



City of Racine

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

Meeting Agenda - Final Common Council

*Alderman Jeff Coe
Alderman Mollie Jones
Alderman John Tate II
Alderman Tracey Larrin
Alderman Steve Smetana
Alderman Sandy Weidner
Alderman Raymond DeHahn
Alderman Q.A. Shakoor II
Alderman Terry McCarthy
Alderman Carrie Glenn
Alderman Mary Land
Alderman Henry Perez
Alderman James Morgenroth
Alderman Jason Meekma
Alderman Melissa Lemke*

Tuesday, August 21, 2018

7:00 PM

City Hall, Room 205

A. Call To Order

B. Pledge of Allegiance To The Flag

C. Approval of Journal of Council Proceedings (Minutes) August 6, 2018

D. Public Comments

E. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor II

[0831-18](#)

Subject: Purchasing Agent wishing to discuss bid results from Official Notice #10-2018 - Cemetery Grounds Maintenance, Snow Removal and Burial Services.

[0832-18](#)

Subject: Communication from the Fire Chief requesting permission to waive formal bidding and sole source the purchase of turnout gear for the Fire Department.

[0833-18](#)

Subject: Communication from Peter Kinzelman, Radio Tower, requesting permission to waive formal bidding and sole source the purchase of GPS receiver items.

[0836-18](#) **Subject:** Communication from the City Attorney submitting the claim of Jonathan Hubbard for consideration.

[0837-18](#) **Subject:** Communication from the City Attorney submitting the claim of Debra Hutton for consideration.

[0838-18](#) **Subject:** Communication from the City Attorney submitting the claim of Jenna Dower for consideration.

Refer to Public Works and Services Committee, by Ald. Tate II

[0830-18](#) **Subject:** Communication from the Racine Yacht Club's Youth Foundation requesting permission to install a 40 foot floating dock off the riprap revetment of Rooney Recreation Area.

[0851-18](#) **Subject:** Communication from the Mayor requesting a resolution be adopted supporting the installation of ornamental arch-way signs, spanning Main St. at State St. and 6th St.

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

[0859-18](#) **Subject:** Communication from the Alderperson of the Third District requesting that the Common Council order the Chief of Police direct that all first offense possession of marijuana violations be issued civil ordinance citations as opposed to being referred for criminal charges.

[0860-18](#) **Subject:** Communication from the Alderperson of the Third District requesting that Racine Ordinance section 66-261 be amended to set the forfeiture for any violations thereof to one dollar.

Refer to City Plan Commission, by Ald. Meekma

[0861-18](#) **Subject:** Communication from the Alderperson of the Twelfth District requesting that Racine Zoning Ordinance sections 114-468(20) and 114-488(18) be amended to remove the requirements therein that pawnbroker businesses be located at least 250 feet from a residential district.

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

[0835-18](#) **Subject:** Communication from the Director of Parks, Recreation and Cultural Services on behalf of the Root River Council requesting use of a horse and buggy to transport guests upon the Root River Pathway within Lincoln Park during their annual Root River Festival on Sunday, August 26, 2018. (Res. 0272-18)

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor II

[0758-18](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to accept donations from McDonalds (\$1,000) and US Cellular (\$1,000) for the Gus Macker Basketball Tournament.

Recommendation of the Finance & Personnel Committee on

08/13/2018: Permission be granted to the Director of Parks, Recreation & Cultural Services to accept donations from McDonalds (\$1,000) and US Cellular (\$1,000) for the Gus Macker Basketball Tournament.

Fiscal Note: No City match required.

[0762-18](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to accept a \$1,500 donation received on 7/6/18 from United Healthcare for a Back to School festival at the Bryant Center.

Recommendation of the Finance & Personnel Committee on

08/13/2018: Permission be granted to the Director of Parks, Recreation & Cultural Services to accept a \$1,500 donation received on 7/6/18 from United Healthcare for a Back to School festival at the Bryant Center.

Fiscal Note: No City match required.

[0788-18](#)

Subject: Communication from Chief Howell requesting to apply for and accept the 2018 Bureau of Justice Assistance Edward Byrne Justice Assistance Grant. (Res. 0262-18)

Recommendation of the Finance & Personnel Committee on

08/13/2018: Permission be granted to Chief Howell to apply for and accept the 2018 Bureau of Justice Assistance Edward Byrne Justice Assistance Grant.

Fiscal Note: No City match required.

[0793-18](#)

Subject: Presentation of the 2nd Quarter 2018 Fiscal Results.

Recommendation of the Finance & Personnel Committee on

08/13/2018: To receive and file.

Fiscal Note: N/A

[0794-18](#)

Subject: Presentation of the "2017 City of Racine Audited Financial Statements" and the "2017 Communication to Those Charged with Governance and Management" reports.

Recommendation of the Finance & Personnel Committee on 08/13/2018: To receive and file.

