



City of Racine

Meeting Agenda - Final

Common Council

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

Tuesday, June 6, 2006

7:00 PM

Room 205, City Hall

AMENDED

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

[Ord.20-06](#)

Ordinance No. 20-06 to amend Sec. 114-1, create Sec. 114-638.5, amend Sec. 114-824, amend Sec. 114-826(4) and amend Sec. 114-827 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Mapped district.

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 "*Extended medical care facilities*":

"*Facility or facilities* means those physical attributes of a use including, but not limited to, landscaping, trash handling, parking and drive areas, lighting, utilities, signage, display or storage areas, equipment and buildings and appurtenances."

Part 2:

Sec. 114-638.5 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Sec. 114-638.5. Applicability.

(a) Design guidelines contained in this division shall apply to all facilities such as, but not limited to, office, commercial, residential facilities containing five or more living units, lodging, museum, theater, governmental, parking and utility facilities, excepting that maintenance and repair activities that do not alter the property's exterior design features are exempt from the requirements of this

division.

(b) The Access Corridor Development Review Committee shall review projects within those portions of the State Street corridor district that are also within the River sub-district and lie west, north and north-west of the Root River, and areas within the State Street corridor sub-district, as described in the "Downtown Design Standards" adopted by common council resolution no. Res.06-7041 of May 16, 2006, using the design considerations contained in that document and in the "Downtown Design Guidelines adopted by common council resolution number Res.06-7040 of May 16, 2006."

Part 3:

Sec. 114-824 of the Municipal Code of the City of Racine is hereby amended by adding "(a)" at the beginning of the paragraph and by adding the following paragraphs after "(a)":

"(b) Sub-districts within the Downtown area are: River, State Street corridor, Marquette corridor, Sixth and Seventh Streets corridor, Main Street corridor, Marina, and Gaslight. Each sub-district presents opportunities and challenges that warrant individual design considerations as contained in the "Downtown Design Standards" adopted by common council resolution number Res.06-7041 on May 16, 2006.

(c) The Access Corridor Development Review Committee shall review projects within the River sub-district located west, north and north-west of the Root River, and areas within the State Street corridor sub-district, using the design considerations contained in the "Downtown Design Standards" adopted by common council resolution number Res.06-7041 of May 16, 2006."

Part 4:

Sec. 114-826(4) of the Municipal Code of the City of Racine is hereby amended to read as follows:

"(4) Maintenance and repair activities that do not alter the property's exterior design features are exempt from the requirements of this division."

Part 5:

Sec. 114-827 of the Municipal Code of the City of Racine is hereby amended by adding the following paragraph at the beginning of the section:

"(a) Persons contemplating a project in the Downtown Area should review the Downtown Design Guidelines and Downtown Design Standards adopted by common council resolutions Res.06-7040 and Res.06-7041 of May 16, 2006, as guides in understanding the purpose, scope and intent of this division."

And by inserting "(b)" before the existing paragraph and by inserting the following phrase after the word "residential" in the first sentence: "facilities

containing five or more living units”.

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: Sandy Weidner

06-2056

Subject: Communication from the Building Inspector submitting the Building Report for the month of May, 2006

F. Communications

Refer to Finance and Personnel Committee

06-1947

Subject: The Public Health Administrator requests permission to accept funding and for the Mayor and City Clerk to enter into an agreement with the University of Wisconsin-Milwaukee Great Lakes WATER Institute. The amount of funding is \$6000 and would be used to conduct additional sampling of gull feces for the isolation of *Campylobacter spp*, which is a significant cause of gastrointestinal illness.

Refer to the Board of Health.

06-1977

Subject: Communication from the Director of Human Resources

requesting, in closed session, discussing a summary of the collective bargaining agreement between the City of Racine and the Racine Police Staff Officers' Association for 2005-2006 and 2007-2008.

06-1982

Subject: Communication from Police Chief David H. Spenner, requesting permission to enter into the 2006 Municipal Reimbursement Agreement for the Milwaukee High Intensity Drug Trafficking Area Program (H.I.D.T.A.), with Racine County Sheriff's Department, City Grant Control # 2006-028.

(Also referred to License & Welfare Committee.)

06-1984

Subject: Communication from Police Chief David H. Spenner, requesting permission to enter into the 2006 Metro Drug Unit Operations contract, in the amount of \$25,000, with Racine County Sheriff's Department. City Grant Control #2006-027 has been issued.

(Also referred to License & Welfare Committee.)

06-1985

Subject: Communication from Interim Fire Chief Steve Hansen requesting the Mayor and City Clerk be authorized and directed to enter into a provider agreement with Anthem Blue Cross and Blue Shield of Wisconsin for health care reimbursement based on Medicare criteria for ambulance reimbursement. Also requesting the City Attorney be included in the reference.

06-1999

Subject: The Public Health Administrator requests permission to authorize the Mayor and City Clerk to sign an amended contract with the U.S. Department of Housing and Urban Development. The original contract (resolution number 6489) covered the period April 1, 2005 through March 31, 2006. The amended contract covers the period April 1, 2005 through March 31, 2007.

The amount funded remains \$6000, and the original communication is attached for review.

Please refer to the Board of Health.

06-2024

Subject: The Public Health Administrator is requesting permission to accept funding and for the Mayor and City Clerk to sign a contract with the State of Wisconsin Department of Health and Family Services for additional funding in the amount of \$13,310. These funds will be utilized for preparedness pandemic influenza and are included in the consolidated grant. The new allocation increases the total amount of the con-grant from \$339,924 to \$353,234.

Fiscal Note: \$13,310

Please refer to the Board of Health.

06-2036

Subject: A communication from Police Chief Spenner, requesting to waive formal bidding for the purchase of 44 ABA XT2-2 protective vests for the Racine Police Department and requesting the Purchasing Agent be authorized and directed to negotiate with Streicher's of Butler, Wisconsin, for the purchase of this equipment. Funds are available in Account 101.311.5430, Furniture and Equipment under \$5,000.

(Also referred to License & Welfare Committee.)

06-2051

Subject: Communication from the Human Resources Director submitting a tentative agreement between the City of Racine and the Racine Firefighters Local 321.

06-2062

Subject: Request to apply for one year grant from Target Corp. in the amount of \$2,500.00 for the Mayor's Back to School - Stay in School program.

Refer to Public Works and Services Committee

[06-1973](#) **Subject:** Communication from the Caledonia Historical Society requesting to obtain the flagpole from the former Walker Manufacturing site.

[06-1978](#) **Subject:** Communication from Ed Possing, 2625 Lathrop Ave., requesting to purchase the property at 504 Hawthorne Drive.

(Also refer to City Plan Commission and Board of Parks, Recreation and Cultural Services.)

[06-1981](#) **Subject:** Communication from Chief of Police David H. Spenner, requesting reserved parking spaces for civilian employees, who arrive and leave work during hours of darkness, in the Annex Parking Lot.

[06-2021](#) **Subject:** Communication from the YMCA, 725 Lake Avenue, requesting to renew the lease for the parking lot adjacent to their property.

[06-2047](#) **Subject:** Communication from Godske Awnings & Textiles, Inc. requesting permission to install awnings on the property at 2355 Meachem Street.

[06-2053](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer submitting a Relocation Plat for the acquisition of land necessary for the extension of Oakes Road between 16th Street south to the city limits.

Refer to License and Welfare Committee

[06-1994](#) **Subject: (New)** Application of The Warning Track, LLC., Jason S. Hansen, Agent, for a "Class B" Retail Fermented Malt Beverage and intoxicating Liquor License for 1301 Washington Avenue.

[06-1998](#) **Subject: (Renewal)** Application of Interstate Towing, Inc., Samuel Hutchins, Jr., for a Motor Vehicle Towing License, 2101 Lathrop Avenue.

06-2002

Subject: The following renewal applications for a "CLASS A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2006-2007:

Fresh Brands Distributing, Inc. 3900 Erie Street
Robert G. Helvick, Agent

Fresh Brands Distributing, Inc. 4011 Durand Avenue
David Losiniecki, Agent **(CHANGE OF AGENT)**

Georgetown Markets, Inc. 3710 Meachem Road
Edward J. Trudeau, Agent

Aldi, Inc. 3110 Douglas Avenue
Joan Kavanaugh, Agent

Braun's Specialties, Inc. 345 Main Street
Tommy Dale Braun, Agent

Phesal E. Ckadan 1812 Sixteenth Street

Taylor Liquor, Inc. **(CHANGE OF CORP. NAME)** 2813 Taylor Avenue
Ilesh Patel, Agent

Maria C. Davalos 1336 State Street

Dandee Liquor, Inc. 3700 Meachem Road
Vishnu Patel, Agent

Purvi & Mishali, Inc. 1401 Washington Avenue
Parit Patel, Agent

Champion Liquor and Food, LLC 1629 Douglas Avenue
Jarnail Singh, Agent

Mohammed A. Shehadeh 1949 Racine Street

Karen D. Kong 817 S. Main Street

Payal & Pikul, Inc. 1856 Taylor Avenue
Jagdish R. Patel, Agent

Sami Ali 3322 Sixteenth Street

C & D Peterson Investments, Inc. 3900 Durand Avenue

Coy Peterson, Agent

Jamil Muhammad

1711 N. Main Street

Younis, LLC
Younis Abdallah, Agent

1201 S. Memorial Drive

Neha, Incorporated
Vikram S. Desai, Agent

2418 Douglas Avenue

Sam's East, Inc.
Jenelle Duncan, Agent

6200 Regency West Drive

Timer's of Racine, Inc.
Shawn D. Voss, Agent

3800 Northwestern Avenue

Mega Marts, Inc.
Ralph D. Malicki, Agent

2406 S. Green Bay Road

Mega Marts, Inc.
Mark C. Rehbein, Agent

2210 Rapids Drive

06-2003

Subject: The following renewal applications for a "CLASS B" Retail Fermented Malt Beverage and Inoxicating Liquor License for 2006-2007:

