The estimated value of these parts is \$43,633.00.

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

40. [07-0194](#)

Subject: Item 8 of September 20, 2005, communication from Atty. Judley Wyant wishing to discuss the acquisition of surplus real estate following the

completion of the Racine Street Project.

Recommendation: That 1049 Washington Avenue, Parcel ID 03841001, consisting of 1,407 square feet, be sold to Stephen Kennicott and/or ILA Holdings, LLC at a price of \$1.00 per square foot plus all costs associated with the transfer of ownership of this parcel.

Fiscal Note: The City of Racine will receive \$1,407.00 in revenue from the sale of this parcel.

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

41. [07-0198](#)

Subject: Communication from Racine Neighborhood Watch requesting to use the City Hall Annex parking lot for its plant sale fundraiser pickup on Saturday, May 19, 2007, from 5 a.m. until 3 p.m.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into a Hold Harmless Agreement with Racine Neighborhood Watch to use the City Hall Annex parking lot and lawn area abutting Grand Avenue on Saturday, May 19, 2007, from 5:00 a.m. to 3:00 p.m. in conjunction with a fundraiser.

Fiscal Note: Not applicable.

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

42. [07-0213](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal from Southport Consulting for professional engineering services to replace the boiler system at Festival Hall.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into an agreement with Southport Consulting for professional engineering services to replace the boiler system at Festival Hall at a price not-to-exceed \$600.00.

Further recommends that funds to defray the cost of these professional services are available in Account 108.986.5010, Festival Hall-Replace Boiler.

Fiscal Note: Funds are available as herein delineated.

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

43. [07-0216](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting the traffic signal

study for State Project ID: 2703-03-05/75, Ohio Street from 16th Street to 21st Street.

Recommendation: The traffic signal study for State Project ID: 2703-03-05/75, Ohio Street from 16th Street to 21st Street be accepted.

Further recommends that traffic signals be installed at the intersection of Ohio Street and Byrd Avenue and that the pedestrian overpass be removed as part of the Ohio Street reconstruction project.

Fiscal Note: The State of Wisconsin will pay 80% of the cost for the installation of the signals and razing of the pedestrian overpass.

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

44. [07-0217](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 9-06 (K6-010), Professional Services - Window Replacement at Fire Station No. 8, Industrial Roofing Services, Inc., consultant.

Recommendation: The professional services provided by Industrial Roofing Services, Inc., under Contract 18-04 (K4-024), Professional Services - Window Replacement at Fire Station No. 8, be accepted and final payment authorized for a total contract amount of \$2,600.00 from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution 6877 of February 7, 2006.

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

45. [07-0222](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works submitting a proposal for engineering evaluation and provision of cost estimate for porous pavement on the 6th Street project.

Recommendation: Amendment No. 1 on Contract 14-07 (K7-014), Professional Services-Ground Penetrating Radar, HNTB Corporation, consultant, as submitted for the evaluation of porous pavement options for the Sixth Street project, be approved in the lump sum amount of \$27,855.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 104.984.5400, Maiden Lane Detention Pond.

Fiscal Note: Funds are available as herein delineated.

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

46. [07-0227](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 11-07 (K7-011), Traffic Signal Renovations HES (HISP).

Recommendation: The communication be received and filed.

Fiscal Note: Not applicable.

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

47. [07-0230](#) **Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal from Butterfield, Rudie & Seitz for professional services for Tuckpoint Renovations at the Safety Building.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into an agreement with Butterfield, Rudie & Seitz for professional services for the provision of plans and specifications for repairs to the precast panels at the Safety Building at a not-to-exceed cost of \$16,500.00.

Further recommends that funds to defray the cost of these professional services are available in Account 987.210.5010, Safety Building-Precast Panel Replacement.

Fiscal Note: Funds are available as herein delineated.

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

48. [07-0231](#) **Subject:** Direct Referral. Communication from the Downtown Racine Corporation requesting a change to the route for the St. Patrick's Day Parade on March 17, 2007.

Recommendation: That Resolution 07-0067 of February 21, 2007 be amended to close Main Street from State Street to 6th Street and to close Sixth Street from Main Street to City Hall for the St. Patrick's Day Parade on March 17, 2007.

Fiscal Note: Not applicable.

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

49. [07-0232](#) **Subject:** Direct Referral. Communication from the Director of City

Development submitting Change Order No. 2 on Contract 44-05 (K5-051), Laurel Clark Memorial Fountain, Bane-Nelson, Inc., contractor.

Recommendation: Change Order No. 2 on Contract 44-05 (K5-051), Laurel Clark Memorial Fountain, Bane-Nelson, Inc., contractor, as submitted, be approved in the amount of \$3,938.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 969.000.5870, TIF District No. 9.

Fiscal Note: Funds are available as herein delineated.

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

Council Action

A motion was made by Alderman Ronald D. Hart to Adopt the Report. Adopted by the following vote:

AYES: 13 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Spangenberg and Wisneski

EXCUSED: 1 - Sollman

NON VOTING: 1 - Weidner

Public Safety and Licensing Committee Report, by Ald. Maack

50. [07-0064](#) **Subject: (Change of Agent)** Application of Tango, Incorporated, Alejandro D. Harbatenko, Agent for Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 509 Sixth Street. (1st District)

Recommendation of the Public Safety & Licensing Committee of

02-12-07: That the item be deferred until the February 26, 2007 meeting.

Recommendation of the Public Safety & Licensing Committee of

02-26-07: That the Change of Agent be approved.

Fiscal Note: N/A

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

51. [07-0074](#) **Subject:** Application of Magic Dollar Plus LLC., Hussein Asad, Agent, for a Class "A" Retail Fermented Malt Beverage License for 1007 Washington Avenue. (1st District)

Recommendation of the Public Safety & Licensing Committee of

02-12-07: That the item be deferred until the February 26, 2007 meeting.

Recommendation of the Public Safety & Licensing Committee of

02-26-07: That the license be granted.

Fiscal Note: N/A

Alderman Maack requested that item 07-0074 be considered separately.

Alderman Friedel requested that the item be referred back to the Public Safety and Licensing Committee and that the City Clerk's Office send out a City Watch.

A motion was made by Alderman Thomas Friedel that this be Referred the Public Safety and Licensing Committee. The motion PASSED by the following vote:

NON VOTING: 1 - Weidner

AYES: 9 - Fair, Anderson, Kaplan, DeHahn, Karas, Friedel, Holding, Spangenberg and Wisneski

NOES: 4 - Hermes, Maack, Shakoor II and Hart

EXCUSED: 1 - Sollman

52. [07-0093](#)

Subject: (New) Application of Pig n' Out, LLC., Arthur T. Slaughter, Agent, for a "Class C" and Class "B" Retail Fermented Malt Beverage License for 2920 Taylor Avenue (11th District)

Recommendation of the Public Safety & Licensing Committee of

02-12-07: That the item be deferred until the February 26, 2007 meeting.

Recommendation of the Public Safety & Licensing Committee of

02-26-07: That the license be granted.

Fiscal Note: N/A

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

53. [07-0095](#)

Subject: Ordinance No. 1-07

To repeal and recreate Article XXV. Pawnbrokers and Secondhand Dealers, to create Secs. 22-900 - 22-919, Pawnbroker Licenses, and amend Sec. 114-468, Conditional Uses, of the Municipal Code of the City of Racine, Wisconsin.