Fiscal Note: N/A

[0800-18](#)

Subject: Communication from the City Attorney wishing to meet with the Finance & Personnel Committee regarding updates to the Transient Lodging Tax ordinance, Racine Code of Ordinances 90-51 et seq. (Ord. 0012-18)

Recommendation of the Finance & Personnel Committee on 08/13/2018: To recommend approval of the changes as proposed and to direct staff to revise the ordinance in accordance with the changes.

Fiscal Note: The City will receive room taxes from bed and breakfast establishments and short term rentals.

[0808-18](#)

Subject: Communication from the Public Health Administrator requesting permission to allow the Finance Department to make a 2018 budget amendment allowing the transfer of \$14,000 from the Laboratory Department's Fund Balance Reserves account to three designated accounts. (Res. 0261-18)

Recommendation of the Finance & Personnel Committee on 08/13/2018: Permission be granted to the Finance Department to make a 2018 budget amendment allowing the transfer of \$14,000 from the Laboratory Department's Fund Balance Reserves account to three designated accounts.

Fiscal Note: Sufficient funds are available.

[0827-18](#)

Subject: (Direct Referral) Communication from the MIS Project Manager requesting permission to purchase and implement a citizen engagement application through a sole sourced provider, CitySourced Inc. (Res. 0260-18)

Recommendation of the Finance & Personnel Committee on 08/13/2018: Permission be granted to the MIS Project Manager to purchase and implement a citizen engagement application through a sole sourced provider, CitySourced Inc.

Fiscal Note: Funds for this service are available in account 70113-57800,

costing \$23,400 (including setup, implementation and first year support) with a \$20,000 annual maintenance fee thereafter.

Public Works and Services Committee Report, by Ald. Tate II

[0813-18](#)

Subject: (Direct Referral) Communication from the Rhino Bar (1659 N. Main St.) requesting permission to close High Street between Main Street and Chatham Street from 1:30 P.M. to 10:00 P.M. on September 15, 2018 for a fundraiser. (Res. 0263-18)

Recommendation of the Public Works and Services Committee on 08-15-18: That permission be granted to The Rhino Bar to close High Street from Main Street to Chatham Street from 1:30 P.M. to 10:00 P.M. on September 15, 2018, in conjunction with a fundraising event, with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.
- F. No alcoholic beverages will be sold and/or dispensed within the street right-of-way.
- G. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.
- H. If required, sponsor shall provide a detour plan for the closure of all State connecting highways, arterial and collector streets to the City Engineer for approval.
- I. If required, sponsor is responsible for cleaning the streets.
- J. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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.

[0817-18](#)

Subject: Bid results on Contract 20180069, Parks Asphaltic Paving 2018.

Recommendation of the Public Works and Services Committee on 08-15-18: That bids for Contract 20180069, Parks Asphaltic Paving 2018, be rejected and rebid at a later date.

Fiscal Note: N/A

[0818-18](#)

Subject: Bid results on Contract 20180075, 21st Street Repairs. (Res. 0264-18)

Recommendation of the Public Works and Services Committee on 08-15-18: That bids for Contract 20180075, 21st Street Repairs, be awarded to Poblocki Paving Corporation at their bid price of \$69,935.00, it being the lowest responsible bidder.

Further recommends that funds to defray the cost of this Public Works Department project be appropriated from Org-Object 45040-57500, DPW Paving.

Fiscal Note: Funds are available as herein delineated.

[0819-18](#)

Subject: Bid results on Contract 20180077, Boiler Ventilation - Central Heating Plant. (Res. 0265-18)

Recommendation of the Public Works and Services Committee on 08-15-18: That bids for Contract 20180077, Boiler Ventilation - Central Heating Plant, be awarded to Mared Mechanical, at their bid price of \$146,725.00, it being the lowest responsible bidder.

Further recommends that funds to defray the cost of this Public Works Department project be appropriated from Org-Object 45040-57200, DPW Building Improvements.

Fiscal Note: Funds are available as herein delineated.

[0823-18](#)

Subject: Final Payment on Contract 20170084, HVAC Equipment Replacement - Memorial Hall, Johnson Controls, contractor. (Res. 0267-18)

Recommendation of the Public Works and Services Committee on 08-15-18: That the work done by Johnson Controls, under contract 20170084, HVAC Equipment Replacement - Memorial Hall, be accepted and final payment authorized for a total contract amount of \$132,990.00. Final Payment to include retainage.

Fiscal Note: Contract was authorized under Resolution 0350-17 of October 16, 2017.

[0824-18](#)

Subject: (Direct Referral) Change Order No. 1 on Contract 20180070, Library - Waterproof Elevator Equipment Room, ProAxis, contractor. (Res. 0266-18)

Recommendation of the Public Works and Services Committee on 08-15-18: That Change Order No. 1 on Contract 20180070, Library - Waterproof Elevator Equipment Room, ProAxis, contractor, be approved in the amount of \$4,663.00.

Further recommends that funding to defray the cost of the change order be appropriated from Org-Object 45055-57200, Library Building Improvements.

Fiscal Note: Funds are available as herein delineated.