Alice F. Warren

963 Dr. M.L. King, Jr. Drive

Harbor Lite Yacht Club, Inc. John Whaley, Agent	559 State Street
American Legion Post #546 James Price, Agent	1234 Douglas Avenue
TTDH, Inc. Gus Tousis, Agent	2100 Douglas Avenue
Dennis Pias	1756 Taylor Avenue
Jane Deplecyn	1518 Washington Avenue
Fraternal Order of Eagles Aerie 281, Inc. Richard C. Fortier, Agent	319 Hamilton Street
Anchor Inn & Bowling Corporation John Landerman, Agent	3701 Durand Avenue
Bucket's Pub, Inc. Charles F. Brandt, Agent	2031 Lathrop Avenue
Marion Wawioroka	1415 Washington Avenue
El Cotorreo, Inc. Jong Pong Chang, Agent	1224 Sixteenth Street
R. Hoey Enterprises, LLC Richard P. Hoey, Agent	1653 Taylor Avenue
Mike Williams	1403 Superior Street
Rojo's Pub, LLC Joseph A. Vlasak, Agent	1317 Yout Street
Ian Investments, LLC Pedro Sanchez, Agent	1318 Douglas Avenue
Roger's Place, Inc. Roger Springsteen, Agent	1843 N. Wisconsin Street
GMRI, Inc. Jeffery Zimmerman, Agent	6000 Durand Avenue

DL, Inc. 1100 Douglas Avenue
Darlene Louise Larson, Agent

Infusino's All Sports, LLC 3458 Rapids Drive
Egidio Infusino, Agent

James J. Graves 223 Gaslight Circle

Derango, LTD 3840 Douglas Avenue
Benedetto F. Derango, Agent

Infusino Pizzeria & Restaurant, Inc. 3225 Rapids Drive
Emilio Infusino, Agent

Lenny Hand 835 Washington Avenue

Racine Art Museum Assoc., Inc. 441 Main Street
Laura L. D'Amato, Agent **(CHANGE OF AGENT)**

Shillings Irish Pub, LLC 611 Wisconsin Avenue

John Patrick McAuliffe 3700 Meachem Road

Infusino Pizzeria & Restaurant, Inc. 3201 Rapids Drive
Emilio Infusino, Agent

Yong Fa, Inc. 2409 S. Green Bay Road
Mei H. Li, Agent

John Erby, LLC 1111 Washington Avenue

Lee Allen Gaither 1300 Sixteenth Street

Richard J. Pugh, Inc. 209 Dodge Street

Clifton Reed 1348 State Street

TLV, Inc. 2054 Lathrop Avenue
Timothy L. Vite, Agent

Ronald L. Petersen 509 Sixth Street
Judith A. Petersen

Edith R. Derosé 1444 Blake Avenue

Hi-O, Inc. 1816 Seventeenth Street
Michael A. Henes, Agent

DDM Investments, LLC 2416 Lathrop Avenue
Keith Mann, Agent **(CHANGE OF AGENT)**

Hammes Tavern, LLC 2005 Taylor Avenue
Michael J. Hammes, Agent

Tommy Daniels 901 S. Memorial Drive

Brucker LTD 1921 Dekoven Avenue
Justin Coe, Agent

Peg & Lou's, LLC 5840 Durand Avenue
Randall L. Larson, Agent

Peg & Lou's Bar and Grill, LLC 3113 Douglas Avenue
Peggy L. Larson, Agent

Yellow Rose Restaurant Holdings, LLC 340 Main Street
Scott Sebastian, Agent

Joey's On Taylor, LTD 1863 Taylor Avenue
Joseph G. Legath, Agent

Joey's On 6th, LLC 910 Sixth Street
Joseph G. Legath, Agent

Daniel Z. Takerian, Inc. 2322 Lathrop Avenue
Daniel Z. Takerian, Agent

Uncorkt, LLC 211 Sixth Street
Cheryl A. Etes, Agent

Coy & Diane Investments, Inc. 5200 Washington Avenue
Coy Peterson, Agent

Steven L. Matson 107 Fourth Street

Pub On Wisconsin, Inc. 525 Wisconsin Avenue
Amy Arendt, Agent

Dino Dominici 1816 Sixteenth Street

Veteran's Club William F. Ehrlich Post #1391, Inc. 820 Main Street
Steve Heether, Agent (**CHANGE OF AGENT**)

Mr. Kool's Sports Bar, LLC 1330 Washington Avenue
James O. Oliver, Sr., Agent

Carol R. Casper 1659 N. Main Street

Diana L. Smith-Benson 1019 State Street

Teezers Of Racine, Inc. 1936 Lathrop Avenue
Erin E. Anstett, Agent

Wilbur Jones BBQ Restaurant 515 Sixth Street

Wilbur Jones 501 High Street

Alejandro Nunez 1240 Washington Avenue

Ricky's Place, Inc. 236 Main Street
Richard A. Smetana, Agent

Castle Lanes Of Southeastern, WI, Inc. 5615 Castle Court
Phillip G. Ontko, Agent

Lubna Investments, LLC 1632 Douglas Avenue
Amer Assad, Agent

CBI, Inc. 1446 Dr. M.L. King, Jr. Drive
Carl Stewart, Agent

Buona Vita Corporation 3701 Durand Avenue
Achille Cortese, Agent

Double D's Jam, Inc. 1922 Sixteenth Street
Daniel Joseph Daams, Agent

Double D's Jam, Inc. 1307 Douglas Avenue
Daniel Joseph Daams, Agent

Salute, Incorporated 314 Main Street
Gemma De Bartolo-Wells, Agent

Casablanca de Mexico, Inc. 230 Main Street
Blanca L. Webers, Agent

Sunami Cafe, LLC Hae Young Choi, Agent	518 College Avenue
Historic Century Market, Inc. James Spodick, Agent	522 Sixth Street
Demark's Bar and Restaurant, Inc. Sharon A. Burman, Agent	1600 Albert Street
Demark's Bar and Restaurant, Inc. Sharon A. Burman, Agent (AMENDED PREMISE DESCRIPTION)	1600 Albert Street
WLS Wild Bill, Inc. William Sorenson, Agent	1641 Douglas Avenue
Nine, Inc. Benjamin Nelson, Agent	213 Sixth Street
Blue Rock Lounge, LLC Mark R. Thomas, Agent	306 Sixth Street
Rogene Marie Katt	1328 Superior Street
6200 West, Inc. Douglas E. Nicholson, Agent	1012 Main Street
N & G, LLC Sam Naimi, Agent	3700 Northwestern Avenue
Mario Tavar	1510 Junction Avenue
Jack J. Moreno	3620 Northwestern Avenue
Max Mueckler	3101 Douglas Avenue
Jose' Maldonado Maria E. Maldonado, Agent (CHANGE OF AGENT)	1423 State Street
The Ice Box Bar & Grill, LLC (CHANGE OF CORP. NAME) Richard J. Tempesta, Agent	2328 Douglas Avenue
Karintha L. Porter	1436 Junction Avenue

Ruben Martinez
Esperanza Martinez

1501 Prospect Street

Baldo's Mexican Restaurant (**NEW**)

3408 Douglas Avenue

Restaurant of Racine, Inc.
Brian Grabher, Agent (**CHANGE OF AGENT**)

207 Gaslight Circle

John P. Jensen

2203 DeKoven Avenue

Racine Theatre Guild, Inc.
Douglas Instenes, Agent

2519 Northwestern Avenue

Liquid Productions, LLC
Michael Mlsna, Agent

961 Dr. M.L. King, Jr. Dr.

The Brother's Club
Melvin Bumpus, Ageng

1846 Mead Street

06-2004

Subject: The following renewal applications for a "CLASS B" CLUB Retail Fermented Malt Beverage and Intoxicating Liquor License for 2006-2007:

Fifth Street Yacht Club of Racine, Inc. 761 Marquette Street
James C. Muleski, Agent

Racine Yacht Club, Inc. 1 Barker Street
Patricia Landreman, Agent

Racine Country Club 2801 Northwestern Avenue

06-2005

Subject: The following renewal applications for a "CLASS C" & CLASS "B" Retail Fermented Malt Beverage and Wine License for 2006-2007:

Barney's Memphis Style Ribs, LLC 2920 Taylor Avenue
Robert J. Becker, Agent

CEC Entertainment, Inc. 5612 Durand Avenue
Randy Webb, Agent

Whey Chai Chinese Restaurant, LLC 400 Main Street
Michael Mei, Agent

Walters & Woods Corporation 2011 Lathrop Avenue
Patricia Cruz, Agent

High Cone, Inc. 704 High Street
Usha A. Shah, Agent

Skipper Marine Development, Inc. 2 Christopher Columbus
Causeway
Deb Hutchinson, Agent **(CHANGE OF AGENT)**

Himmat Gill, LLC 2240 Northwestern Avenue
Himmat Gill, Agent

S& S Racine Business Enterprises, LLC 3700 Spring Street
Chandra Sekhar R. Pula, Agent

Lauro Davalos 1951 Mead Street

Mohinder Singh 1627 Washington Avenue

Douglas Pump & Pantry, LLC 3357 Douglas Avenue
Sukhwinder S. Nagra, Agent

Speedway Superamerica, LLC 4620 Washington Avenue
Vicky Huska, Agent

06-2010

Subject: The following renewal applications for a CLASS "B" Retail Fermented Malt Beverage License for 2006-2007:

Jaime Ruiz, LLC 3751 Douglas Avenue
Jaime Ruiz, Agent

Cornelio Mora Paula Mora	1950 Racine Street
Sausage Kitchen David W. Miller, Agent	1706 Rapids Drive
Racine Raiders Football Club, Inc. Lawrence Benjamin, Agent	1648 N. Memorial Drive
Edward L. Bilotto	235 Main Street
Somerset Club, Inc. David M. Perkins, Agent	201 Sixth Street
Tacos El Rey, Inc. Sonia Harris, Agent	2207 Lathrop Avenue
Edward L. Bilotto	235 Main Street
Dragan Sekuloski	605 Sixth Street
PH Green bay, LLC Sara Batteiger, Agent	5000 Washington Avenue
Public Golf Associates, LTD Scott A. Schuit, Agent	2801 Twelfth Street

06-2011

Subject: The following renewal/new applications for a CLASS "B" PUBLIC FACILITY Retail Fermented Malt Beverage License for 2006-2007:

Public Gold Associates, LTD Scott A. Schuit, Agent	6200 Northwestern Avenue
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Racine Zoo Jay R. Christie, Agent	2131 N. Main Street
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Compass of Racine, LLC (**NEW**) 5 Fifth Street
James M. Walczak, Agent

Compass of Racine, LLC (**NEW**) 72 Seventh Street
James M. Walczak, Agent

06-2012

Subject: The following renewal applications for a WHOLESale License for 2006-2007:

Domanik Sales Company 2300 South Street
Robert Domanik, Agent

Timer's Of Racine, Inc. 3800 Northwestern Avenue
Shawn D. Voss, Agent

06-2023

Subject: (New) The application of Sandra Dittmann for a Massage Establishment Permit for 1401 Douglas Avenue. (4th District)

06-2034

Subject: Communication from the Purchasing Agent requesting to discuss the proposal received for the second responsible bidder to Operate a Taxicab service for the City of Racine.