Recommendation of the Public Safety & Licensing Committee of

01-22-07: That Ordinance No. 1-07 be adopted.

Recommendation of City Plan Commission on January 31, 2007:

That Parts 1, 2, and 4 of Ord. 01-07 be adopted. (07-0125)

Further that Part 3 be deleted from Ord. 01-07.

Recommendation of the Public Safety & Licensing Committee of

02-12-07: That the ordinance be deferred until the February 26, 2007 meeting.

Recommendation of the Public Safety & Licensing Committee of

02-26-07: That Ordinance No. 1-07 be adopted with amendments.

Fiscal Note: N/A

Alderman Holding requested that item 07-0095 be considered separately.

Referred to the Public Safety and Licensing Committee

54. [07-0106](#)

Subject: Request of the Committee for the appearance of Michael R. Wagner, regarding his application for an Operator's (Bartender's) License.

Recommendation of the Public Safety & Licensing Committee of

02-12-07: That the item be deferred until the February 26, 2007 meeting.

Recommendation of the Public Safety & Licensing Committee of

02-26-07: That the Operator's (Bartender's) License be denied.

Fiscal Note: N/A

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

55. [07-0113](#)

Subject: Communication from the City Clerk wishing to amend Sec. 6-132 of the Municipal Code relating to Provisional Operator's Licenses.

Recommendation of the Public Safety & Licensing Committee of

02-12-07: That the item be deferred until the February 26, 2007 meeting.

Recommendation of the Public Safety & Licensing Committee of

02-26-07: That the City Attorney's Office amend Sec. 6-132 of the Municipal Code to include Provisional Operator's Licenses, and an Ordinance be created.

Fiscal Note: N/A

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

56. [07-0175](#)

Subject: (Direct Referral) Application of Cruz Castro for a Public Passenger Driver's License.

Recommendation of the Public Safety & Licensing Committee of

02-26-07: That the Public Passenger Driver's License be denied.

Fiscal Note: N/A

Alderman Maack requested that item 07-0175 be considered separately.

Referred to the Public Safety and Licensing Committee

57. [07-0192](#) **Subject: (Direct Referral)** Change Order #1 Contract 28-06 (K6-029), New Grandstand Bleachers at Horlick Athletic Field by Carroll Seating Co.

Recommendation of the Public Safety & Licensing Committee of

02-26-07: That Change Order #1 Contract 28-06 (K6-029), New Grandstand Bleachers at Horlick Athletic Field, be approved.

Fiscal Note: \$4,328.00 be appropriated from account 985.710.5070, Horlick Football Bleachers.

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

58. [07-0193](#) **Subject:** Request of the Director of Parks, Recreation & Cultural Services to meet with the Public Safety and Licensing Committee for permission to enter in an agreement with Industrial Roofing Services, Inc. to prepare plans and specifications and project administration for window and door replacement at Dr. Bryant Community Center.

Recommendation of the Public Safety & Licensing Committee of

02-26-07: That the Director of Parks, Recreation & Cultural Services be granted permission to enter in an agreement with Industrial Roofing Services, Inc. to prepare plans, specifications, and project administration for window and door replacement at Dr. John Bryant Community Center.

Fiscal Note: \$9,800.00 be appropriated from account 987.680.5010, Bryant Windows.

Alderman Holding requested that item 07-0193 be considered separately.

Alderman Friedel made a motion to refer the item back to the Public Safety and Licensing Committee for further consideration. The motion failed by the following vote:

Ayes: Karas, Maack, Shakoor, Anderson, Dehahn, Fair, Holding, and Kaplan

Noes: Spangenberg, Wisneski, Friedel, Hart, and Hermes

Non-voting: Alderman Weidner

Excused: Alderman Sollman

A motion was made by Alderman David L. Maack that this be Received and Filed as Reported. The motion PASSED by the following vote:

NON VOTING: 1 - Weidner

AYES: 11 - Fair, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Hart, Spangenberg and Wisneski

NOES: 2 - Hermes and Holding

EXCUSED: 1 - Sollman

59. [07-0200](#) **Subject:** Mound Cemetery New Crypt Design and Fountain Restoration.

Recommendation:

02/26/2007: Donnie Snow presented a master plan for the Mound Cemetery new crypt design provided to him by the Meekus Co. He requested that an extra \$10,000 be allocated from the Cemetery maintenance fund for unseen circumstances.

Discussion was held. Motion to approve the \$10,000 was made by Sandy Weidner that the Mayor and the City Clerk enter into an agreement with the Meekus Co. for the new Mound Cemetery crypt design project.

Motion passed unanimously.

Recommendation of the Public Safety & Licensing Committee of

02-26-07: That the Mound Cemetery new Crypt Design and Fountain Restoration project be approved with the increased amount of \$10,000.00.

Fiscal Note: \$10,000.00 be appropriated from the Cemetery Maintenance Fund.

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

60. [07-0209](#) **Subject:** Request of the Committee for the appearance of David B. Meyer, regarding his application for an Operator's (Bartender's) License.

Recommendation of the Public Safety & Licensing Committee of

02-26-07: That the Operator's (Bartender's) License be denied.

Fiscal Note: N/A

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

Council Action

A motion was made by Alderman David L. Maack to Adopt the Report. Adopted by the following vote:

AYES: 13 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Spangenberg and Wisneski

EXCUSED: 1 - Sollman

NON VOTING: 1 - Weidner

Traffic Commission Report, by Ald. Hart

61. [06-3053](#) **Subject:** Communication from the Asst. Commissioner of Public Works/Engineering requesting that Section 94-311 of the Municipal Code be amended to delete: 13th Street, from Valley Drive to South Memorial Drive; and Valley Drive from Washington Avenue to 13th Street, from the designation of Truck and Heavy Traffic Routes.

Recommendation: The request to remove Valley Drive and 13th Street from the truck and heavy traffic routes be granted.

Further recommends that Section 94-311 relating to "Operation of heavy vehicles; designation of heavy traffic routes", be amended to delete; Valley Drive from Washington Avenue to 13th Street.

Further recommends that Section 94-311 relating to "Operation of heavy vehicles; designation of heavy traffic routes", be amended to delete; 13th Street from Valley Drive to South Memorial Drive.

Fiscal Note: There will be a nominal cost to remove signs at these locations.

A motion was made by Alderman Ronald D. Hart that this be Received and Filed as Reported. The motion PASSED by the following vote:

AYES: 13 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Spangenberg and Wisneski

EXCUSED: 1 - Sollman

NON VOTING: 1 - Weidner

City Plan Commission Report, by Ald. Holding

62. [07-0168](#) **Subject:** (Direct Referral) Request by Robert Westmoreland of Westmoreland Properites, LLC, seeking to rezone the property at 720-17th Street from B-1 Neighborhood Convenience District to R-4 General Residence District.

Recommendation of City Plan Commission on 2-14-07: Deferred.

Recommendation of City Plan Commission on 2-28-07: To deny.

Alderman Anderson requested that item 07-0168 be considered separately.

Referred to the City Plan Commission

63. [07-0219](#)

Subject: (Direct Referral) Request by Ann Klinkhammer, representing Beleza LLC., seeking an amendment to a conditional use permit for a wellness center to now also allow cosmetic tattoo services at 611-6th Street.