Public Safety and Licensing Committee Report, by Ald. Coe

[0676-18](#)

Subject: Communication from the Alderman of the 1st District wishing to discuss safety concerns and issues associated with the number of police calls for the property located at 433 Main St.

Recommendation of the Public Safety and Licensing Committee on 6-26-18: That the property owner be called in to discuss the problems associated with the property and that a formal expression of concern be issued for the licensed premises under section 6-27 of the code of ordinances.

Recommendation of the Public Safety and Licensing Committee on 7-10-18: That the communication from the Alderman of the 1st District wishing to discuss safety concerns and issues associated with the number of police calls for the property located at 433 Main St, be deferred until after the pending due process hearing.

Recommendation of the Public Safety and Licensing Committee on 08-15-18: That the communication from the Alderman of the 1st District wishing to discuss safety concerns and issues associated with the number of police calls for the property located at 433 Main St, be received and filed.

Fiscal Note: N/A

[0756-18](#)

Subject: (New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for La Esquina, LLC (DBA: La Esquina),

located at 2005 Taylor Avenue, Eriberto Malacara, Agent. (3rd District).

Recommendation of the Public Safety and Licensing Committee on 08-15-18: That the New Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for La Esquina, LLC (DBA: La Esquina), located at 2005 Taylor Avenue, Eriberto Malacara, Agent be approved.

Fiscal Note: N/A

[0785-18](#)

Subject: (Direct Referral) Communication from Eriberto Malacara, representing Mi Jacalito, LLC. located at 1318 Douglas Ave to amend their Premise Description, request to include basement storage. (Res. 0268-18)

Recommendation of the Public Safety and Licensing Committee on 08-15-18: That the communication from Eriberto Malacara, representing Mi Jacalito, LLC. located at 1318 Douglas Ave to amend their Premise Description, request to include basement storage be approved.

Fiscal Note: N/A

[0799-18](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the report on the bids received for the sale of Abandoned Vehicles, July 27, 2018.

Recommendation of the Public Safety and Licensing Committee on 08-15-18: That the item be Received and Filed as the highest responsible bidder from the two bids was Sturtevant Auto Salvage.

Fiscal Note: This will generate \$15,207.00 in revenue for account 13101 48301.

[0801-18](#)

Subject:(New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for BOS Smokehouse LLC, DBA Richard's Bar & BBQ, located at 3458 Rapids Dr, Richard Smetana, Agent. (6th District)

Recommendation of the Public Safety and Licensing Committee on 08-15-18: That the New Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for BOS Smokehouse LLC, DBA Richard's Bar & BBQ, located at 3458 Rapids Dr, Richard Smetana, Agent be approved as long as the agent changes the paperwork for the license at the Clerk's office.

Fiscal Note: N/A

Transit and Parking Commission Report, by Ald. DeHahn[0679-18](#)

Subject: (Direct Referral) Communication from the Transit and Parking System Manager requesting to lower the rate for evening parking in ramps managed by ABM. (Res. 0269-18)

Recommendation of the Transit and Parking Commission on 06-20-18: Defer

Recommendation of the Transit and Parking Commission on 08-08-18: Recommend a 6-month trial period of a \$1.00 evening parking rate between 5:00 P.M. and 5:00 A.M. in the Civic Centre, Gaslight, Lake Avenue and Shoop ramps.

Fiscal Note: N/A

[0814-18](#)

Subject: (Direct Referral) Communication from the Transit and Parking System Manager requesting authorization for the Mayor and City Clerk to sign a 2018 contract for RYDE to provide public transit service to the Racine Unified School District (RUSD) for the 2018-2019 school year after review by the City Attorney. (Res. 0270-18)

Recommendation of the Transit and Parking Commission on 08-08-18: The Mayor and City Clerk be authorized and directed to sign a 2018 contract for RYDE to provide public transit service to the Racine Unified School District (RUSD) for the 2018-2019 school year after review by the City Attorney.

Fiscal Note: N/A

[0815-18](#)

Subject: (Direct Referral) Communication from the Transit and Parking System Manager requesting authorization for the Mayor and City Clerk to authorize an application to the Wisconsin Transit Capital Assistance Grant Program (VW Mitigation Program) and agree that the receipt of a grant under this program will result in a reduction of future municipal payments pursuant to § 79.035(7), Wis. Stats. (Res. 0271-18)

Recommendation of the Transit and Parking Commission on 08-08-18: Approve authorizing application to the Wisconsin Transit Capital Assistance Grant Program (VW Mitigation Program) for up to eight buses, agreeing to a reduction of future municipal payments if necessary to pay for the local share, and applying to other grant programs, including Department of Workforce Development grants.

Fiscal Note: N/A

City Plan Commission Report, by Ald. Meekma[0559-18](#)

Subject: (Direct Referral) A request by Thomas Stout of GNT Jewelry and Loan seeking a conditional use permit to operate a pawnbroker and convenient cash business at 2504 Douglas Ave. (PC-18)

Recommendation of the City Plan Commission on 5-30-18: That the request by Thomas Stout of GNT Jewelry and Loan seeking a conditional use permit to operate a pawnbroker and convenient cash business at 2504 Douglas Avenue be denied as the location of the pawnbroker/convenient cash has a zero foot buffer from a residential district where a 250 foot buffer is required.