06-2045

Subject: Application of Hafiz Trans, Inc., for a Public Passenger Vehicle Provider's License.

[06-2054](#) **Subject: (New)** Application of SF Food Mart, Aziz Abdul, Agent, for a Class "A" Retail Fermented Malt Beverage License for 1347 Lathrop Avenue. (13th District) (Alderman of the 13th District included in reference)

[06-2055](#) **Subject: (New- 2005-2006)** Application of Neighborhood Bar of Racine, LLC., Slobodan Lazarevic, Agent, for a "Class B" Retail Fermented Malt Beverage and intoxication Liquor License for 2002 Erie Street.

(5th District) (**Alderman of the 5th District included in reference**) (The Agent has been requested to appear)

Refer to Traffic Commission

[06-2027](#) **Subject:** Communication from the Racine Art Guild, Inc. requesting "Temporary No Parking" signs be posted on the east side of South Main Street, between 10th and 11th Streets during the Starving Artists Outdoor Art Fair on August 6, 2006.

[06-2046](#) **Subject:** Communication from the Alderman of the 5th District regarding a 4-way stop sign at the corner of Walton & N. Wisconsin, and a 4-way stop sign at 10th Street and Center Street.

[06-2049](#) **Subject:** Communication from Daniel Eternicka regarding the timing of the traffic light on Washington Avenue and Green Bay Road.

[06-2060](#) **Subject:** Communication from Love Has No Boundaries Childcare & Learning Center, 702 High Street requesting a loading zone sign be placed on the entrance side of the center.

Refer to Transit and Parking Commission

[06-2039](#) **Subject:** Communication from the Transit Planner submitting the April 2006 operating and financial report for the Belle Urban System.

Refer to City Plan Commission

[06-2026](#) **Subject:** Creation of a Business Improvement District for the West Racine commercial area.

[06-2057](#) **Subject:** Request of George A. Nicks Sr. to acquire Lot #3825-1 (1120 Eleventh Street) and combine it with his property at 1035 Washington Avenue.

[06-2061](#) **Subject:** that the City of Racine authorize the Village of Mt. Pleasant to use condemnation pursuant to Ch. 32.05 Wis. Stats.

Refer to Redevelopment Authority of the City of Racine

[06-2028](#) **Subject:** Heritage Group, LLC to acquire 3124 Washington Avenue from the Redevelopment Authority.

Refer to Board of Health

[06-1944](#) **Subject:** The Public Health Administrator is requesting permission to enter into an agreement with Drexel University College of Nursing and Health Professionals. The agreement will allow students at the University to participate in training opportunities within the City of Racine Health Department.

Refer to Board of Parks, Recreation, and Cultural Services

- 06-1983** **Subject:** Communication from Ahmad Kweku Qawi regarding the possibility of starting Young Leaders Academy outreach sites at the Dr. John Bryant and Dr. King Community Center in September 2006.
- 06-2019** **Subject:** Communication from Janis Curtin for the use of the parking lot behind the North Beach Oasis to hold the 3rd Annual Art Festival and the use of the grass area West of the children's playground and South of the Oasis for the 2nd annual Classic Car and Street Rod Show both on September 3, 2006.
- 06-2020** **Subject:** Communication from Preservation Racine requesting use of Dodge Park on September 24, 2006 for tickets sales for their Tour of Historic Places.

G. Committee Reports

Finance and Personnel Committee Report

- 06-1856** **Subject:** Communication from the Interim Finance Director requesting to discuss the borrowing for the 2006 Capital Improvement Projects.

Recommendation: That final approval be granted for the borrowing for the 2006 Capital Improvement projects.

Fiscal Note: 2006 Capital Projects are budgeted at \$7,049,300.

- 06-1859** **Subject:** Communication from the Interim Finance Director appearing before the Committee to discuss refunding Tax Incremental Financing District No. 11 (West Racine) short-term debt that is due in June.

Recommendation: That final approval be granted for refunding Tax Incremental Financing District No. 11 (West Racine) note anticipation notes.

Fiscal Note: The amount for refunding is not to exceed \$2,000,000 for TIF No. 11.

- 06-1880** **Subject:** Communication from the Purchasing Agent requesting to accept

the bid with Virchow Krause & Company, LLP for Official Notice # 5, Performance Audit of the Health Department.

Recommendation: That the item be received and filed

Fiscal Note: N/A

06-1938

Subject: Communication from the City Attorney requesting to fill the Executive Secretary position in the Attorney's office.

Recommendation: That the position of Executive Secretary in the City Attorney's office be filled.

Fiscal Note: Funding for this position is provided for in the 2006 budget.

06-1940

Subject: Communication from Interim Finance Director requesting to appear before the committee to discuss the recently vacated position in the City Clerk's Office and the creation of Customer Service Specialist, SU9 position.

Recommendation: Permission granted for the elimination of Records Clerk, SU-7, position and the creation of a new position, Customer Service Specialist, SU-9, for the City Clerk's office upon permanent vacancy of the Records Clerk position.

Fiscal Note: Funding for this position is provided for in the 2006 budget and was recommended by the Clerk-Treasurer's study.

06-1968

Subject: (Direct Referral) Communication from the Director of Parks Recreation & Cultural Services requesting \$30,000 be appropriated from the 2005 Capital Improvement Fund balance to account 985.710.5070, Horlick Athletic Field Bleachers and carried forward to 2006 to fund the short fall of Contract 28-06 (K6-029) New Grandstand Bleachers at Horlick Athletic Field.

Recommendation: That \$30,000 be transferred from 2005 Capital Improvement Fund balance to account 985.710.5070, Horlick Athletic Field

Bleachers to cover cost of grandstand bleachers at Horlick Athletic Field and that it be carried forward to 2006.

Fiscal Note: There are sufficient funds available for the transfer.

Public Works and Services Committee Report

06-1900

Subject: Communication from the Director of Operations of Recreational Leadership Company, LLC, requesting permission to use the Walker site parking lot from August 6-14, 2006 and to close Christopher Columbus Causeway from Lake Avenue east to the water's edge from August 7-13, 2006, in connection with the Racine Boat & RV Show.

Recommendation: Permission be granted to Recreational Leadership Company, Inc. to use the Walker site parking lot for the Racine Boat & RV Show, to be held August 6-14, 2006.

Further recommends that permission be granted to erect a tent in the Walker site parking lot with the stipulation that no stakes are to be installed in the pavement in order to support this tent.

Further recommends that permission be granted to Recreational Leadership Company, Inc. to close Christopher Columbus Causeway, from Lake Avenue east to the water's edge, from Sunday, August 7, 2006, at 8:00 a.m., through Sunday, August 13, 2006, at 10:00 p.m.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall pay a \$250.00 special event fee.

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

FISCAL NOTE: There will be nominal costs to various City departments,

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

06-1911

Subject: Communication from Environmental Audits, on behalf of Twin Disc, Inc., requesting permission to install a private utility in the public right-of-way in the 1200 block of Thirteenth Street.

Recommendation: Permission be granted Twin Disc, Inc., to install a flume in the public right-of-way of 13th Street near Racine Street, as requested, with the following stipulations:

A. A hold harmless agreement be executed in accordance with State Statute 66.0425, Privileges in Street.

B. The property owner be required to become a member of Digger's Hotline.

C. The property owner shall pay all costs associated with the relocation due to maintenance or construction.

D. The property owner be charged a \$50.00 fee to cover costs associated with filing this item with the Register of Deeds.

Fiscal Note: There will be no cost to the City of Racine.

06-1945

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 17-06 (K6-018), Asphalt Paving, C.D.B.G.

Recommendation: Contract 17-06 (K6-018), Asphalt Paving, C.D.B.G., be awarded to Payne & Dolan, Inc., at their bid price of \$271,169.30, they being the lowest responsible bidder.

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

\$200,000.00 - Account 896.030.5540, CDBG Asphalt Resurfacing
\$ 39,169.30 - Account 986.908.5130, Asphalt Resurfacing
\$ 13,000.00 - Account 104.985.5420, Storm Sewers-Misc. Locations
\$ 19,000.00 - Account 986.907.5310, Sanitary Sewer Const.- Various Locations
\$271,169.30 - Total

Fiscal Note: Funds are available as herein delineated.

06-1946

Subject: Direct Referral. Communication from the Commissioner of

Public Works/City Engineer submitting bid results on Contract 31-06 (K6-032), Curb and Gutter Repair.

Recommendation: Contract 31-06 (K6-032), Curb and Gutter Repair, be awarded to D.C. Burbach, Inc., at their bid price of \$92,136.25, they being the lowest responsible bidder.

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

\$62,136.25 - Account 986.908.5220, Replacement Curb and Gutter
\$30,000.00 - Account 986.908.5530, Crosswalk Ramps
\$92,136.25 - Total

Fiscal Note: Funds are available as herein delineated.

06-1948

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 38-05 (K5-045), Pavement Repair, A.W. Oakes & Sons, Inc., contractor.

Recommendation: The work of A.W. Oakes & Son, Inc., under Contract 38-05 (K5-045), Pavement Repair, be accepted and final payment authorized for a total contract amount of \$263,118.08.

Fiscal Note: Contract was authorized under Resolution No. 6577 of July 19, 2005.

06-1950

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 1 on Contract 49-05 (K5-056), Lake Michigan Pathway Phase II, Bane-Nelson, contractor.

Recommendation: Change Order No. 1 on Contract 49-05 (K5-056), Lake Michigan Pathway Phase II, Bane-Nelson, Inc., contractor, as submitted, be approved in the amount of \$58,718.39.

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

\$28,276.50 - Account 986.913.5080, Lake Michigan Pathway
\$27,812.96 - Account 731.000.5970, Kewaunee Street Demolition
\$ 2,628.93 - Account 104.985.5420, Storm Sewer, Various Locations
\$58,718.39 - Total

Fiscal Note: Funds are available as herein delineated.

06-1974

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 1 on Contract 37-05 (K5-044), Curb & Gutter Replacement C.D.B.G., J.B. Construction Co., contractor.