Recommendation of City Plan Commission on 2-28-07: That the request by Ann Klinkhammer, representing Beleza, seeking an amendment to a conditional use permit for an existing wellness center to offer cosmetic tattoo services be approved, subject to the following conditions:

- a. That the plans stamped "Received February 6, 2007" and presented to the Plan Commission on February 24, 2007 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Department.
- c. That all requirements of the State Department of Health and Family Services be complied with.
- d. That only cosmetic micropigmentation to the face be permitted.
- e. That all trash and recyclables be kept in closed containers and stored in the building until pick up.
- f. That no loitering be allowed in or around the building.
- g. That the tattoo station be screened from view from the exterior of the business.
- h. That tattoo service be offered by appointment only, and only during hours and days that coincide with those of the general spa hours which are: Monday through Saturday, 8:00 a.m. to 7:00 p.m. with no hours on Sundays.
- i. That the sale of food or drink shall not be allowed.
- J. That all other conditions of approval contained in Common Council Resolution No. 06-6996 be complied with unless otherwise varied herein.

Fiscal Note: N/A

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

64. [07-0257](#)

Subject: Ord.04-07 to amend Sec. 114-1 repeal and recreate Sec. 114-468 (20), repeal Sec. 114-487 (24), and amend Sec. 114-488 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Pawnbrokers; Conditional Uses.

Recommendation of the City Plan Commission on 2-28-2007: That the ordinance be adopted.

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

Council Action

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

NON VOTING: 1 - Weidner

AYES: 12 - Fair, Anderson, Hermes, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Spangenberg and Wisneski

NOES: 1 - Kaplan

EXCUSED: 1 - Sollman

City Development Report, by Ald. Spangenberg

65. [07-0244](#)

Subject: (Direct Referral) Application of Thermasys Corporation, dba Thermal Transfer Products, 5215-21st Street, Racine, Wisconsin for participation in the State of Wisconsin Community Development Zone Program.

In accordance with the procedures adopted by the Common Council as Item 29(2) of June 3, 1997, the Racine County Economic Development Corporation and the Department of City Development have reviewed the application of Thermasys Corporation.

Recommendation of City Development on February 26, 2007 that Thermasys Corporation be recommended for certification as eligible to participate in the Wisconsin Community Development Zone program and Thermasys Corporation be recommended for certification for State of Wisconsin tax credits under the Wisconsin Community Development Zone Program.

A motion was made by Alderman James T. Spangenberg that this be Received and Filed as Reported. The motion PASSED by the following vote:

AYES: 12 - Fair, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Spangenberg and Wisneski

EXCUSED: 1 - Sollman

NON VOTING: 2 - Hermes and Weidner

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

66. [07-0133](#) **Subject:** Request that the Redevelopment Authority acquire 1526 Washington Avenue, a blighted property, through condemnation.

Recommendation of the Redevelopment Authority on February 7, 2007: That the Common Council authorize the acquisition and provide funding for the acquisition.

Fiscal Note: N/A

A motion was made by Alderman James T. Spangenberg that this be Received and Filed as Reported. The motion PASSED by the following vote:

AYES: 13 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Hart, Spangenberg and Wisneski

EXCUSED: 1 - Sollman

NON VOTING: 1 - Weidner

Alderman Karas was excused from the meeting at 8:20 pm.

H. Resolutions

67. [Res.07-0089](#) Stipulations for Dragon Boat Festival

Resolved, that permission be granted to the Rotary Foundation of Racine West, Inc. to use the City-owned parking lot east of Gateway Technical College and the gravel area immediately east of the Gateway parking lot between Pershing Park Drive and Lake Michigan for the fourth annual Great Midwest Dragon Boat Festival to be held July 13-14, 2007.

Further resolved, that the parking lane along the east side of Main Street from 11th Street to 14th Street be closed during the event.

Further resolved, that no parking be allowed along the west side of Main Street from 11th Street to 14th Street during the event and that traffic be shifted to the west half of the roadway.

Further resolved, that permission be granted to the sponsor to use certain city streets on Friday, July 13, 2007, and to close the following streets:

6th Street from Library Drive to Pershing Park Drive
Pershing Park Drive from 6th Street to 11th Street
11th Street from Main Street to Pershing Park Drive

Further resolved, that permission be granted 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;
- D. The sponsor shall pay a \$350.00 special event fee.

Further resolved, that the Commissioner of Public Works/City Engineer, Chief of Police, and Director of Parks, Recreation and Cultural Services provide limited assistance, in the interest of public safety, to implement this event.

Fiscal Note: There will be nominal costs to various City departments, on a regular shift basis, to assist in implementing this event.

Sponsors: Ronald D. Hart

Adopted

68. [Res.07-0090](#) Agreement with ATM Financial for ATM Machines

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with ATM Financial to install one (1) ATM machine in City Hall and one (1) ATM machine in the Safety Building with the following stipulations:

1. That ATM Financial pay the initial cost for installation of the electrical lines and phone lines.
2. That ATM Financial pay to the City of Racine the greater value of the monthly phone charge and cost of electrical or a \$0.50 transaction fee applied to all transactions above 300 per month.
3. That the locations be acceptable to the Department of Public Works.
4. That anchors for the machines not be placed in any decorative floor.

Fiscal Note: Unknown at this time.

Sponsors: Ronald D. Hart

Referred to the Finance and Personnel Committee

69. [Res.07-0091](#) Sale of Property at 1049 Washington Avenue

Resolved, that 1049 Washington Avenue, Parcel ID 03841001, consisting of 1,407 square feet, be sold to Stephen Kennicott and/or ILA Holdings, LLC at a price of \$1.00 per square foot plus all costs associated with the transfer of ownership of this parcel.

Fiscal Note: The City of Racine will receive \$1,407.00 in revenue from the sale of this parcel.

Sponsors: Ronald D. Hart

Adopted

70. [Res.07-0092](#) Hold Harmless Agreement with Racine Neighborhood Watch

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Hold Harmless Agreement with Racine Neighborhood Watch to use the City Hall Annex parking lot and lawn area abutting Grand Avenue on Saturday, May 19, 2007, from 5:00 a.m. to 3:00 p.m., in conjunction with a fundraiser.

Fiscal Note: Not applicable.

Sponsors: Ronald D. Hart

Adopted

71. [Res.07-0093](#) Change Order on Contract for Laurel Clark Memorial Fountain

Resolved, that Change Order No. 2 on Contract 44-05 (K5-051), Laurel Clark Memorial Fountain, Bane-Nelson, Inc., contractor, as submitted, be approved in the amount of \$3,938.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 969.000.5870, TIF District No. 9.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Ronald D. Hart that this be Adopted. The motion PASSED by the following vote:

AYES: 11 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Friedel, Holding, Hart and Spangenberg

EXCUSED: 2 - Karas and Sollman

NON VOTING: 2 - Weidner and Wisneski

72. [Res.07-0094](#) Final Payment on Window Replacement at Fire Station No. 8

Resolved, that the professional services provided by Industrial Roofing Services, Inc., under Contract 18-04 (K4-024), Professional Services - Window Replacement at Fire Station No. 8, be accepted and final payment authorized for a total contract amount of \$2,600.00 from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution 6877 of February 7, 2006.