Recommendation of the City Plan Commission on 7-25-18: That the request by Thomas Stout of GNT Jewelry and Loan seeking a conditional use permit to operate a pawnbroker and convenient cash business at 2504 Douglas Avenue be denied as the location of the pawnbroker/convenient cash has a zero foot buffer from a residential district where a 250 foot buffer is required.

Fiscal Note: N/A

Committee of the Whole Report, by Ald. Meekma[0812-18](#)

Subject: (Direct Referral) Communication from the Mayor and the City Administrator seeking to meet with the Committee of the Whole to address negotiations with Mount Pleasant and to address water deficiencies.

Recommendation to the Committee of the Whole on 08-06-2018: the Item be Received and Filed.

Fiscal Note: N/A

Office of the Mayor Report, by Ald. Meekma[0839-18](#)

Subject: Communication from Mayor Mason nominating appointment to the Sister City Planning Committee:

Appoint Julie Nelson, 2520 James Blvd, Racine, 53403 to a term expiring December 1, 2019.

Board of Parks, Recreation, and Cultural Services Report, by Ald. Meekma[0385-18](#)

Subject: (Direct Referral) Communication from the Mayor proposing an ordinance effecting the consolidation of the Board of Cemetery Commissioners and the Golf Course Liaison Committee with the Board of

Parks, Recreation and Cultural Services Commissioners.

Recommendation of the Committee of the Whole on 06-19-2018:

The Item be referred to the Board of Parks, Recreation and Cultural Services Commissioners.

Recommendation of the Board of Parks, Recreation and Cultural Services on 07-11-2018: The Item be Deferred.

Recommendation of the Board of Parks, Recreation and Cultural Services on 08-8-2018: The Board of Parks, Recreation and Cultural Services recommends the communication from the Mayor proposing an ordinance effecting the consolidation of the Board of Cemetery Commissioners and the Golf Course Liaison Committee with the Board of Parks, Recreation and Cultural Services Commissioners, be approved.

Fiscal Note: N/A

G. Consent Resolutions

[Res.0260-18](#) Citizen Engagement Application - CitySourced Inc.

Resolved, that permission is granted to the MIS Project Manager to purchase and implement a citizen engagement application through a sole sourced provider, CitySourced Inc.

Fiscal Note: Funds for this service are available in account 70113-57800, costing \$23,400.00 (including setup, implementation and first year support) with a \$20,000.00 annual maintenance fee thereafter.

Sponsors: Q.A. Shakoor II

[Res.0261-18](#) 2018 Budget Amendment

Resolved, that permission is granted to the Finance Department to make a 2018 budget amendment allowing the transfer of \$14,000.00 from the Laboratory Department's Fund Balance Reserves account to three designated accounts.

Fiscal Note: Sufficient funds are available.

Sponsors: Q.A. Shakoor II

[Res.0262-18](#) 2018 Bureau of Justice Assistance Edward Byrne Justice Assistance Grant

Resolved, that permission is granted to Chief Howell to apply for and accept the 2018 Bureau of Justice Assistance Edward Byrne Justice Assistance Grant.

Fiscal Note: No City match required.

Sponsors:

Q.A. Shakoor II

[Res.0263-18](#)

High Street between Main Street and Chatham Street from 1:30 p.m. to 10:00 p.m. on September 15, 2018

Resolved, that permission is granted to The Rhino Bar to close High Street from Main Street to Chatham Street from 1:30 P.M. to 10:00 P.M. on September 15, 2018, in conjunction with a fundraising event, with the following stipulations:

A. A hold harmless agreement be executed and a \$75.00 processing fee paid.

B. A liability insurance certificate be filed prior to this event.

C. Any overtime costs incurred by any City department be charged to the sponsor.

D. The sponsor shall notify all abutting property owners 72 hours in advance of this event.

E. The sponsor shall pay a \$250.00 special event fee.

F. No alcoholic beverages will be sold and/or dispensed within the street right-of-way.

G. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.

H. If required, sponsor shall provide a detour plan for the closure of all State connecting highways, arterial and collector streets to the City Engineer for approval.

I. If required, sponsor is responsible for cleaning the streets.

J. If required, sponsor shall install parking meter hoods or temporary parking signs at least 24 hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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: John Tate II

Res.0264-18 Contract 20180075 - 21st Street Repairs

Resolved, that bid for Contract 20180075, 21st Street Repairs, is awarded to Poblocki Paving Corporation at its bid price of \$69,935.00, it being the lowest responsible bidder.

Fiscal Note: Funds to defray the cost of this Public Works Department project be appropriated from Org-Object 45040-57500, DPW Paving.