Recommendation: Change Order No. 1 on Contract 37-05 (K5-044), Curb & Gutter Replacement C.D.B.G., J.B. Construction Company, contractor, as submitted, be approved in the amount of \$9,982.38.

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

\$5,611.33 - Account 985.908.5220, Curb & Gutter Replacement
\$4,371.05 - Account 986.908.5220, Curb 7 Gutter Replacement
\$9,982.38 - Total

Fiscal Note: Funds are available as herein delineated.

06-1975

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 37-05 (K5-044), Curb & Gutter Replacement CDBG, J.B. Construction Co., contractor.

Recommendation: The work of J.B. Construction Company, under Contract 37-05 (K5-044), Curb & Gutter Replacement, CDBG, be accepted and final payment authorized for a total contract amount of \$128,000.77.

Fiscal Note: Contract was authorized under Resolution No. 6576 of July 19, 2005.

06-1979

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a proposal from HNTB for professional services for the 2006 Major Ramp Maintenance.

Recommendation: The Mayor and City Clerk be authorized and directed to enter into a professional services contract with HNTB to provide professional services for the 2006 Major Ramp Maintenance at a cost not-to-exceed \$46,800.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 986.106.5010, Transfer to Fund 106 - Parking.

Fiscal Note: Funds are available as herein delineated.

06-1993

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving.

Recommendation: Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving, be awarded to Milwaukee General Construction Company, at their bid price of \$1,039,662.87, they being the lowest responsible bidder.

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

\$ 854,314.78 - Account 986.908.5020, Concrete Pvmt. Repl.-Misc. Locations

\$ 42,623.09 - Account 906.000.5010, Concrete St. Paving-Misc. Locations

\$ 119,525.00 - Account 104.985.5420, Storm Sewers-Misc. Locations

\$ 23,200.00 - Account 986.907.5310, San. Sewer Const.-Various Locations

\$1,039,662.87 - Total

Fiscal Note: Funds are available as herein delineated.

06-2009

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 3 on Contract 32-05 (K5-039), 2005 L.R.I.P. Concrete Paving, LaLonde Contractors, Inc., contractor.

Recommendation: Change Order No. 3 on Contract 32-05 (K5-039), 2005 L.R.I.P. Concrete Paving, LaLonde Contractors, Inc., contractor, as submitted, be approved in the deduct amount of \$10,200.00.

Fiscal Note: Change Order No. 3 will result in a decrease in contract price.

06-2017

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 29-06 (K6-030), Pavement Repair.

Recommendation: Contract 29-06 (K6-030), Pavement Repair, be awarded to Wayside Construction Company, at their bid price of \$149,434.85, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works

project be appropriated from the following accounts:

\$134,759.85 - Account 986.908.5020, Concrete Pvmt. Repl.-Misc.

Locations

\$ 6,750.00 - Account 104.985.5420, Storm Sewers-Misc. Locations

\$ 7,925.00 - Account 986.907.5310, San. Sewer Const.-Misc. Locations

\$149,434.85 - Total

Fiscal Note: Funds are available as herein delineated.

06-2022

Subject: Res. 06-7001 of May 2, 2006, relating to street improvements.

Recommendation: Resolution No. 06-7001, of May 2, 2006, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

ERIE STREET from Prospect Street to Colbert Street.

SUPERIOR STREET from Liberty Street to State Street.

CHATHAM STREET from Melvin Avenue to Lombard Avenue.

MITCHELL STREET from Ashland Avenue to Kearney Avenue.

and, as amended , Resolution No. 06-7001, of May 2, 2006, be adopted.

Fiscal Note: Funds will be appropriated in the 2007 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

06-2037

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a revised Hazardous Elimination Safety Grant Agreement (Grant Control No. 2005-019).

Recommendation: The Mayor and City Clerk be authorized and directed to enter into a revised project agreement with the Wisconsin Department of Transportation for a Hazardous Elimination Safety Grant (City Grant Control No. 2005-019), for the installation of LED lighting at 17 intersections. The project cost is \$160,000.00 with the State's share being \$144,000.00 and the City's share being \$16,000.00.

Fiscal Note: This revised agreement does not require any additional funding.

License and Welfare Committee Report

[06-1860](#)

Subject: Direct Referral. Bids for Contract 28-06 (K6-029) New Grandstand Bleachers at Horlick Athletic Field.

Recommendation of License & Welfare Committee of 5/8/06: That the item be received and filed.

Recommendation of License & Welfare Committee of 5/22/06: That Contract 28-06 (K6-029) New Grandstand Bleachers at Horlick Athletic Field, be awarded to Carroll Seating Co., Inc., at their bid price of \$243,630.00, they being the lowest responsible bidder.

Fiscal Note: Funds are available in account #986.710.5070 Horlick Field Bleachers

[06-1892](#)

Subject: Application of Central International, LLC, Ramez AbdulNour, Agent, for a "Class C" Wine and Class "B" Retail Fermented Malt Beverage License for 424 Main Street.
(1st District) (**Alderman of the 1st District included in reference**)

Recommendation of the License & Welfare Committee on 5/22/06:
That the license be granted.

Fiscal Note: N/A

[06-1895](#)

Subject: The application of Asiana, LLC, Haeyoung Choi, Agent, for a Class "B" and "Class C" Fermented Malt Beverage and Wine License for 423 Sixth Street.
(1st District) (**Alderman of the 1st District included in reference**)

Recommendation of the License & Welfare Committee on 5/22/06:
That the license be granted.

Fiscal Note: N/A

[06-1904](#)

Subject: Application of 2nd Time Around, Ralph Martinez, Agent, for a "Class B" Retail Fermented Malt Beverage and intoxicating Liquor License for 1922 Sixteenth Street.

(3rd District) (**Alderman of the 3rd District included in reference**) (The Agent has been requested to appear)

Recommendation of the License & Welfare Committee of 5/22/06:

That the license be granted.

Fiscal Note: N/A

06-1909

Subject: The following applications for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2006-2007:

Vishal Corporation 3015 Rapids Drive
Prabodh Gala, Agent

Shree Krishna Enterprises, Inc. 2062 Lathrop Avenue
Jagdish Patel, Agent

Mitraj, Inc. 3711 Douglas Avenue
Radhhesyam Patel, Agent

Jesus S. & Yolanda Maldonado 516 High Street

AD United Petroleum 1917 Sixteenth Street

M Smit N Corp. 918 West Boulevard
Maheshkumar K. Patel, Agent

Nagra Pump & Pantry, LLC 1826 Douglas Avenue
Sukhwinder S. Nagra

Recommendation of the License & Welfare Committee of 5/22/06:

That the licenses be granted.

Fiscal Note: N/A

06-1910

Subject: The following applications for a Class "B" Retail Fermented Malt Beverage License for 2006-2007:

Joseph Hrouda 3 Fifth Street

Shannon J. Curtin 100 Kewaunee Street

Clifford Wolosek 301 Hamilton Street

St. John Nepomuk 1923 Green St.

Terry A. Killberg, Agent

Recommendation of the License & Welfare Committee of 5/22/06:

That the licenses be granted.

Fiscal Note: N/A

06-1913

Subject: Application of Avarice Enterprises, LLC., Zachary Morrow, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1300 Michigan Blvd.

(4th District) (**Alderman of the 4th District included in reference**) (The agent has been requested to appear)

Recommendation of the License & Welfare Committee of 5/22/06:

That the license be granted.

Fiscal Note: N/A

06-1909

Subject: The following applications for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2006-2007:

Redline Tavern Corp. 1200 N. Wisconsin Street
Connie M. Nau, Agent

George's Tavern 1201 N. Main Street
David Popoff, Agent
(Amended Premise Description to include parking lot adjacent to the business)

Radojko Radicevic 2515 Douglas Avenue

T.B. Hansen's, Inc. 501 Goold Street
Thomas R. Hansen, Agent

Fides F. Wagner-Richardson 1102 Mound Avenue

David J. Russell 600 High Street

Roma Associates of Racine, Inc. 3701 Durand Avenue
3701 Durand Avenue

Outbreak Billiards Inc. 1717 Douglas Avenue
Marko Stanosevic, Agent

6100 West, Inc. 231 Main Street
Douglas Nicholson, Agent

Lone Star Steakhouse & Saloon 5850 Durand Avenue
of WI, Inc.
Teresa Licari, Agent

Dynasty Co., Inc. 2427 Lathrop Ave.
John Bouikidis

Evelyn J. Scheibner, LLC 331 Main Street

The Corner House, Inc. 1521 Washington Avenue
John G. Kopulos, Agent

Yardarm Bar & Grill, LTD 920 Erie Street
Laura Tomaser, Agent

Thang D. Pham 3616 Northwestern Avenue

Racine Labor Hall 2100 Layard Avenue
Richard R. Fought, Agent

WHG Real Estate South, LLC 2521 S. Green Bay Road
Paul Freeman, Agent

Recommendation of the License & Welfare Committee of 5/22/06:
That the licenses be granted.

Fiscal Note: N/A

06-1915

Subject: The following application(s) for a "Class B" Club Retail Fermented Malt Beverage and Intoxicating Liquor License for 2006-2007:

Deutscher Maenner Verein 701 Villa Street
Neal J. Seiser, Agent

Recommendation of the License & Welfare Committee of 5/22/06:

That the license be granted.

Fiscal Note: N/A

06-1916

Subject: The following applications for a Class "A" Retail Fermented Malt Beverage License for 2006-2007:

S. H. Petroleum, Inc. 3818 Durand Avenue
Sandeep K. Verma, Agent

Lee's Deli, Inc. 2615 Washington Avenue
John P. Henes, Agent

Max Supermarket, LLC 1200 Villa Street
Rajinder Kaur, Agent

Douglas Pump & Pantry LLC 3357 Douglas Avenue
Sukhwindar S. Nagra

2100 N. Main Street, LLC 2100 N. Main Street
Jitender Kaur, Agent

Open Pantry Food Marts of
WI, Inc. 3441 Spring Street
James L. Schutz, Agent

Open Pantry Food Marts of 2731 Durand Avenue
WI, Inc.
Heather M. Smith, Agent

Recommendation of the License & Welfare Committee of 5/22/06:

That the licenses be granted.

Fiscal Note: N/A

06-1932

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the report on bids received for the sale of Abandoned Vehicles, May 10, 2006.

Recommendation of the License & Welfare Committee of 5/22/06:

That the item be received and filed.

Fiscal Note: This will generate \$5, 439.01 in revenues.