Sponsors: Ronald D. Hart

Adopted

73. [Res.07-0095](#) Amendment to Contract for Engineering Evaluation and Cost Estimate for Pavement on 6th Street

Resolved, that Amendment No. 1 on Contract 14-07 (K7-014), Professional Services-Ground Penetrating Radar, HNTB Corporation, consultant, as submitted for the evaluation of porous pavement options for the Sixth Street project, be approved in the lump sum amount of \$27,855.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 104.984.5400, Maiden Lane Detention Pond.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Ronald D. Hart that this be Adopted. The motion PASSED by the following vote:

AYES: 11 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Friedel, Holding, Hart and Spangenberg

EXCUSED: 2 - Karas and Sollman

NON VOTING: 2 - Weidner and Wisneski

74. [Res.07-0096](#) Agreement for Professional Engineering Services for Boiler Replacement at Festival Hall

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Southport Consulting for professional engineering services to replace the boiler system at Festival Hall at a price not-to-exceed \$600.00.

Further resolved, that funds to defray the cost of these professional services are available in Account 108.986.5010, Festival Hall-Replace Boiler.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

Adopted

75. [Res.07-0097](#) Agreement for Repairs to Precast Panels at Safety Building

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Butterfield, Rudie, & Seitz for professional services for the provision of plans and specifications for repairs to the precast panels at the Safety Building at a not-to-exceed cost of \$16,500.00.

Further resolved, that funds to defray the cost of these professional services are available in Account 987.210.5010, Safety Building-Precast Panel Replacement.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

A motion was made by Alderman Ronald D. Hart that this be Adopted. The motion PASSED by the following vote:

AYES: 11 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Friedel, Holding, Hart and Spangenberg

EXCUSED: 2 - Karas and Sollman

NON VOTING: 2 - Weidner and Wisneski

76. [Res.07-0098](#) Contract for 4th of July Fireworks

Resolved, that formal bidding procedures be waived and the Purchasing Agent be authorized and directed to enter into a 3-year contract, 2007 - 2009, with Melrose Pyrotechnics, Inc. of Kingsbury Indiana for the 4th of July fireworks.

Fiscal Note: Contract agreement amount will not exceed \$15,000 with funds available in account 101.990.9020, Fireworks and Donations.

Sponsors: James T. Spangenberg

Adopted

77. [Res.07-0099](#) Harbor Navigational Improvements

Resolved, that permission be granted for the Secretary of the Harbor Commission to accept funding for harbor navigational improvements from Racine County in the amount not to exceed \$39,600 per Racine County Board Resolution No. 2006-148.

Fiscal Note: Estimated project cost at \$99,000. 60% or \$59,400 is awarded from Wisconsin Waterway's Recreational Boating Program Grant No. RBF-333 and the County's share at 40%, \$39,600. The City will administer the grant and complete the project.

Sponsors: James T. Spangenberg

Adopted

78. [Res.07-0100](#) Agreement for Subgrant for North Side Reconnaissance Survey Subgrant

Resolved, that the Mayor and City Clerk to be authorized and directed to enter into a \$16,885 agreement with the Historic Preservation Certified Local Government Subgrant (Grant Control No. 2006-033) to be utilized for the north side Reconnaissance Survey.

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

Sponsors: James T. Spangenberg

Adopted

79. [Res.07-0101](#) Settlement of Claim for Sewer Wye Connection Failure 1561 Holmes Avenue

Resolved, that the claim of Sloan Friedl and Kenneth Friedl for sanitary sewer wye connection failure adjacent to 1561 Holmes Avenue be settled in the amount of \$11,601.90.

Fiscal Note: There are sufficient funds available in account 101.160.5910, Judgment and Claims for the settlement.

Sponsors: James T. Spangenberg

A motion was made by Alderman James T. Spangenberg that this be Adopted.

The motion PASSED by the following vote:

AYES: 12 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Friedel, Holding, Hart, Spangenberg and Wisneski

EXCUSED: 2 - Karas and Sollman

NON VOTING: 1 - Weidner

80. [Res.07-0102](#) Resolution providing for the issuance and sale of \$18,980,000 Waterworks System Mortgage Revenue Bonds and providing for the payment of said bonds and other details and covenants with respect thereto

Whereas, the City of Racine, Racine County, Wisconsin (the "Municipality") owns and operates a Waterworks System (the "System") which is operated for a public purpose as a public utility by the Municipality; and
Whereas, under the provisions of Section 66.0621 of the Wisconsin Statutes any municipality may, by action of its governing body, provide funds for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating and managing a public utility or to refund obligations issued for such purposes from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such

utility, including all rentals and fees; and which bonds may be additionally secured by a mortgage lien upon such utility; and
Whereas, the Municipality has outstanding its Waterworks System Mortgage Revenue Bonds, Series 1995, dated February 1, 1995 (the "1995 Bonds"), its Waterworks System Mortgage Revenue Refunding Bonds, dated April 15, 2001 (the "April 2001 Bonds"), its Waterworks System Mortgage Revenue Bonds, dated October 1, 2001 (the "October 2001 Bonds") and its Waterworks System Mortgage Revenue Bonds, dated November 1, 2004 (the "November 2004 Bonds"), which bonds are payable from the income and revenues of the System and are additionally secured by a mortgage lien on the System (collectively, the "Prior Bonds"); and

Whereas, the Prior Bonds were issued pursuant to an Ordinance adopted by the Common Council of the Municipality (the "Governing Body") on April 17, 1978, as supplemented by supplementing ordinances adopted on January 17, 1995, April 4, 2001, October 2, 2001 and October 5, 2004 (collectively, the "Ordinance"); and

Whereas, the Municipality also has outstanding its Waterworks System Revenue Bonds, Series 1999, dated February 10, 1999 (the "1999 Bonds") and its Waterworks System Revenue Bonds, Series 2004, dated December 22, 2004 (the "December 2004 Bonds"), which bonds are payable from the income and revenues of the System (collectively, the "Safe Drinking Water Bonds") and were authorized by resolutions adopted by the Governing Body on January 5, 1999 and December 7, 2004, respectively (the "Prior Resolutions"); and

Whereas, the Safe Drinking Water Bonds are junior and subordinate to the Prior Bonds as to the pledge of income and revenues of the System; and

Whereas, the Ordinance provides that additional bonds may be issued on a parity with the Prior Bonds upon compliance with certain conditions; and

Whereas, the Prior Resolutions provide that additional bonds may be issued which are senior to the Safe Drinking Water Bonds upon compliance with certain conditions; and

Whereas, to the best of the Governing Body's knowledge, information and belief, all conditions precedent to the issuance of additional bonds set forth in the Ordinance and the Prior Resolutions have been or will be complied with prior to the issuance of the Bonds authorized by this Resolution; and
Whereas, the Governing Body of the Municipality now deems it necessary, desirable and in the best interest of the Municipality to refund the October 2001 Bonds maturing in the years 2012 through 2021 (the "Refunded Obligations") for the purpose of achieving debt service cost savings; and

Whereas, certain improvements and extensions to the System are also necessary to adequately meet the needs of the Municipality and the residents thereof, consisting of financing various extension, replacement, repair and improvement projects throughout the water treatment and distribution system; acquiring wholesale customer assets; and acquiring vehicles and equipment (the "Project"); and

Whereas, for the purpose of paying the cost of refinancing the Refunded Obligations (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding") and the Project (including paying legal, financing, engineering and other professional fees in connection therewith and adding funds to the Reserve Account, the Governing Body deems it to be necessary, desirable and in the best interest of the Municipality to authorize and sell

waterworks system mortgage revenue bonds of the Municipality payable solely from the revenues of the System on a parity with the Prior Bonds, which bonds are to be authorized and issued pursuant to the provisions of Section 66.0621, Wisconsin Statutes; and

Whereas, as set forth herein, the revenue bonds will mature commencing not later than 3 years after the date of the issuance thereof in such amounts that the requirement each year to pay both principal and interest thereon (the latter being payable not less than annually from the date of issuance of the revenue bonds) will, it is hereby found by this Governing Body, be reasonable in accordance with prudent municipal utility management practices; and Whereas, other than the Prior Bonds and the Safe Drinking Water Bonds, no other bonds or obligations payable from the revenues of the System are now outstanding.