Sponsors: John Tate II

Res.0265-18 Contract 20180077 - Boiler Ventilation at Central Heating Plant

Resolved, that bid for Contract 20180077, Boiler Ventilation - Central Heating Plant, is awarded to Mared Mechanical, at its bid price of \$146,725.00, it being the lowest responsible bidder.

Fiscal Note: Funds to defray the cost of this Public Works Department project be appropriated from Org-Object 45040-57200, DPW Building Improvements.

Sponsors: John Tate II

Res.0266-18 Change Order No. 1 on Contract 20180070 - Library - Waterproof Elevator Equipment Room

Resolved, that Change Order No. 1 on Contract 20180070, Library - Waterproof Elevator Equipment Room, ProAxis, contractor, is approved in the amount of \$4,663.00.

Fiscal Note: Funding to defray the cost of the change order be appropriated from Org-Object 45055-57200, Library Building Improvements.

Sponsors: John Tate II

Res.0267-18 Final Payment on Contract 20170084 - HVAC Equipment Replacement at Memorial Hall

Resolved, that the work done by Johnson Controls, under Contract 20170084 - HVAC Equipment Replacement at Memorial Hall, is accepted and final payment authorized for a total contract amount of \$132,990.00. Final Payment to include retainage.

Fiscal Note: Contract was authorized under Resolution 0350-17 of October

16, 2017.

Sponsors:

John Tate II

Res.0268-18

Amend Premise Description - 1318 Douglas Avenue

Resolved, that the communication from Eriberto Malacara, representing Mi Jacalito, LLC., located at 1318 Douglas Avenue, is approved to amend its Premise Description to include basement storage.

Fiscal Note: N/A

Sponsors:

Jeff Coe

Res.0269-18

Lower Rate for Evening Parking in Ramps Managed by ABM

Resolved, that a six-month trial period of a \$1.00 evening parking rate between 5:00 p.m. and 5:00 a.m. in the Civic Centre, Gaslight, Lake Avenue, and Shoop ramps is approved.

Fiscal Note: N/A

Sponsors:

Raymond DeHahn

Res.0270-18

2018 Contract for RYDE to Provide Public Transit Service to the Racine Unified School District (RUSD) for the 2018-2019 School Year

Resolved, that the Mayor and City Clerk be authorized and directed to sign a 2018 contract for RYDE to provide public transit service to the Racine Unified School District (RUSD) for the 2018-2019 school year after review by the City Attorney.

Fiscal Note: N/A

Sponsors:

Raymond DeHahn

Res.0271-18

Application to the Wisconsin Transit Capital Assistance Grant Program (VW Mitigation Program) and Reduction of Future Municipal Payments

Resolved, that application to the Wisconsin Transit Capital Assistance Grant Program (VW Mitigation Program) for up to eight buses is authorized, agreeing to a reduction of future municipal payments if necessary to pay for the local share, and applying to other grant programs, including Department of Workforce Development grants is approved.

Fiscal Note: N/A

Sponsors:

Raymond DeHahn

Res.0272-18

Horse & Buggy During Annual Root River Festival on Sunday, August 26, 2018

Resolved, that the Root River Council's request to use a horse and buggy

to transport guests upon the Root River Pathway within Lincoln Park during their annual Root River Festival on Sunday, August 26, 2018, is approved.

Fiscal Note: N/A

Sponsors:

Mary Land

H. Resolutions

[Res.0259-18](#)

RESOLUTION AUTHORIZING THE ISSUANCE OF \$10,245,000 GENERAL OBLIGATION PROMISSORY NOTES AND THE ISSUANCE AND SALE OF \$10,245,000 NOTE ANTICIPATION NOTES IN ANTICIPATION THEREOF

WHEREAS, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Racine, Racine County, Wisconsin (the "City") to raise funds for public purposes, including paying the cost of various capital improvement and acquisition projects set forth in the City's Capital Improvement Plan (the "Project");

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

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

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and covenant to issue general obligation promissory notes (the "Securities") to provide permanent financing for the Project;

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

WHEREAS, cities are authorized by the provisions of Section 67.12(1)(b), Wisconsin Statutes, to issue note anticipation notes in anticipation of receiving the proceeds from the issuance and sale of the Securities;

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

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

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

Section 1. Authorization and Issuance of Securities. The City hereby authorizes the issuance and declares its intention and covenants to issue the Securities pursuant to the provisions of Chapter 67, Wisconsin Statutes, in an amount sufficient to retire any outstanding note anticipation notes issued for the purpose of paying the cost of the Project. There is hereby levied on all the taxable property in the City a direct, annual, irrevocable tax sufficient to pay the interest on said Securities as it becomes due, and also to pay and discharge the principal thereof.