06-1933

Subject: The application of Speedway SuperAmerica LLC, Rachel Wells, Agent, for a Change of Agent for a Class "A" Retail Fermented Malt Beverage License for 2110 S. GreenBay Road. (14th District)

Recommendation of the License & Welfare Committee of 5/22/06:

That the Change of Agent be approved.

Fiscal Note: N/A

06-1955

Subject: Request of the Committee that George's Tavern (David K. Popoff, Agent) 1201 N. Main Street regarding amended premises description.

Recommendation of the License & Welfare Committee of 5/22/06:

That the amended premise description be approved to include the adjacent parking lot at 1201 N. Main Street.

Fiscal Note: N/A

Traffic Commission Report

06-1680

Subject: Communication from Whey Chai Chinese Restaurant requesting a "No Parking Anytime" sign be placed on the 4th Street side of the building at 400 Main Street; the primary use of this area is a loading zone for the delivery business. The delivery hours are: 11:00 A.M. to 10:00 P.M. seven days a week.

Recommendation: An ordinance be drafted to create an Area Privilege Fee at All Times. Further recommends the fee be \$26.00 for each lineal foot of curb space granted covered by the area privilege granted if paid on or before June 30 of any year, and \$13.00 for each lineal foot of curb space granted covered by the area privilege granted if paid between June 30 and December 31 of any year. Further recommends no person may park any vehicle in any area privilege zones authorized under this division at any time.

Fiscal Note: This new Area Privilege Fee At All Times would generate approximately \$572 per area privilege zone granted.

06-1746

Subject: Communication from Lawrence B. Johnson requesting that the 1700 block of Hill Street be allowed to park on both sides of the street.

Recommendation: Receive and file.

Fiscal Note: N/A

06-1907

Subject: (Direct Referral) Communication from the Deputy Chief of Police wishing to discuss school crossing guard locations for the 2006 summer school session.

Recommendation: In accordance with Section 2-263(3) of the Municipal Code of the General Ordinances of the City of Racine, recommends the following list of School Crossing Guard locations be approved for the 2006 summer school session:

Arthur & Kinzie
Arthur & Osborne
Arthur & Washington
Bate & Taylor
Blue River & Kentucky
Blue River & Lathrop
Drexel & Durand
Goold & LaSalle
Graceland & Ohio
Grange & 16th
Grange & 17th
Kentucky & 21st
Kinzie & Osborne
LaSalle & Romaine
Neptune & Yout
17th & West Blvd.
West St. & Dr. M.L. King Jr. Drive
17th & Taylor

Fiscal Note: Estimated salary cost is \$18,000.00 with funding available in

Account 101.310.502, Police - Other Salaries.

Transit and Parking Commission Report

06-1844

Subject: Communication from 13th District Alderman wishing to discuss and receive permission to landscape the entrances to the parking lots in West Racine.

Recommendation: The request to landscape the entrances to the parking lots in West Racine be approved.

Fiscal Note: There will be no cost to the Parking System or the City for the landscaping.

06-1845

Subject: Communication from William Van Offeren wishing to discuss proposal for increase in transit fare.

Recommendation: Receive and file.

Fiscal Note: N/A

06-1861

Subject: Communication from the Deliverance Crusaders Church regarding a bus shelter honoring Mrs. Bonnie Ray Fleming.

Recommendation: Receive and file.

Fiscal Note: N/A

06-1862

Subject: Communication from Michael Mlsna, owner of The Drink, 961 Dr. Martin Luther King Jr. Drive requesting to include The Drink in the 2006 Pub & Grub Trolley Route.

Recommendation: Receive and file.

Fiscal Note: N/A

06-1863

Subject: Communication from the Transit Planner submitting the March 2006 operating and financial report for the Belle Urban System.

Recommendation: Receive and file.

Fiscal Note: N/A

06-1943

Subject: (Direct Referral) Communication from the Transit Planner submitting the April 2006 operating and financial report for Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service.

Recommendation: Receive and file.

Fiscal Note: N/A

06-1949

Subject: (Direct Referral) Communication from the Purchasing Agent submitting bids for Official Notice #10, Janitorial Service for the Racine Railroad Depot.

Recommendation: Bid be awarded to Cleanco at their bid price of \$8,758.50 (annual cost), with funds for the service coming from account 105.420.5620, Shelter Maintenance and Repair.

Fiscal Note: Funds available as reported above.

06-2025

Subject: (Direct Referral) Communication from a representative of Harbor Fest, Inc., requesting permission to rent parking lots # 4 & # 5 on June 15 - 18, 2006, in connection with their upcoming event.

Recommendation: Harbor Fest, Inc. be granted permission to lease Lakefront Parking Lots 4 & 5 from June 15 - 18, 2006, subject to payment of lease costs of \$1.50 per space for parking lots in accordance with existing City policies, and subject to the execution of a hold harmless agreement with the City.

Fiscal Note: This lease will provide approximately \$1,200.00 from the event.

City Plan Commission Report

06-1814

Subject: Direct Referral. Request by Roy Deitsch and Blake Thompson seeking a conditional use permit to operate an automobile repair facility at 2009 Kewaunee Street.

Recommendation: That the request by Roy Dietsch and Blake Thompson seeking a conditional use permit to operate a private facility conducting storage, repair, and construction of automobiles including mechanical and body repair at 2009 Kewaunee Street be approved, subject to the following conditions:

- a. That the plans stamped "Received April 12, 2006" and presented to the Plan Commission on April 26, 2006 be approved, subject to the conditions contained herein.
- b. That an occupancy permit shall be requested from the Building Department prior to the operation of this activity at this location.
- c. That there shall be no vehicle sales or salvage activity at this location.
- d. That all activities be conducted indoors, and that during those times when activities generate noise that may be audible beyond the property lines, all doors shall remain closed.
- e. That by July 1, 2006, the parking and drive areas shall be paved and striped.
- f. That signage be professionally made and comply with applicable zoning ordinance requirements.
- g. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and equipment.
- h. That all trash and recyclables shall be stored in closed containers and screened from view. Trash pick up shall only be conducted between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday.
- i. That the maximum hours of operation shall be from 8:00 a.m. to 8:00 p.m. Monday through Saturday, with no hours on Sunday. In no case shall the conduct of activities related to this approval exceed a total of 20 hours per week.

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

Fiscal Note: N/A

06-2007

Subject: Direct Referral. Request from Randy Musaitef of Stereo City seeking an amendment to a conditional use permit for an automobile accessory sales and installation business to allow the display for sale of up to four vehicles at 2042 Lathrop Avenue.

Recommendation: That the request from Randy Musaitef of Stereo City seeking an amendment to a conditional use permit for an automobile accessory sales and installation business to allow the display of up to four vehicles for sale at 2042 Lathrop Avenue be denied.

Fiscal Note: N/A

06-2008

Subject: Direct Referral. Request by Samuel Hutchins of R&S Performance and Auto Repair seeking a conditional use permit to operate an automobile repair facility, and park up to four tow trucks at 1535 High Street.

Recommendation: That this file be received and filed and that this matter be referred to the Redevelopment Authority for evaluation of its compatibility with the redevelopment plan for the Racine Steel Casting Redevelopment area.

Fiscal Note: N/A

06-2013

Subject: Review of a request by Scott Sebastian of the Yellow Rose for a sidewalk cafe at 340 Main Street:

Recommendation: That the request by Scott Sebastian of the Yellow Rose for a sidewalk café at 430 Main Street be approved subject to the following conditions:

- a. That the design of the tables, chairs, and barrier as presented to the Plan Commission on May 30, 2006 are found to not detract from the aesthetics of the surrounding area and that the locations of the sidewalk café are found to be suitable for a sidewalk café.
- b. That a total of seven tables be allowed, with each table having four chairs, subject to the following distribution pattern: On the Main Street frontage, up to four tables having up to four chairs at each table can be accommodated. On the Fourth Street frontage, up to three tables having up to four chairs at each table can be accommodated.
- c. That all applicable ordinances be complied with and all applicable permits acquired.

Fiscal Note: N/A

06-2015

Subject: No. 20-06 to amend Sec. 114-1, create Sec. 114-638.5, amend Sec. 114-824, amend Sec. 114-826(4) and amend Sec. 114-827 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Mapped district.

Recommendation: That Ordinance No. 20-06 be amended by adding the following sentence to the end of Sec. 114-638.5(a): planned developments as defined in Article III, Division 3. of this chapter shall not require review under Article VI of this chapter.

Further, that Sec. 114-827 (c) as follows: (c) planned developments as defined in Article III, Division 3. of this chapter shall not require review under Article VII, Division 12 of this chapter.

Further that Ordinance No. 20-06 be adopted as amended.

Fiscal Note: N/A

Community Development Committee

06-1575 **Subject:** Communication from the Mayor requesting to discuss using local option funds to pay for training of residents in our central city neighborhoods in being proactive in dealing with problems in their neighborhoods.

Recommendation: Receive and file.

Fiscal Note: N/A

06-1811 **Subject:** Communication from Uptown Improvement Organization requesting the reallocation of 2003 CDBG Funds.

Recommendation: Approve the request to reallocate the balance of the Uptown Improvement Organization's 2003 CDBG grant for maintenance of planters on Washington Avenue.

Fiscal Note: N/A

06-1937 **Subject:** Project New Life requesting an amendment to its 2005 Emergency Shelter Grant contract.

Recommendation: Approve the request to reduce the Liability Insurance, Maintenance and Repairs, and Furnishings line items and create a new Rent line item on the condition that Project New Life present proof of continuing liability insurance.

Fiscal Note: N/A

06-1980 **Subject:** Racine Vocational Ministry, Inc. requests a revision to its 2005 Community Development Block Grant program budget.

Recommendation: Approve the request to amend selected line items in Racine Vocational Ministry Inc.'s 2005 Community Development Block Grant program budget.

Fiscal Note: N/A

Committee of the Whole Report

06-1784

Subject: Communication from Racine Zoological Board of Directors wishing to present updates of developments going on at the Zoo.

Recommend: that the Item be received and filed.

06-1864

Subject: Commucation from the Alderman of the 6th district wishing to discuss current legislative processes to include: Requests to "Include in Reference" and distribution of paper copies of council agenda and minutes.

Recommend: that the Item be received and filed.

06-1928

Subject: Communication from the City Administrator recommending a change in the City policy establishing an earlier deadline for Council communications submitted to the City Clerks office to improve the agenda process.