Now, therefore, be it resolved, by the Governing Body of the Municipality that: Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by implication requires otherwise:

"Act" means Section 66.0621 of the Wisconsin Statutes;

"Annual Debt Service Requirement" means the total amount of principal and interest due on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds in any Bond Year;

"Bond Proceeds" means amounts received by the Municipality from the sale of the Bonds;

"Bond Registrar" means Associated Trust Company, National Association, Green Bay, Wisconsin which is herein appointed by the Governing Body pursuant to the provisions of Section 67.10(2), Wisconsin Statutes, to act as fiscal agent and paying agent for the Bonds;

"Bond Year" means the one-year period ending on a principal payment date for the Bonds;

"Bonds" means \$18,980,000 Waterworks System Mortgage Revenue Bonds of the Municipality dated April 2, 2007, authorized to be issued by this Resolution;

"Code" means the Internal Revenue Code of 1986;

"Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents, replacements and capital expenditures;

"DTC" or "Depository" means The Depository Trust Company, New York, New York or its nominee or successor which shall act as securities depository for the Bonds;

"Escrow Account" means the account established by the Municipality with the Escrow Agent pursuant to the Escrow Agreement and this Resolution;

"Escrow Agent" means Associated Trust Company, National Association, Green Bay, Wisconsin, its successors and assigns;

"Escrow Agreement" means the Escrow Agreement referred to in Section 22 of this Resolution;

"Fiscal Year" means the twelve month period beginning on January 1 of each year and ending on December 31 of the same year;

"Governing Body" means the Common Council of the Municipality, or such other body as may hereafter be the chief legislative body of the Municipality;

"Gross Revenues" shall include all revenues, income and earnings of the

System derived from water charges imposed by the Municipality, all payments to the Municipality under any agreements between the Municipality and any contract users of the System, and any other moneys received from any source by the System including all rentals and fees;

"Municipality" means the City of Racine, Racine County, Wisconsin;

"Net Revenues" means Gross Revenues of the System after deduction of Current Expenses;

"NRMSIR" means the Nationally Recognized Municipal Securities Information Repositories as recognized from time to time by the Securities and Exchange Commission for the purposes referred to in SEC Rule 15c2-12;

"Original Purchaser" means Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin;

"Parity Bonds" means bonds payable from the revenues of the System other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of this Resolution;

"Project" means financing various extension, replacement, repair and improvement projects throughout the water treatment and distribution system; acquiring wholesale customer assets; and acquiring vehicles and equipment. All elements of the Project are to be owned and operated by the Municipality as a part of the System as described in the preamble hereto;

"Record Date" means the close of business on the 15th day of the calendar month next preceding any principal or interest payment date;

"Refunding" means paying the cost of refinancing the Refunded Obligations;

"Regulations" means the income tax regulations promulgated under the Code;

"Reserve Requirement" means the lesser of (a) the maximum amount of principal and interest due on the outstanding Prior Bonds and the Bonds in any Bond Year and (b) 125% of average annual debt service on the outstanding Prior Bonds and the Bonds. If Parity Bonds are issued, the Reserve Requirement shall be an amount equal to the lesser of (i) the maximum amount of principal and interest due on the outstanding Prior Bonds, the Bonds and the Parity Bonds in any Bond Year or (ii) 125% of average annual debt service on the outstanding Prior Bonds, the Bonds and the Parity Bonds;

"System" means the entire Waterworks System of the Municipality specifically including that portion of the Project owned by the Municipality and including all property of every nature now or hereafter owned by the Municipality for the collection, distribution and treatment of water, including all improvements and extensions thereto made by the Municipality while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such Waterworks System and including all appurtenances, contracts, leases, franchises and other intangibles.

Section 2. Authorization of the Bonds. For the purpose of paying the cost of the Refunding and the Project (including legal, fiscal, engineering and other expenses) and the cost of funding a reserve account, there shall be borrowed on the credit of the income and revenue of the System the sum of EIGHTEEN MILLION NINE HUNDRED EIGHTY THOUSAND DOLLARS (\$18,980,000), and registered revenue bonds of the Municipality are hereby authorized to be issued in evidence thereof to Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin (the "Original Purchaser") in accordance with the terms and conditions of its purchase proposal (the "Proposal") attached hereto as Exhibit

A and incorporated herein by this reference.

Section 3. Terms of the Bonds. The revenue bonds shall be designated "Waterworks System Mortgage Revenue Bonds" (the "Bonds"); shall be dated April 2, 2007; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall bear interest at the rates and shall mature on September 1 of each year, in the years and principal amounts as set forth on the schedule attached hereto as Exhibit B and incorporated herein by this reference (the "Schedule"). Interest on the Bonds shall be payable semi-annually on March 1 and September 1 of each year commencing on September 1, 2007.

It is hereby determined and declared that:

- (a) the above schedule of maturities of the Bonds is such that the requirement each year to pay both the principal of and interest on the Bonds is reasonable in accordance with prudent municipal utility management practices;
- (b) the refunding of the Refunded Obligations is advantageous to the Municipality;
- (c) the aggregate amount of Bonds, which shall encompass sums sufficient to provide for the costs hereinabove set forth, is necessary; and,
- (d) the portion of the proceeds of the Bonds and other monies to be deposited in the Escrow Account, together with the interest earnings thereon, shall provide an amount sufficient to pay when due the principal and redemption price of and interest on the Refunded Obligations as the same becomes due at maturity or upon prior redemption.

Section 3A. Call Provisions. At the option of the Municipality, the Bonds maturing on September 1, 2017 and thereafter shall be subject to redemption prior to maturity on September 1, 2016 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the Municipality and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. Additionally, the Bonds maturing on September 1, 2023 and September 1, 2026 are subject to mandatory redemption. The terms of such mandatory redemption are set forth on Exhibit MRP (the "Mandatory Redemption Provisions") attached hereto and incorporated herein by this reference.

Section 3B. Parity with the Prior Bonds. The Bonds shall be additional bonds within the meaning of Section 11 of the Ordinance; are issued on a parity with the Prior Bonds and are secured by an equal lien and claim to the revenues and properties of the System and the monies on deposit in the Special Redemption Fund as set forth in the Ordinance and this Resolution. In addition, the Bonds and any Parity Bonds are secured by a mortgage lien upon the System on a parity with the mortgage lien granted to the Prior Bonds.