Section 2. Authorization and Sale of the Notes. In anticipation of the sale of the Securities, for the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of TEN MILLION TWO HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$10,245,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Notes aggregating the principal amount of TEN MILLION TWO HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$10,245,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 3. Terms of the Notes. The Notes shall be designated "Note Anticipation Notes"; shall be issued in the aggregate principal amount of \$10,245,000; shall be dated September 11, 2018; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rate per annum and mature on March 11, 2019 as set forth on the schedule attached hereto as Exhibit B and incorporated herein by this reference. Interest shall be payable at maturity. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 4. Redemption Provisions. The Notes shall be subject to redemption prior to maturity, at the option of the City, on December 11,

2018 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 5. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

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

Section 7. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Note Anticipation Notes, dated September 11, 2018" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any proceeds of the Notes representing capitalized interest on the Notes or other funds appropriated by the City for payment of interest on the Notes, as needed to pay the interest on the Notes when due; (iii) proceeds of the Securities (or other obligations of the City issued to pay

principal of or interest on the Notes); (iv) such other sums 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; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided that such monies may be invested in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Said account shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until the Notes are fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable Treasury Regulations (the "Regulations").

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

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

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

(B) It shall segregate the proceeds derived from the sale of the Securities into the special trust fund herein created and established and shall permit such special trust fund to be used for no purpose other than the payment of principal of and interest on the Notes until paid. After the payment of principal of and interest on the Notes in full, said trust fund may be used for such other purposes as the Common Council may direct in accordance with law; and,

(C) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness and the \$10,245,000 authorized for the issuance of the Securities shall at no time exceed its constitutional debt limit.

Section 9. Proceeds of the Notes; Segregated Borrowed Money Fund.

The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed or for the payment of the principal of and the interest on the Notes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

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

Section 11. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the City will do so only to the extent consistent with the

proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 12. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 13. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 14. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount,

series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer. The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 15. Record Date. The last business day of the calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the Record Date.

Section 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, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

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

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by 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 owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect

to the Notes).

To the extent required under the Rule, the Mayor and 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 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 21. 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.

Adopted, approved and recorded August 21, 2018.

Sponsors:

Q.A. Shakoor II

[Res.0273-18](#)

Indigenous Peoples' Day

Resolved, that the adoption of the proposed "Indigenous Peoples' Day" resolution and to recognize the second Monday in October as Indigenous Peoples' Day is approved.

Fiscal Note: N/A

Sponsors:

Raymond DeHahn

[Res.0274-18](#) 2019 Mayor's Gang Collaborative Grant (#00185)

Resolved, that Chief Arthel Howell is authorized to apply for and accept the 2019 Mayor's Gang Collaborative Grant (#00185).

Fiscal Note: N/A

Sponsors: Q.A. Shakoor II

I. Consent Agenda

J. Ordinances

Refer to Finance and Personnel Committee

[Ord.0012-18](#) Ordinance 0012-18 - Transient Lodging Tax

Sec. 90-51. - Authority and purpose

Wis. Stats. § 66.0615 authorizes the imposition of a tax on the privilege of furnishing, at retail, lodging for transients by hotelkeepers, motel operators, owners of short-term rentals and certain other persons. The common council finds that such a tax is in the best interest of the public under the condition that the proceeds be used for the promotion of tourism, hospitality and convention facilities, and recreation facilities in the greater Racine area.

Sec. 90-52. - Definitions.

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

Gross receipts means the total amount of the rental price, with the conditions and exceptions provided in Wis. Stats. § 77.51(4)(a), (b) and (c).

Innkeeper means the owner of a lodging facility.

Lodging facility means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, bed and breakfast establishments, tourist homes, tourist rooming houses, lodging houses, rooming houses, apartment hotels, hotels, resort lodges, cabins, short-term rentals, and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one month and

accommodations furnished by any hospital, sanitarium, nursing home, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes, provided that no part of the net earnings of such corporations or associations inures to the benefit of any private shareholder or individual.

Lodging marketplace has the meaning as defined in Wis. Stat. sec. 66.0615(1)(bs).

Transient means any person residing for a period of less than 29 days continuously in a lodging facility.

Treasurer means the treasurer of the city or their designated representative.

Sec. 90-53. - Imposed.

Pursuant to Wis. Stat. sec. 66.0615, there is hereby imposed a tax on the privilege and service of furnishing, at retail, rooms or lodging to transients by innkeepers, whether or not membership is required for the use of such accommodations. The tax shall be at the rate of eight percent of the gross receipts from such retail furnishing of rooms or lodging and shall be payable by innkeepers of lodging facilities in the city. From the proceeds of such tax, five percent will be allocated to the innkeeper filing the return.

Sec. 90-54. - Collection and remittance.

The tax imposed under this article is due and payable on a monthly basis not later than the 20th day of the month following that for which the tax is due. Not later than the 20th of each month or quarter that the lodging facility has overnight guests, every innkeeper shall file a return with the Treasurer on a form provided by the Treasurer and shall remit to the Treasurer the tax as provided in such return.

Sec. 90-55. - Room tax permit.