Recommend: that the Item be received and filed.

Office of the Mayor

06-2038

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

Board of Health:

Reappoint Alderman Ray DeHahn for a one-year term ending in April 2007.

Board of Parks, Recreation and Cultural Services:

Appoint Alderman Kaplan (replacing Alderman Holding) for a one-year term ending in April 2007.

Appoint Don Nielson (replacing Julie McKenna) as the Racine Unified School board representative for a one-year term ending in April 2007.

Appoint Michael Frontier (to fill an unexpired term belonging to Allison Werner) 1101 Douglas Avenue, ending in April 2007.

Reappoint Alderman Sandy Weidner for a one-year term ending in April

2007.

Reappoint County Supervisor Gaynell Dyess, 1618 Linden Avenue for a one-year term ending in April 2007 (County Appointment).

Board of Standards:

Reappoint Alderman James Spangenberg for a one-year term ending in May 2007.

Reappoint Vincent Angel, 3017 Taylor Avenue, for a three-year term ending in May 2009.

Appoint Scott Terry (replacing Jody Karls) 2121 Superior Street, for a three-year term ending in May 2009.

Board of Zoning Appeals:

Reappoint Emile Mathis, 328 Main Street, for a three-year term ending in April 2009.

Reappoint Linda Yackley, 311 Wolff Street, for a three-year term ending in May 2009

Business Improvement District Board:

Reappoint Alderman Keith Fair for a one-year term ending in December 2006.

Elderly Housing Authority:

Reappoint Dave Brown, 730 Washington Avenue, for a two-year term ending in June 2008.

Library Board:

Reappoint Alderman Thomas Friedel for a one-year term ending in June 2007.

Racine Economic Development Committee:

Appoint Q.A. Shakoor, II (replacing Alderman John Engel) for a one-year term ending in June 2007.

Reappoint Daniel Sharkozy, 4120 Olive Street, for a two-year term ending in June 2008.

Reappoint Alderman David Maack for a one-year term ending in June 2007.

Reappoint Jess Levin, 2704 Lathrop Avenue, for a three-year term ending in June 2009.

Redevelopment Authority:

Reappoint Alderman Pete Karas for a one-year term ending in April 2007.

Appoint Scott Terry, 2121 Superior Street, filling a vacant unexpired position ending in April 2008.

Wastewater Commission

06-1830

Subject: Communication from Robert Robinson requesting that the commission show cause for the Hazardous Waste Surcharge.

Recommendation: Commissioner Friedel made a motion, seconded by Commissioner Anderson, to receive and file the request from Robert Robinson regarding the Household Hazardous Waste surcharge.

Ord.16-06

Ordinance No. 16-06 to amend Sec. 98-33(c) of the Municipal Code relating to Utilities - Waterworks commission.

To amend Sec. 98-33(c) of the Municipal Code of the City of Racine, Wisconsin relating to Utilities - Waterworks commission.

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

Part 1:

Sec. 98-33(c) of the Municipal Code of the City of Racine is hereby amended by adding the phrase "and powers" in two places after the word "duties"; by deleting in "(c)(5)" at the end of the sentence "and"; by creating a new "(c)(6)" to read: "To acquire, lease or sell real property, including fixtures and improvements, subject to approval of the common council; and"; and to renumber the current "(6)" to read "(7)".

Part 2:

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

Passed by the Common Council:

Approve:

Mayor

Attest:

City Clerk

FISCAL NOTE: N/A

Recommendation: Commissioner Friedel made a motion, seconded by Commissioner Anderson, to approve amending Ordinance No. 16-06, Sec.

98-33(c) of the Municipal Code relating to Utilities.

Sponsors: Ronald D. Hart

Board of Parks, Recreation, and Cultural Services Report

06-1734

Subject: Communication from the Rotary Foundation of Racine West, Inc., requesting permission to utilize Samuel Meyers Park for the use of selling beverages, beer, food items and providing live entertainment. The Rotary Foundation is also requesting traffic control between 14th and 16th Street for the dates: July 7 & 8, 2006.

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 (4-18-06): Permission be granted to the Racine Rotary West Club 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 third annual Great Midwest Dragon Boat Festival, to be held July 7-8, 2006.

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 permission be granted to the sponsor to use certain city streets on Friday, July 7, 2006, 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 necessary assistance, in the interest of public safety, to implement this event.

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

Recommendation of the Board of Parks, Recreation and Cultural Services: Approve

Cemetery Commission

06-1709

Subject: Communication from the Director of Parks & Recreation and Cultural Services requesting to discuss the Cemetery Commission's recommendation of the fees and charges for 2006.

Recommendation of the Cemetery Commission: Approve the fees & charges recommendations. **Added 5-15-06:** The new price list was presented and discussed after which it was approved as submitted. It was noted that if the Cemeteries were to be opened for operation on Saturdays in the future, additions/corrections would have to be made at that time.

Recommendation of the Finance & Personnel Committee 05-08-06:
That the item be received and filed.

Recommendation of the License & Welfare Committee of 5/8/06:
That the item be received and filed.

Fiscal Note: N/A

06-1843

Subject: Communication from Preservation Racine requesting the use of the Mound Cemetery Chapel for a special membership meeting on July 10, 2006.

Recommendation of License & Welfare Committee of 5/8/06: That the item be deferred until the 5/22/06 License and Welfare Committee meeting.

Recommendatio of Board of Cemetery Commissioners 5-15-06:
Recommended for Approval

Recommendation of License & Welfare Committee of 5/22/06: That the item be received and filed.

Fiscal Note: N/A

H. Resolutions

Res.06-7045 FINAL RESOLUTION - STREET PAVING

Ten (10) Year
Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 30th day of May, 2006, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

PORTLAND CEMENT CONCRETE PAVING

Chatham Street from Kewaunee Street to St. Patrick Street

Vista Drive from Spring Valley Drive to Harrington Drive.

Spring Valley Drive from Harrington Drive to Vista Drive.

Westway Avenue from Perry Avenue to Echo Lane.

Westway Avenue from Echo Lane to Crab Tree Lane.

Lombard Avenue from N. Main Street to Chatham Street.

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

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

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

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

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

Dated _____

Signed _____

Mayor

Published _____

Attest _____

City Clerk

Sponsors: Ronald D. Hart

Res.06-7046 CONTRACT FOR NEW GRANDSTAND BLEACHERS AT HORLICK FIELD

RESOLVED, that Contract 28-06 (K6-029), New Grandstand Bleachers at Horlick Athletic Field, be awarded to Carroll Seating Co., Inc., at their bid price of \$243,630.00, they being the lowest responsible bidder.

FISCAL NOTE: Funds are available in account #986.710.5070, Horlick Field Bleachers.

Sponsors: James T. Spangenberg

Res.06-7047 TRANSFER OF FUNDS FOR PARKS DEPARTMENT

RESOLVED, that \$30,000 be transferred from 2005 Capital Improvement Fund balance to account 985.710.5070, Horlick Athletic Field Bleachers, to cover the cost of grandstand bleachers at Horlick Athletic Field and that it be carried forward to 2006.

FISCAL NOTE: There are sufficient funds available for the transfer.

Sponsors: James T. Spangenberg

Res.06-7050 SUMMER SCHOOL CROSSING GUARD LOCATIONS

RESOLVED, that in accordance with Sec. 2-263(3) of the Municipal Code of the General Ordinances of the City of Racine, that the following list of school crossing guard locations be approved for the 2006 summer school session:

Arthur & Kinzie
Arthur & Osborne
Arthur & Washington
Bate & Taylor
Blue River & Kentucky
Blue River & Lathrop
Drexel & Durand
Goold & LaSalle
Graceland & Ohio
Grange & 16th
Grange & 17th
Kentucky & 21st
Kinzie & Osborne
LaSalle & Romaine
Neptune & Yout
17th & West Blvd.
West St. & Dr. M.L. King Jr. Drive
17th & Taylor

FISCAL NOTE: Estimated salary cost is \$18,000.00 with funding available in Account 101.310.502, Police - Other Salaries.

Sponsors: Ronald D. Hart

Res.06-7051 ACQUISITION OF EASEMENT FOR HOUSEHOLD HAZARDOUS WASTE PROJECT

RESOLVED, that the project to acquire easement rights across Sam's Club parking lot to serve the Household Hazardous Waste Facility project be approved.

FURTHER RESOLVED, that the City Attorney be authorized and directed to take all necessary steps to acquire this property interest, and that the Mayor and City Clerk be authorized and directed to execute all documents associated with this project.

FISCAL NOTE: Unknown at this time. Funding is available through the Wastewater Utility HHW project.

Sponsors: Ronald D. Hart

Res.06-7052 HARBOR FEST PARKING LOT LEASE

RESOLVED, that Harbor Fest, Inc., be granted permission to lease Lakefront Parking Lots 4 & 5 from June 15-18, 2006, subject to payment of lease costs of \$1.50 per space for parking lots in accordance with existing City policies, and subject to execution of a hold harmless agreement with the City.

FISCAL NOTE: This lease will provide approximately \$1,200.00 from the event.

Sponsors: Thomas M. Sollman

Res.06-7053 SIDEWALK CAFE 430 MAIN STREET

RESOLVED, that the request of Scott Sebastian of the Yellow Rose for a sidewalk café at 430 Main Street be approved subject to the following conditions:

- a. That the design of the tables, chairs, and barrier as presented to the Plan Commission on May 30, 2006, are found to not detract from the aesthetics of the surrounding area and that the locations of the sidewalk café are found to be suitable for a sidewalk café.
- b. That a total of seven tables be allowed, with each table having four chairs, subject to the following distribution pattern: On the Main Street frontage, up to four tables having up to four chairs at each table can be accommodated. On the Fourth Street frontage, up to three tables having up to four chairs at each table can be accommodated.
- c. That all applicable ordinances be complied with and all applicable permits acquired.

FISCAL NOTE: N/A

Sponsors: Gregory Holding

Res.06-7054 CONDITIONAL USE PERMIT 2009 KEWAUNEE STREET

RESOLVED, that the request of Roy Dietsch and Blake Thompson seeking a conditional use permit to operate a private facility conducting storage, repair, and construction of automobiles including mechanical and body repair at 2009 Kewaunee Street, be approved subject to the following conditions:

- a. That the plans stamped "Received April 12, 2006" and presented to the Plan

Commission on April 26, 2006 be approved, subject to the conditions contained herein.