The Bonds shall also be "additional senior bonds" within the meaning of Section 11 of the Prior Resolutions. The Safe Drinking Water Bonds are junior and subordinate to the Prior Bonds and shall be junior and subordinate to the Bonds when issued.

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

Section 5. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall

be payable only out of the Special Redemption Fund hereinafter created and established, and shall be a valid claim of any holder thereof only against said Special Redemption Fund and the revenues of the System pledged to such fund. Sufficient revenues are hereby pledged to said Special Redemption Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds as the same becomes due. In addition, the Bonds and any Parity Bonds are secured by a mortgage lien upon the System on a parity with the mortgage lien granted to the Prior Bonds. It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund (defined below) and deposited in the Special Redemption Fund (defined below) shall be sufficient in any event to pay the interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds as the same accrues and the principal amount hereof as the same matures, and to provide any amounts required to be paid monthly into the Reserve Account (defined below) to maintain the Reserve Requirement.

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds, certain funds of the System were created by the Ordinance and are hereby continued to be used solely for the following respective purposes:

(a) Waterworks Revenue Fund, into which shall be deposited as received the entire Gross Revenues of the System which monies shall then be divided among the Operation and Maintenance Fund, the Special Redemption Fund, the Depreciation Fund and the Surplus Fund in the amounts and in the manner set forth in Section 7 hereof and used for the purposes described below;

(b) Waterworks Operation and Maintenance Fund (the "Operation and Maintenance Fund"), which shall be used for the payment of Current Expenses;

(c) Waterworks Special Redemption Fund (the "Special Redemption Fund"), which shall be divided into two separate accounts to be known as the "Interest and Principal Account" and the "Reserve Account".

(i) There shall be deposited in the Interest and Principal Account from Bond Proceeds and any Parity Bond proceeds all accrued interest and any premium. In addition, there shall be deposited in said account in the manner specified in Section 7 hereof, an amount sufficient (after giving effect to available amounts in said account from accrued interest, any premium, investment earnings and any other source) to pay the principal of and interest on, first, the Prior Bonds, the Bonds and any Parity Bonds and second, the Safe Drinking Water Bonds, as the same becomes due. The Interest and Principal Account shall be used solely for the purposes of paying principal of and interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds in accordance with the provisions of this Resolution.

The minimum amounts to be so deposited in the Interest and Principal Account for debt service on the Bonds, in addition to the amounts required to be deposited for debt service on the Prior Bonds and the Safe Drinking Water Bonds, are set forth on the Schedule.

(ii) There shall be deposited into the Reserve Account an amount equal to the Reserve Requirement. The Reserve Account shall be used solely for the purpose of paying principal of or interest on the Prior Bonds, the Bonds or any

Parity Bonds at any time when there shall be insufficient money in the Interest and Principal Account. The Reserve Account shall be funded and replenished in the manner specified in Section 7 hereof. The Safe Drinking Water Bonds are not secured by the Reserve Account.

(d) Waterworks Depreciation Fund (the "Depreciation Fund"), which shall be used primarily to make good any depreciation in the System, to extend and improve the System, to make extraordinary repairs or replacements to the System and to make transfers to the Surplus Fund as provided in Section 6(e) hereof but which also may be used for the payment of principal of and interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds at any time when there shall be insufficient money in the Special Redemption Fund and to remedy any deficiency in the Special Redemption Fund; and,

(e) Waterworks Surplus Fund (the "Surplus Fund"), which shall first be used whenever necessary to pay principal of or interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds when the Special Redemption Fund shall be insufficient for such purpose, and thereafter shall be disbursed as follows:

(i) at any time, to remedy any deficiency in any of the funds or accounts provided in Section 7 hereof; and,

(ii) money thereafter remaining in the Surplus Fund at the end of any Fiscal Year may be transferred to any of the funds or accounts created herein (including the Waterworks System Improvement Fund), or to reimburse the general fund of the Municipality for advances made by the Municipality to the System.

Section 6A. Deposits and Investments. The Interest and Principal Account and the Reserve Account of the Special Redemption Fund each shall be kept apart from moneys in the other funds and accounts in the records of the Municipality and the Interest and Principal Account shall be used for no purpose other than the prompt payment of principal of and interest on first, the Prior Bonds, the Bonds and any Parity Bonds and, second, the Safe Drinking Water Bonds as the same becomes due and payable. The funds and accounts herein created may be temporarily invested until needed in legal investments.

Section 7. Application of Revenues. After the delivery of any of the Bonds or any Parity Bonds, the entire Gross Revenues of the System shall be deposited as collected in the Revenue Fund and shall be transferred monthly to the funds listed below in the following order of priority and in the manner set forth below:

(a) to the Operation and Maintenance Fund, an amount equal to the estimated Current Expenses for the current month and for the succeeding month (after giving effect to available amounts in said fund from prior deposits);

(b) to the Special Redemption Fund, for monthly transfer to the Interest and Principal Account thereof, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds coming due on the next succeeding principal payment date (after giving effect to available amounts in said account from accrued interest, any premium, investment earnings or any other source). It is the express intent of the Governing Body that at all times the Interest and Principal Account constitute a "bona fide debt

service account" and, be depleted (except for a reasonable carryover as defined in the Regulations) at least once a year. Prior to each interest and principal payment date, the Municipality shall transfer from the Interest and Principal Account to the Bond Registrar the amounts required for the payment of the interest and principal coming due on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds;

(c) to the Special Redemption Fund, for monthly transfer to the Reserve Account thereof, an amount equal to one-twelfth of the Reserve Requirement until the amount accumulated in the Reserve Account (after giving effect to amounts deposited in the Reserve Account from Bond Proceeds pursuant to Section 12 hereof, from any investment earnings or any other source) equals the Reserve Requirement. It is the intent of the Municipality that at all times the Reserve Account constitutes a "reasonably required reserve fund" under Section 148 of the Code and any applicable Regulations;

(d) to the Depreciation Fund, an amount of \$30,000; any money on deposit in the Depreciation Fund in excess of \$800,000 (or such larger amount as may hereafter and from time to time be established by the Governing Body), and not required during the current Fiscal Year for the purposes of said fund, may be transferred to the Surplus Fund; and,

(e) to the Surplus Fund, any amount remaining in the Revenue Fund after the monthly transfers required above have been completed.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Special Redemption Fund, the Depreciation Fund and the Surplus Fund shall be made monthly not later than the 10th day of each month, and such transfers shall be applicable to moneys on deposit in the Revenue Fund as of the last day of the month preceding. Any other transfers and deposits within any fund or to any other fund or account required or permitted by subsections (a) through (e) of this Section, except transfers or deposits which are required to be made immediately or annually, shall be made on or before the 10th day of the month. Any transfer or deposit required to be made at the end of any Fiscal Year shall be made within sixty (60) days after the close of such Fiscal Year. If the 10th day of any month shall fall on a day other than a business day, such transfer or deposit shall be made on the next succeeding business day.

It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund and deposited in the Special Redemption Fund shall be sufficient in any event to pay the interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds as the same accrues and the principal thereof as the same matures, and to provide any amounts required to be paid monthly into the Reserve Account.