(a) No innkeeper shall operate a lodging facility without first obtaining a room tax permit for each lodging facility. Application for such permit shall be made to the Treasurer on forms provided by the Treasurer. The Treasurer shall issue a permit to the innkeeper for each lodging facility for which application is made upon payment of a one-time fee of \$3.00 for each lodging facility. Lodging facilities that are current on all inspections and which have paid and are current on payment of room taxes prior to [the date of enactment of the ordinance changes], shall not be required to pay the permit fee and shall be issued a room tax permit. The permit is nontransferable and is valid only for the named lodging facility and the innkeeper named in such permit. The permit shall be posted in a

conspicuous place in the lodging facility for which it is issued.

(b) If the innkeeper ceases to do business at the lodging facility for which the room tax permit was issued, or conveys or transfers the business or his interest in it, or assigns his interest to another person, the innkeeper shall, within ten days of such event, notify the Treasurer of such change and turn into the Treasurer any such permit issued for the lodging facility.

Sec. 90-56. - Violations; penalty.

(a) Whenever any person fails to comply with this section the Treasurer may, upon ten (10) days notification and after affording such person the opportunity to show cause why his or her permit should not be revoked, revoke or suspend any or all of the permits held by such person. The Treasurer shall give to such person written notice of the suspension or revocation of any of his or her permits. The Treasurer shall not issue a new permit after the revocation of a permit unless he or she is satisfied that the former holder of the permit will comply with the provisions of this section. A fee of three dollars (\$3.00) shall be imposed for the renewal or issuance of a permit that has been previously suspended or revoked.

(b) Except as otherwise provided, in addition to the remedy in section (a) above, any innkeeper who is subject to the tax imposed by this article who fails to obtain a permit as required or who fails or refuses to permit the inspection of such innkeeper's state sales tax records by the Treasurer after such inspection has been duly requested, or who fails to file a return as required in this article, or who violates any other provision of this article, shall be subject to a forfeiture as provided in section 1-15
<https://library.municode.com/wi/racine/codes/code_of_ordinances?nodeId=PTIIMUCO_CH1GEPR_S1-15PEVICO>. Each violation and each day a violation continues or occurs shall constitute a separate offense.

Sec. 90-57. - Liability.

If an innkeeper who is liable for any tax under this article sells, conveys, assigns or transfers his lodging facility business or stock of goods or quits such business, the innkeeper's successors or assigns shall be responsible for the payment of any unpaid tax due under this article.

Sec. 90-58. - Records; determination of tax by treasurer; appeal.

Every innkeeper holding a permit under this article shall, for a period of three full calendar years, maintain available for inspection by the Treasurer the account books, records, receipts, invoices, property, and similar records relating to the rental of rooms and lodging in the lodging facility. The Treasurer may, upon audit of returns, records, memoranda, and other

information received, determine the tax to be paid or refunded. An appeal from any additional tax imposed may be made by the innkeeper upon written notice to the Treasurer within 20 days following the date that notice of the assessment is mailed to such innkeeper. The Finance and Personnel committee of the common council shall hold a hearing on such appeal within 30 days after the Treasurer receives the notice of appeal, and shall recommend to the common council whether such appeal should be granted or denied. The common council shall grant or deny such appeal within 30 days of its receipt of such recommendation.

Sec. 90-59. - Assessment of unpaid taxes.

If an innkeeper fails to file a return as required by this article, the Treasurer shall make an estimate of the amount of the gross receipts for such lodging facility. The estimate shall be made for the period for which the innkeeper failed to make a return and shall be based upon state sales tax records and records described in section 90-58. On the basis of such estimate, the Treasurer shall compute and determine the amount of the tax. In addition to the tax, a penalty in the amount of ten percent of the amount owed shall be assessed.

Sec. 90-60. - Delinquent returns.

A penalty of 25% of the room tax due for the previous year or \$5,000, whichever is less, of the tax imposed, is hereby established and due and owing in the event that the room tax is not paid within ten days after the due date of the return. In addition to this penalty, all unpaid taxes assessed or imposed under this article shall bear interest at the rate of 12 percent per annum from the due date of the return until paid. An extension of time within which to file a return shall not operate to extend the due date of the return for purposes of interest computation. Delinquent tax returns shall be subject to a late filing fee of \$15.00.

Sec. 90-61. - Records; confidentiality.

All tax returns, schedules exhibits, writings, or audit reports relating to such returns, on file with the Treasurer, are deemed to be confidential, except the Treasurer may divulge their contents to the following, and no others:

- a) The person who filed the return;
- b) Officers, agents, or employees of the Federal Internal Revenue Service or the State Department of Revenue;
- c) Officers, employees, or agents of the Finance Director;

d) Such other public Officials of the City of Racine, when deemed necessary.

Fiscal Note: N/A

Sponsors:

Q.A. Shakoor II

Refer to Public Safety and Licensing Committee

[Ord.0013-18](#) Ordinance 0013-18 - Growlers and Other Changes to Ch. 6

An Ordinance to amend parts of Chapter 6. - Alcoholic Beverages of the City of Racine Code of Ordinances.