- b. That an occupancy permit shall be requested from the Building Department prior to the operation of this activity at this location.
- c. That there shall be no vehicle sales or salvage activity at this location.
- d. That all activities be conducted indoors, and that during those times when activities generate noise that may be audible beyond the property lines, all doors shall remain closed.
- e. That by July 1, 2006, the parking and drive areas shall be paved and striped.
- f. That signage be professionally made and comply with applicable zoning ordinance requirements.
- g. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, or equipment.
- h. That all trash and recyclables shall be stored in closed containers and screened from view. Trash pick-up shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday.
- i. That the maximum hours of operation shall be from 8:00 a.m. to 8:00 p.m., Monday through Saturday, with no hours on Sunday. In no case shall the conduct of activities related to this approval exceed a total of 20 hours per week.
- j. That all applicable codes and ordinances be complied with and required permits acquired.
- k. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- l. That this permit is subject to Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

Sponsors: Gregory Holding

Res.06-7055 PRE-APPRENTICESHIP JOBS TRAINING PROGRAM USING ANNEX
PARKING LOT

RESOLVED, that permission be granted to the First Choice Pre-Apprenticeship Jobs Training Program to use the southwest end of the parking lot at 800 Center Street for wheel barrow training 3 days a week, 3 hours per day, from

June 12, 2006 to November 1, 2006, with the following stipulations:

- A. A Hold Harmless Agreement be executed.
- B. Proof of liability insurance be submitted to the City Attorney's office.
- C. The cost to repair any damages to the parking lot be charged to the First Choice Pre-Apprenticeship Jobs Training Program.

FISCAL NOTE: Not applicable.

Sponsors: Ronald D. Hart

Res.06-7056 RACINE BOAT & RV SHOW USING WALKER SITE PARKING LOT AND CLOSE COLUMBUS CAUSEWAY

RESOLVED, that permission be granted to Recreational Leadership Company, Inc., to use the Walker site parking lot for the Racine Boat & RV Show, to be held August 6-14, 2006.

FURTHER RESOLVED, that permission be granted to erect a tent in the Walker site parking lot with the stipulation that no stakes are to be installed in the pavement in order to support this tent.

FURTHER RESOLVED, that permission be granted to Recreational Leadership Company, Inc., to close Christopher Columbus Causeway, from Lake Avenue east to the water's edge, from Sunday, August 7, 2006, at 8:00 a.m., through Sunday, August 13, 2006, at 10:00 p.m.

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 this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall pay a \$250.00 special event fee.

FURTHER RESOLVED, that the Commissioner of Public Works/City Engineer and Chief of Police provide limited assistance, in the interest of public safety, to implement this event.

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

Sponsors: Ronald D. Hart

Res.06-7057 PERMISSION FOR TWIN DISC TO INSTALL A FLUME IN 1200 BLOCK THIRTEENTH STREET

RESOLVED, that permission be granted to Twin Disc, Inc., to install a flume in the public right-of-way of 13th Street near Racine Street, as requested, with the following stipulations:

- A. A hold harmless agreement be executed in accordance with Wis. Stat. s. 66.0425, Privileges in Street.
- B. The property owner be required to become a member of Digger's Hotline.
- C. The property owner shall pay all costs associated with the relocation due to maintenance or construction.
- D. The property owner be charged a \$50.00 fee to cover costs associated with filing this item with the Register of Deeds.

FISCAL NOTE: There will be no cost to the City of Racine.

Sponsors: Ronald D. Hart

Res.06-7058 CONTRACT FOR ASPHALT PAVING

RESOLVED, that Contract 17-06 (K6-018), Asphalt Paving, C.D.B.G., be awarded to Payne & Dolan, Inc., at their bid price of \$271,169.30, they being the lowest responsible bidder.

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

\$200,000.00 - Account 896.030.5540, CDBG Asphalt Resurfacing
\$ 39,169.30 - Account 986.908.5130, Asphalt Resurfacing
\$ 13,000.00 - Account 104.985.5420, Storm Sewers-Misc. Locations
\$ 19,000.00 - Account 986.907.5310, Sanitary Sewer Const.- Various Locations
\$271,169.30 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

Res.06-7059 CONTRACT FOR CURB AND GUTTER REPAIR

RESOLVED, that Contract 31-06 (K6-032), Curb and Gutter Repair, be awarded to D.C. Burbach, Inc., at their bid price of \$92,136.25, they being the lowest responsible bidder.

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

\$62,136.25 - Account 986.908.5220, Replacement Curb and Gutter
\$30,000.00 - Account 986.908.5530, Crosswalk Ramps
\$92,136.25 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

Res.06-7060 CONTRACT FOR CONCRETE STREET RECONSTRUCTION AND PAVING

RESOLVED, that Contract 24-06 (K6-025), Concrete Street Reconstruction and Paving, be awarded to Milwaukee General Construction Company, at their bid price of \$1,039,662.87, they being the lowest responsible bidder.

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

\$ 854,314.78 - Account 986.908.5020, Concrete Pvmt. Repl.-Misc. Locations
\$ 42,623.09 - Account 906.000.5010, Concrete St. Paving-Misc. Locations
\$ 119,525.00 - Account 104.985.5420, Storm Sewers-Misc. Locations
\$ 23,200.00 - Account 986.907.5310, San. Sewer Const.-Various Locations
\$1,039,662.87 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

Res.06-7061 CONTRACT FOR PAVEMENT REPAIR

RESOLVED, that Contract 29-06 (K6-030), Pavement Repair, be awarded to Wayside Construction Company, at their bid price of \$149,434.85, they being the lowest responsible bidder.

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

\$134,759.85 - Account 986.908.5020, Concrete Pvmt. Repl.-Misc. Locations

\$ 6,750.00 - Account 104.985.5420, Storm Sewers-Misc. Locations
\$ 7,925.00 - Account 986.907.5310, San. Sewer Const.-Misc. Locations
\$149,434.85 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

Res.06-7062 CHANGE ORDER LAKE MICHIGAN PATHWAY PHASE II

RESOLVED, that Change Order No. 1 on Contract 49-05 (K5-056, Lake Michigan Pathway Phase II, Bane-Nelson, Inc., contractor, as submitted, be approved in the amount of \$58,718.39.

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

\$28,276.50 - Account 986.913.5080, Lake Michigan Pathway
\$27,812.96 - Account 731.000.5970, Kewaunee Street Demolition
\$ 2,628.93 - Account 104.985.5420, Storm Sewer, Various Locations
\$58,718.39 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

Res.06-7063 FINAL PAYMENT PAVEMENT REPAIR

RESOLVED, that the work of A.W. Oakes & Son, Inc., under Contract 38-05 (K5-045), Pavement Repair, be accepted and final payment authorized for a total contract amount of \$263,118.08.

FISCAL NOTE: Contract was authorized under Resolution No. 6577 of July 19, 2005.

Sponsors: Ronald D. Hart

Res.06-7064 CHANGE ORDER, CURB AND GUTTER REPLACEMENT CDBG

RESOLVED, that Change Order No. 1 on Contract 37-05 (K5-044), Curb & Gutter Replacement C.D.B.G., J.B. Construction Company, contractor, as submitted, be approved in the amount of \$9,982.38.

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

\$5,611.33 - Account 985.908.5220, Curb & Gutter Replacement
\$4,371.05 - Account 986.908.5220, Curb 7 Gutter Replacement
\$9,982.38 - Total

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

Res.06-7065 FINAL PAYMENT FOR CURB & GUTTER REPLACEMENT CDBG

RESOLVED, that the work of J.B. Construction Company, under Contract 37-05 (K5-044), Curb & Gutter Replacement, CDBG, be accepted and final payment authorized for a total contract amount of \$128,000.77.

FISCAL NOTE: Contract was authorized under Resolution No. 6576 of July 19, 2005.

Sponsors: Ronald D. Hart

Res.06-7066 PROFESSIONAL SERVICES CONTRACT 2006 MAJOR RAMP MAINTENANCE

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a professional services contract with HNTB to provide professional services for the 2006 Major Ramp Maintenance at a cost not-to-exceed \$46,800.00.

FURTHER RESOLVED, that funding to defray the cost of these professional services be appropriated from Account 986.106.5010, Transfer to Fund 106 - Parking.

FISCAL NOTE: Funds are available as herein delineated.

Sponsors: Ronald D. Hart

Res.06-7067 CHANGE ORDER 2005 L.R.I.P. CONCRETE PAVING

RESOLVED, that Change Order No. 3 on Contract 32-05 (K5-039), 2005 L.R.I.P. Concrete Paving, LaLonde Contractors, Inc., contractor, as submitted, be approved in the deduct amount of \$10,200.00.

FISCAL NOTE: Change Order No. 3 will result in a decrease in contract price.

Sponsors: Ronald D. Hart

Res.06-7068 REVISED HAZARDOUS ELIMINATION SAFETY GRANT AGREEMENT

RESOLVED, that the Mayor and City Clerk be authorized and directed to enter into a revised project agreement with the Wisconsin Department of Transportation for a Hazardous Elimination Safety Grant (City Grant Control No. 2005-019), for the installation of LED lighting at 17 intersections. The project cost is \$160,000.00 with the State's share being \$144,000.00 and the City's share being \$16,000.00.

FISCAL NOTE: This revised agreement does not require any additional funding.

Sponsors: Ronald D. Hart

Res.06-7069 UPTOWN IMPROVEMENT ORGANIZATION 2003 CDBG GRANT FUNDS

RESOLVED, that the request to reallocate the balance of the Uptown Improvement Organization's 2003 CDBG Grant funds for maintenance of planters on Washington Avenue be approved.

FISCAL NOTE: N/A

Sponsors: Sandy Weidner

Res.06-7070 AMENDMENT TO PROJECT NEW LIFE'S 2005 EMERGENCY SHELTER GRANT CONTRACT

RESOLVED, that the 2005 Emergency Shelter Grant Contract for Project New Life be amended by reducing the liability insurance, maintenance and repairs, and furnishings line items and create a new rent line item on the condition that Project New Life present proof of continuing liability insurance.

FISCAL NOTE: N/A

Sponsors: Sandy Weidner

Res.06-7071 RACINE VOCATIONAL MINISTRY, INC. 2005 CDBG PROGRAM BUDGET

RESOLVED, that the request of Racine Vocational Ministry, Inc., to amend selected line items in the Racine Vocational Ministry, Inc.'s 2005 Community Development Block Grant program budget be approved.