Section 7A. Mortgage Lien. For the further protection of the holders of the Bonds, a mortgage lien is granted and created by Section 66.0621 of the Wisconsin Statutes and this Resolution, which lien is hereby recognized as valid and binding upon the Municipality and as a valid and binding first lien upon the System and any additions and improvements to be made thereto, on a parity with the mortgage granted to the owners of the Prior Bonds. In accordance with the provisions of Section 66.0621(4)(b) of the Wisconsin Statutes, such lien shall be perfected by recording this Resolution in the records of the Municipality.

Section 8. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing waterworks

services for public purposes, shall be charged against the Municipality and shall be paid by it as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System, and out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. However such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if necessary, (b) yearly appropriations therefor and (c) applicable levy limitations, if any; but neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of services rendered to the Municipality and its inhabitants or make any subsequent payment over and above such reasonable cost and value. Such compensation for such service rendered to the Municipality shall, in the manner hereinabove provided, be paid into the Revenue Fund referred to in Section 6 hereof.

Section 9. Prior Lien Bonds; Parity Bonds. The Bonds are issued on a parity with the Prior Bonds and senior to the Safe Drinking Water Bonds. The Municipality will issue no other bonds or obligations of any kind or nature payable from or enjoying a lien on the revenues or the properties of the System having a priority over the Bonds or any Parity Bonds.

Additional bonds may be issued on a parity and equality of rank with the Bonds and any Parity Bonds with respect to the lien and claim of such additional bonds to the revenues and properties of the System and the moneys on deposit in the Special Redemption Fund, for the following purposes and under the following conditions but not otherwise:

- (a) For the purpose of refunding any of the Bonds or any Parity Bonds which shall have matured or which shall mature not later than three (3) months after the date of delivery of such refunding bonds and for the payment of which there shall be insufficient moneys in the Special Redemption Fund; and,
- (b) For the purpose of refunding any outstanding Bonds or any Parity Bonds, or purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, renewing, replacing, operating or managing the System, if all of the following conditions shall have been met:
 - (i) The Net Revenues for the last completed Fiscal Year preceding the issuance of such additional bonds must have been at least equal to one and one-quarter (1.25) times the highest combined annual interest and principal requirements on all Bonds and any Parity Bonds then outstanding payable from the revenues of the System (other than Bonds and any Parity Bonds being refunded), and the bonds so proposed to be issued, for any succeeding Fiscal Year in which there shall be a principal maturity on such outstanding bonds; provided, however, that if prior to the authorization of such additional bonds the Municipality shall have adopted and put into effect a revised schedule of rates, then the Net Revenues of the System for the last completed Fiscal Year which would, in the written opinion of an independent consulting engineer or independent certified public accountant employed for that purpose, have resulted from such rates had they been in effect for such period may be used in lieu of the actual Net Revenues for the last completed Fiscal Year;
 - (ii) The payments required to be made into the various funds and accounts provided herein must be current, and the Municipality must not be in default hereunder;

(iii) The additional bonds must be payable as to principal on September 1, of each year in which principal falls due, and payable as to interest semi-annually on March 1 and September 1; and,

(iv) The Reserve Account is funded to an amount equal to the Reserve Requirement applicable upon the issuance of Parity Bonds set forth in Section 1 hereof to the extent such funding complies with the applicable provisions of the Code and any applicable Regulations.

Section 10. Covenants Regarding Operation of the System; Books and Accounts; and Insurance.

The Municipality hereby covenants and agrees with each and every holder of the Bonds and any Parity Bonds as follows:

(a) The Municipality will faithfully and punctually perform all duties with reference to the System required by the Constitution and Statutes of the State of Wisconsin, including lawfully establishing reasonable and sufficient rates for services rendered by the System and collecting, depositing, applying and segregating the revenues of the System to the respective funds and accounts provided for in this Resolution;

(b) The Municipality will not sell, lease, or in any manner dispose of the System, including any part thereof or any additions or extensions that may be made part thereto, except that the Municipality shall have the right to sell, lease or otherwise dispose of any property of the System found by the Municipality to be neither necessary nor useful in the operation of the System, provided the proceeds received from such sale, lease or disposal shall be paid into the Special Redemption Fund or applied to the acquisition or construction of capital facilities for use in the normal operation of the System, and such payment shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund;

(c) The Municipality will cause the Project to be completed as expeditiously as reasonably possible;

(d) The Municipality will maintain the System in reasonably good condition, will operate the System, and will establish, charge and collect such lawfully established rates and charges for the service rendered by the System, so that the amount of the revenues of the System herein agreed to be set aside to provide for payment of the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds and the interest thereon as the same becomes due and payable will be sufficient for that purpose;

(e) The Municipality will prepare a budget not less than sixty (60) days prior to the end of each Fiscal Year and, in the event such budget indicates that earnings for each year will not exceed debt service for each corresponding year, will take any and all steps permitted by law to increase rates so that the earnings will equal or exceed debt service as promptly as possible;

(f) The Municipality will keep proper books and accounts relative to the System, separate from all other records of the Municipality, and will cause such books and accounts to be audited annually not later than six months after the close of each Fiscal Year by a recognized independent firm of certified public accountants, and will make available to the holders of any of the Bonds or any Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants. Any holder shall have the right at any reasonable time to inspect the System and the records, accounts and data of the System and the Municipality relating thereto. Each such audit, in addition to whatever matters may be thought proper by the accountant, shall include the

following in accordance with generally accepted accounting practices: (1) a statement in detail of the income and expenditures of the System for the Fiscal Year; (2) a statement of the Net Revenues of the System for such Fiscal Year; (3) a balance sheet as of the end of such Fiscal Year; (4) the

Sponsors: James T. Spangenberg

Bradley P. Viegut an underwriter, for Robert W. Baird & Co. Incorporated appeared before the council and spoke on the Bond Resolution.

A motion was made by Alderman James T. Spangenberg that this be Adopted.

The motion PASSED by the following vote:

AYES: 12 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Friedel, Holding, Hart, Spangenberg and Wisneski

EXCUSED: 2 - Karas and Sollman

NON VOTING: 1 - Weidner

81. [Res.07-0103](#) Change Order New Grandstand Bleachers at Horlick Athletic Field

Resolved, that Change Order #1, Contract 28-06 (K6-029), New Grandstand Bleachers at Horlick Athletic Field by Carroll Seating Company, be approved in the increased amount of \$4,328.00, for a total contract amount of \$247,958.00. Funds are available in account no. 985.710.5070, Horlick Football Bleachers.

Fiscal Note: This contract was approved by Resolution No. 06-7046 of June 6, 2006.

Sponsors: David L. Maack

Adopted

82. [Res.07-0104](#) Agreement with Industrial Roofing Services, Inc. for Dr. John Bryant Center improvements

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Industrial Roofing Services, Inc., to prepare plans, specifications, and project administration for window and door replacement at Dr. John Bryant Community Center.

Fiscal Note: Funds in the amount of \$9,800.00 are appropriated from account no. 987.680.5010, Bryant Windows.

Sponsors: David L. Maack

A motion was made by Alderman David L. Maack that this be Adopted. The motion PASSED by the following vote:

NON VOTING: 1 - Weidner

AYES: 11 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Friedel, Hart, Spangenberg and Wisneski

NOES: 1 - Holding

EXCUSED: 2 - Karas and Sollman

83. [Res.07-0105](#) Agreement for Mound Cemetery New Crypt Design and Fountain Restoration

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Mekus Studios for design services for the new crypts and fountain restoration at Mound Cemetery.