NOW THEREFORE, the Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: To appeal and recreation subsection (2)(a) of Sec. 6-20 to read:

“A Class "B" fermented malt beverage license shall authorize the retail sale of fermented malt beverages to be consumed either on the premises where sold or off the premises, provided that only fermented malt beverages in original packages or containers and fermented malt beverages in hand-capped or sealed containers may be removed from the premises where sold. The fee for a retail Class "B" license is \$100.00 per year or fraction thereof.”

Part 2: To amend subsection (b)(2) of Sec. 6-20 to delete the second instance of the word “otherwise” and substitute it with the word “container”.

Part 3: To amend subsection (b)(3) of Sec. 6-20 by deleting the number “12” after the word Class and before the letter C.

Part 4: To amend subsection (a) of Sec. 6-22 to delete the words, “and sworn to” in the first line of that paragraph after the words “under this chapter shall be filed.”

Part 5: To amend subsection (e) of Sec. 6-22 by deleting the words “that may form the basis for the denial” after the words arrest and conviction record” in the first sentence.

Part 6: To amend the state law reference in Sec. 6-22 by adding the following after the last reference:

“qualifications for licenses and permits, Wis. Stat. § 125.04(5); discrimination in licensing, Wis. Stat. § 111.335(4).”

Part 7: To amend subsection (b) of Sec. 6-22 by deleting the following sentences in the first paragraph:

“If the applicant is an individual, the application shall contain the name, home residence and age of the applicant. If the applicant is a corporation or company, the application shall contain the names of the principal officers and the holders, whether legal or equitable, of ten percent or more of the stock along with their residences and ages, state of incorporation, and the name of one or more persons whom such corporation shall designate as manager or persons in charge and address of such person.”

Part 8: To amend subsection (c) of Sec. 6-22 by deleting the following sentence:

“A statement by the applicant that he or she misunderstood the question or was unable to recall a conviction does not constitute good cause for purposes of this section.”

Part 9: To amend subsection (b)(1) of Sec. 6-23 by deleting the following sentence:

“If there is a possibility that the license may be denied, the chair shall ask the applicant to affirm that he or she has received notice and is aware of the possibility that the license application may be denied.”

Part 10: To amend subsection (e) through (g) of Sec. 6-23 to restructuring it to read as follows:

“(e) Appeal. Once the committee recommends the grant or denial of an alcohol beverage license under this section, the item shall be referred to the common council for its final decision. Prior to the date of the common council hearing, the applicant may submit written arguments to the common council in favor of the granting of the license and/or rebutting evidence as to why the license should be denied. At the discretion of the common council, the applicant may supplement his written arguments with oral statements at the common council hearing in favor of the license. No additional evidence shall be received at the hearing of the common council. The decision of the common council shall be final, except that within 30 days of the common council's decision, any applicant aggrieved by such decision may request judicial review of the common council's decision by filing an action with the circuit court pursuant to Wis. Stat. § 125.12(2)(d).

(f) Approval. Upon approval of such application by the common council, proof of payment of the required license fee to the city treasurer, and satisfaction of relevant all inspections, the city clerk shall issue to the

applicant a license. In the case of a conditional grant of a license under section 6-41 of this code, the city clerk shall not issue a license to the applicant until all conditions for the license has been fulfilled. Each license issued shall be signed by the mayor, attested to by the city clerk, and shall specifically state the premises for which issued, the date of issuance, the date of expiration, the fee paid, the name of the licensee, and any conditions of the license. The license shall remain in effect through June 30 of the license year for which issued, unless sooner revoked in the manner provided by this chapter.

(g) Denial. Upon denial of such application by the common council, the city clerk shall provide written notice to the applicant stating reasons for the denial.”

Part 11: To amending subsection (c) of Sec. 6-23 to delete the words, “the common council shall consider the following factors giving to each whatever weight is appropriate in the particular factual circumstances:” and replacing it with the words, “or denied, the common council may consider factors including but not limited to:”

Part 12: To amend subsection (a) of Sec. 6-24 by deleting the numbers “30” after the word June, and replacing it with the number “15”.

Part 13: To amend subsection (b)(1) of Sec. 6-24 by deleting the word “any”, and adding the phrase “, provided one is requested” after the words “whether there is cause for nonrenewal”.

Part 14: To amend Sec. 6-106 by adding a comma in between the words “any real estate taxes” and “owed to the city”.

Part 15: To amend subsection (b) of Sec. 6-133 by deleting the words, “and the person’s arrest and conviction record” in the first sentence, and deleting the last sentence of subsection (b).

Part 16: To amend subsection (a) of Sec. 6-193 by adding the word “officer” after the word “police”, and deleting the words “and search” in the first sentence.

Part 17: To delete Sec. 6-198. - Off-licensed premises of conduct of patrons and persons as a basis for disciplinary actions.

Part 18: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Fiscal Note: N/A

Sponsors:

Steve Smetana

K. Common Council Announcements

Announcements are limited to recognition of City residents and employees, memorials, and non-political community events. Discussion of matters related to governmental business is prohibited.

L. Adjourn**Office of The City Clerk**

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