FISCAL NOTE: N/A

Sponsors: Sandy Weidner

Res.06-7048 RESOLUTION AUTHORIZING THE BORROWING OF \$2,000,000;
PROVIDING FOR THE ISSUANCE AND SALE OF TAXABLE GENERAL
OBLIGATION REFUNDING BONDS THEREFOR; AND LEVYING A TAX IN
CONNECTION THEREWITH

WHEREAS, the Common Council of the City of Racine, Racine County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of refunding certain outstanding obligations of the City, to wit: \$2,000,000 Taxable Note Anticipation Notes, Series 2005B, dated June 30, 2005 (the "2005 Notes") (hereinafter the refinancing of the City's 2005 Notes shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said costs; and

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the 2005 Notes for the purpose of providing permanent financing for the projects financed by the 2005 Notes; and WHEREAS, cities are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and to issue general obligation refunding bonds to refinance their outstanding obligations; and

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such general obligation refunding bonds on a taxable rather than tax-exempt basis; and

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

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

Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of TWO MILLION DOLLARS (\$2,000,000) from Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin (the "Purchaser") in accordance with the terms and conditions of its bond purchase proposal (the "Proposal") attached hereto as Exhibit A and incorporated herein by this reference.

Section 1A. Sale of the Bonds. To evidence such indebtedness, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, Taxable General Obligation Refunding Bonds aggregating the principal amount of TWO MILLION DOLLARS (\$2,000,000) (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds"; shall be dated June 26, 2006; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall bear interest at the rates and shall mature on December 1 of each year, in the years and principal amounts as set forth on the schedule prepared by the Purchaser and attached hereto as Exhibit B (the "Schedule"). Interest is payable semi-annually on June 1 and December 1 of each year commencing on December 1, 2006.

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

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

Section 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2006 through 2024 for the payments due in the years 2006 through 2025 in the amounts set forth on the Schedule. The amount of tax levied for the year 2006 shall be the total amount of debt service due on the Bonds in the years 2006 and 2007; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to the paragraph below which are applied to payment of principal of or interest on the Bonds in the year 2006.

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

There be and there hereby is appropriated from funds of the City on hand a sum sufficient to be deposited in the Debt Service Fund Account to meet payments with respect to debt service due on December 1, 2006.

Section 6. Segregated Debt Service Fund Account. There is hereby established in the City treasury a fund account separate and distinct from all other funds or accounts of the City designated "Debt Service Fund Account for \$2,000,000 City of Racine Taxable General Obligation Refunding Bonds, dated June 26, 2006", which fund account shall be used solely for the purpose of paying the principal of and interest on the Bonds. There shall be deposited in said fund account all accrued interest paid on the Bonds at the time the Bonds are delivered to the Purchaser, any premium, all money raised by taxation

pursuant to Section 5 hereof, and all other sums as may be necessary to pay principal of and interest on the Bonds as the same become due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds, shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

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

Section 8. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

Section 9. Payment of the Bonds. The principal of and interest on the Bonds shall be paid in lawful money of the United States of America by the City Clerk or City Finance Director/Treasurer.

Section 10. Persons Treated as Owners; Transfer of Bonds. The City shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

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

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

The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds. Payment of interest on the Bonds

on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the corresponding record date.

Section 11. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

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

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

Section 13. Bond Insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the City to insure the Bonds may reasonably request and which are acceptable to the Mayor and City Clerk, including provisions regarding restrictions on investment of Bond Proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 14. Payment of the 2005 Notes. The Bonds are being issued to refund the 2005 Notes on their June 30, 2006 maturity date.

Section 15. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

FISCAL NOTE: The amount for refunding is not to exceed \$2,000,000 for TIF No. 11.

Sponsors: James T. Spangenberg

Res.06-7049

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$7,000,000
NOTE ANTICIPATION NOTES

WHEREAS, the City of Racine, Racine County, Wisconsin (the "City") is presently in need of \$7,000,000 for the public purpose of financing capital improvement projects and acquisitions set forth in the City's 2006 Capital Improvement Plan (the "Project"); and

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

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

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

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

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

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

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

Section 2. Authorization of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(1)(b) of the Wisconsin Statutes, the principal sum of SEVEN MILLION DOLLARS (\$7,000,000) from Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin (the "Purchaser") in accordance with the terms and conditions of its note purchase proposal (the "Proposal") attached hereto as Exhibit A and incorporated herein by this reference.

Section 3. Sale of the Notes. To evidence such indebtedness, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, note anticipation notes aggregating the principal amount of SEVEN MILLION DOLLARS (\$7,000,000) (the "Notes") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 4. Terms of the Notes. The Notes shall be designated "Note Anticipation Notes"; shall be dated June 26, 2006; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall bear interest at the rate and shall mature on the date and in the principal amount as set forth on the schedule prepared by the Purchaser and attached hereto as Exhibit B (the "Schedule"). Interest is payable at maturity.

Section 5. Redemption Provisions. At the option of the City, the Notes shall be

subject to redemption prior to maturity on October 10, 2006 or on any date thereafter. Said Notes shall be redeemable as a whole or in part by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 6. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

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

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

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

Section 9. Segregated Debt Service Fund Account. There is hereby established in the City treasury a fund account separate and distinct from all other funds or accounts of the City designated "Debt Service Fund Account for \$7,000,000 City of Racine Note Anticipation Notes, dated June 26, 2006", which fund account shall be used solely for the purpose of paying the principal of and interest on the Notes. There shall be deposited in said fund account (i) all accrued interest paid on the Notes at the time the Notes are delivered to the Purchaser; (ii) any proceeds of the Notes representing capitalized interest on the Notes and deposited in the Borrowed Money Fund (hereinafter created), as needed to pay the interest on the Notes when due; (iii) proceeds of the Securities (or other obligations of the City issued to pay principal of or interest on the Notes) to the extent necessary to pay principal of or interest on the Notes; (iv) such other sums, including tax monies, as may be necessary at any

time to pay principal of and interest on the Notes when due and which are appropriated by the Common Council for that purpose; and (v) surplus monies in the Borrowed Money Fund as specified in Section 10 hereof. Said Fund shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

Section 10. Segregated Borrowed Money Fund; Reimbursement. The proceeds of the Notes (the "Note Proceeds"), other than any premium and accrued interest which must be paid at the time of delivery of the Notes into the Debt Service Fund Account created above, shall be deposited into an account separate and distinct from all other funds and accounts and disbursed solely for the purposes for which borrowed or for the payment of the principal of and interest on the Notes. Said proceeds may be temporarily invested in legal investments in the manner set forth below.

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

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

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

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

Section 12. Additional Tax Covenants; Two Year Expenditure Exemption from

Rebate. The City hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Notes) to assure that the Notes are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes, shall provide an appropriate certificate of the City as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

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

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

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

Section 13. Execution of the Notes. The Notes shall be prepared in typewritten or printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the delivery of the Notes, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient to effectuate the Closing.

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

Section 15. Persons Treated as Owners; Transfer of Notes; Record Date. The City shall keep books for the registration and for the transfer of the Notes. The persons in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

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

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

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

Section 16. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 17. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the holders of the Notes, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Notes or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

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

Section 18. Conflicting Resolutions; Severability; Effective Date. All prior

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

FISCAL NOTE: 2006 Capital Projects are budgeted at \$7,049,300.

Sponsors: James T. Spangenberg

I. Ordinances

COrd.0002-06 CHARTER ORDINANCE - To amend Sec. 4-31(d) of the Charter Ordinances relating to Budget - Date of adoption.

To amend Sec. 4-31(d) of the Charter Ordinances of the Municipal Code of the City of Racine, Wisconsin relating to Budget - Date of adoption.

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

Part 1:

Sec. 4-31(d) of the Charter Ordinances of the Municipal Code of the City of Racine is hereby amended by deleting the phrase ", on or before November 20" and inserting "at its second regular meeting of November" in its place.

Part 2:

This ordinance shall take effect 60 days after passage and publication, subject to Wis. Stat. s. 66.0101(5).

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

FISCAL NOTE: N/A

Sponsors: Sandy Weidner

Ord.21-06

Ordinance No. 21-06 to amend Sec. 2-206 of the Municipal Code relating to Administration - Civic Centre Commission.

ORDINANCE NO. 21-06

To amend Sec. 2-206 of the Municipal Code of the City of Racine, Wisconsin relating to Administration - Civic Centre Commission.

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

Part 1:

Sec. 2-206 of the Municipal Code of the City of Racine is hereby amended by deleting in the third sentence the phrase, "one representative from the parks, recreation and cultural services commission" and by deleting the word "six" in the third sentence to read "seven".

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: Sandy Weidner

Ord.22-06

Ordinance No. 22-06 to amend Sec. 2-291 of the Municipal Code relating to Administration - Transit and Parking Commission.

ORDINANCE NO. 22-06

To amend Sec. 2-291 of the Municipal Code of the City of Racine, Wisconsin relating to Administration - Transit and Parking Commission.

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

Part 1:

Sec. 2-291 of the Municipal Code of the City of Racine is hereby amended by deleting the phrase "the citizen member of the traffic commission," in the third sentence and replacing the word "two" with "three" in the third sentence.

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: Thomas M. Sollman

[Ord.23-06](#)

Ordinance No. 23-06 - To create 94-166 of the Municipal Code relating to Traffic and Vehicles - Area privilege fees at all times.

ORDINANCE NO. 23-06

To create Sec. 94-166 of the Municipal Code of the City of Racine, Wisconsin relating to Traffic and Vehicles - Area privilege fees at all times.

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

Part 1:

Sec. 94-166 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Sec. 94-166. Area privilege fee at all times.

The annual fee for each lineal foot of curb space covered by an area privilege shall be \$26.00 if payable on or before June 30, or \$13.00 if payable after June 30. No person may park any vehicle in any area privilege zones authorized under this division at any time."

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

Ord.24-06

Ordinance No. 24-06 to amend Sec. 2-453 of the Municipal Code relating to City Clerk - Presenting communications.

ORDINANCE NO. 24-06

To amend Sec. 2-453 of the Municipal Code of the City of Racine, Wisconsin relating to Administration - City Clerk; Presenting communications.

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

Part 1:

Sec. 2-453 of the Municipal Code of the City of Racine is hereby amended by deleting the phrase "5:00 p.m. of the day" and inserting "noon on the Friday" in its place.

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: Sandy Weidner

J. Miscellaneous Business

K. Adjourn