Further resolved, that the Mound Cemetery project be approved for an increase of \$10,000.00.

Fiscal Note: Funds in the amount of \$10,000.00 are appropriated from the Cemetery Maintenance Fund, account no. 207.000.5760.

Sponsors: David L. Maack

A motion was made by Alderman David L. Maack that this be Adopted. The motion PASSED by the following vote:

AYES: 12 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Friedel, Holding, Hart, Spangenberg and Wisneski

EXCUSED: 2 - Karas and Sollman

NON VOTING: 1 - Weidner

84. [Res.07-0106](#) Amendment to Conditional Use Permit for 611 - 6th Street

Resolved, that the request of Ann Klinkhammer, representing Beleza, seeking an amendment to a conditional use permit for an existing wellness center to offer cosmetic tattoo services be approved, subject to the following conditions:

a. That the plans stamped "Received February 6, 2007" and presented to the Plan Commission on February 24, 2007 be approved subject to the conditions contained herein.

b. That all applicable building and occupancy permits be obtained from the Building Department.

c. That all requirements of the State Department of Health and Family Services be complied with.

d. That only cosmetic micropigmentation to the face be permitted.

e. That all trash and recyclables be kept in closed containers and stored in the

building until pick up.

f. That no loitering be allowed in or around the building.

g. That the tattoo station be screened from view from the exterior of the business.

h. That tattoo service be offered by appointment only, and only during hours and days that coincide with those of the general spa hours which are: Monday through Saturday, 8:00 a.m. to 7:00 p.m. with no hours on Sundays.

i. That the sale of food or drink shall not be allowed.

J. That all other conditions of approval contained in Common Council Resolution No. 06-6996 be complied with unless otherwise varied herein.

Fiscal Note: N/A

Sponsors: Gregory Holding

Adopted

85. [Res.07-0107](#)

Permission for Redevelopment Authority to Acquire 1526 Washington Avenue

Whereas, sec. 66.1333 (5) (c) Wis. Stats., allows the Redevelopment Authority to acquire property without designating the boundary of a redevelopment area or adopting a redevelopment plan if approval of the acquisition is granted by the Common Council; and

Whereas, a property in the Uptown commercial area requires acquisition by condemnation to resolve financial encumbrances on the property and stop deterioration of the vacant building on the property; and

Whereas, acquisition of the property at this time will help implement the adopted *Uptown Improvement Plan*.

Resolved, that the Common Council of the City of Racine, pursuant to sec. 66.1333 (5) (c) Wis. Stats., authorizes and directs the Redevelopment Authority to acquire by condemnation 1526 Washington Avenue (parcel ID 09194000).

Further resolved, that the Common Council finds that a comprehensive redevelopment plan is not necessary to determine the need for the acquisition, the uses of the property after acquisition, and the relationship of the acquisition to other property redevelopment by the Authority.

Further resolved, that the Finance Director is authorized and directed to advance to the Authority funding for the acquisition from the 820 Commercial Corridor Fund and to establish the accounts necessary for the transfer of funds.

Fiscal Note: Funds are available in the account for this purpose.

Sponsors: James T. Spangenberg

**A motion was made by Alderman James T. Spangenberg that this be Adopted.
The motion PASSED by the following vote:**

AYES: 12 - Fair, Anderson, Hermes, Kaplan, Maack, DeHahn, Shakoor II, Friedel, Holding, Hart, Spangenberg and Wisneski

EXCUSED: 2 - Karas and Sollman

NON VOTING: 1 - Weidner

I. Ordinances

86. [Ord.05-07](#) ORDINANCE NO. 5-07

To amend Secs. 6-9, 6-131, repeal and recreate Sec. 6-132, create Sec. 6-134 and amend Sec. 6-136 of the Municipal Code of the City of Racine, Wisconsin relating to Operator's - Provisional Operator's licenses.

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

Part 1:

Sec. 6-9 of the Municipal Code of the City of Racine is hereby amended by adding in the second line after the word "licenses" the phrase, "or provisional operator's licenses," ...

Part 2:

Sec. 6-131 of the Municipal Code of the City of Racine is hereby amended by changing the title to read: "**Operator's or provisional operator's license required.**" and by adding the words "or provisional operator's license" in two places in the third sentence after the words "operator's license".

Part 3:

Sec. 6-132 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Sec. 6-132. Sales authorized; fee.

(a) *Operator's license.* An operator's license shall authorize the holder to serve or purvey those alcohol beverages for which sale is authorized at the premises where the operator is employed. The licenses shall expire on the second June 30 following issuance. The fee for an operator's license will be prorated as follows:

12-24 months	\$75.00
9-12 months	\$40.00
3 months or less	\$75.00 for the next licensing period and the three months

would not be charged.

(b) *Provisional operator's license.*

(1) A provisional operator's license may be issued by the city clerk to a person who has applied for an operator's license, who meets all the requirements for receiving such license and whose operator's license application has been approved by the public safety and licensing committee, except that the applicant has not successfully completed a responsible beverage server training course. The license shall expire 60 days after its issuance, upon denial of the license or when an operator's license is issued to the holder, whichever is sooner.

(2) The city clerk shall issue a provisional operator's license to a person who, at the time of application for an operator's license, files a certified copy of a valid operator's license issued by another Wisconsin municipality. The provisional license shall expire the sooner of 60 days after its issuance, upon issuance of an operator's license, or upon expiration of the operator's license issued by the other municipality.

(3) A provisional license may be revoked by the city clerk if the city clerk discovers that the holder of the license made a false statement on the application or, if the provisional license is issued under (2) above, the city clerk determines that the operator's license issued by the other municipality and filed under (2) is not valid.

(4) The fee for a provisional operator's license shall be \$25.00."

Part 4:

Sec. 6-134 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Sec. 6-134. Qualifications for provisional operator's license.

(a) A provisional operator's license shall not be issued unless the applicant provides proof that he is enrolled in a beverage server training course. If the applicant fails to successfully complete the beverage server training course, the provisional operator's license shall be revoked. A provisional operator's license shall not be issued to a person whose application for an operator's license has been denied.

(b) If the applicant is denied a provisional operator's license, the \$25.00 license fee shall be refunded.

(c) The licensee shall carry the provisional operator's license on his person at all times during which the licensee is providing services under the provisional operator's license."

Part 5:

Sec. 6-136 of the Municipal Code of the City of Racine is hereby amended by adding the phrase "or provisional operator's license" after the phrase "operator's license" in the first sentence.

Part 6:

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: David L. Maack
Referred to the Public Safety and Licensing Committee

87. [Ord.06-07](#)

Ordinance No. 6-07

To amend Sec. 94-311 of the Municipal Code of the City of Racine, Wisconsin relating to Traffic and Vehicles - Truck and Heavy Traffic Routes.

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

Part 1:

Sec. 94-311 of the Municipal Code of the City of Racine is hereby amended by deleting the following:

"Valley Drive from Washington Avenue to 13th Street" and "13th Street from Valley Drive to South Memorial Drive."

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: Ronald D. Hart

Referred to the Traffic Commission

K. Adjourn

The meeting was adjourned at 8:35 pm by Alderman Shakoor. The next scheduled meeting of the Council is March 20, 2007.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK