



# 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 Michael Shields*  
*Alderman Tracey Larrin*  
*Alderman Steve Smetana*  
*Alderman Sandy Weidner*  
*Alderman Raymond DeHahn*  
*Alderman Q.A. Shakoor II*  
*Alderman Terry McCarthy*  
*Alderman Dennis Wiser*  
*Alderman Mary Land*  
*Alderman Henry Perez*  
*Alderman James Morgenroth*  
*Alderman Jason Meekma*  
*Alderman Melissa Lemke*

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Tuesday, November 15, 2016

7:00 PM

City Hall, Room 205

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### A. Call To Order

### B. Pledge of Allegiance To The Flag

### C. Approval of Journal of Council Proceedings (Minutes) November 1, 2016

### D. Public Hearings

[ZOrd.0005-16](#) ZOrd.005-16

An Ordinance Rezoning 1614, 1624 and 1630 Yout Street (commonly referred to as 1624 Yout Street).

To amend the map of the Zoning Ordinance of the City of Racine.

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

Part 1: That the properties located at 1614, 1624 and 1630 Yout Street, and more particularly described as being in that part of Southeast ¼ of Section 5, Township 3 North, Range 23 East, and all being North of the North Right-Of-Way line of Yout Street and East of East Right-Of-Way line of Blake Avenue, more particularly described as follows:

1614 Yout Street being the Eastern 150 feet of the Western 264 feet, of the Northern 178 feet, of the Southern 341.5 feet, excluding the

Western 3.5 feet and the Western 32 feet of the Northern 46 feet,  
1624 Yout Street being the Eastern 132.6 feet of the Western 302.6 feet  
of the Southern 163.5 feet, and  
1630 Yout Street being the Eastern 50 feet of the Western 170 feet of  
the Southern 163.5 feet,  
be rezoned from I-1 Restrictive Industrial District to I-2 with a FD Flex  
Development Overlay District, and  
Part 2: 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.

Passed by the Common Council:

Fiscal Note: N/A

Sponsors: Dennis Wiser

## E. Public Comments

## F. Communications

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

[0928-16](#) **Subject:** Communication from the City Attorney submitting the claim of  
We Energies for consideration.

[0956-16](#) **Subject:** Communication from the City Attorney submitting the claim of  
Joy Behling and Delbert Behling for consideration.

[0965-16](#) **Subject:** Communication from the Human Resources Manager and City  
Attorney requesting to appear before the Finance & Personnel  
Committee to discuss the renewal of the City's Stop Loss Insurance plan  
for 2017.

[0966-16](#) **Subject:** Communication from the Human Resources Manager and City  
Attorney requesting to appear before the Finance & Personnel  
Committee to discuss the procurement of a Medicare Advantage plan  
for certain Medicare eligible retirees effective January 1, 2017.

### Refer to Public Works and Services Committee, by Ald. McCarthy

[0957-16](#) **Subject:** Communication from the Assistant Commissioner of Public  
Works/Operations submitting the 2017 lease agreements for office  
space.

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

- [0970-16](#)      **Subject:** New Application for a Class "A" Fermented Malt Beverage and Intoxicating Liquor License for Quick Market LLC dba Quick Market, 4303 16th Street, Taiseer Mohammad, Agent. (14th District).
- [0971-16](#)      **Subject:** Application of PH Hospitality Group, LLC (Pizza Hut), CHANGE OF AGENT, Kyle Andrew Poppelman - Agent, 5000 Washington Avenue, Class "B", 11/10/16, (12th District).

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

- [0927-16](#)      **Subject:** Communication from the Alderman of the 13th District requesting stop signs or yield signs at the intersections of Grange Avenue and 19th/20th Streets.

**Refer to Committee of the Whole, by Ald. Wisner**

- [0941-16](#)      **Subject:** Communication from the Alderpersons of the 3rd, 4th and 12th Districts, requesting the City Attorney to draft a proposed ordinance change to Sec. 2-80- Same-ex officio members.
- [0942-16](#)      **Subject:** Communication from the Alderpersons of the 3rd, 4th and 12th Districts, requesting the City Attorney to draft a proposed ordinance change to Sec. 2-83. - Committee of the whole.

**G. Committee Reports****Finance and Personnel Committee Report, by Ald. Shakoor**

- [0872-16](#)      **Subject:** Communication from the Assistant Finance Director requesting to appear before the Committee to give the 3rd Quarter 2016 financial update.

**Recommendation of the Finance & Personnel Committee on 11/7/16:** Receive and File

**Fiscal Note:** N/A

- [0885-16](#)      **Subject:** Communication from the City Attorney submitting the claim of Cheryl Christensen for consideration.

**Recommendation of the Finance & Personnel Committee on 11/7/16:** That the claim of Cheryl Christensen be denied.

**Fiscal Note:** N/A

[0894-16](#)

**Subject:** Communication from the City Attorney submitting the claim of Shirley Paige for consideration.

**Recommendation of the Finance & Personnel Committee on 11/7/16:** That the claim of Shirley Paige be denied.

**Fiscal Note:** N/A

[0914-16](#)

**Subject:** Communication from the City Attorney submitting a request to rescind Resolution 13-0369 dated September 17, 2013. (Res No. 0374-16)

**Recommendation of the Finance & Personnel Committee on 11/7/16:** Rescind resolution 13-0369 of September 17, 2013.

**Fiscal Note:** The City will lease time at the facility on an annual basis with funding provided in the Police Department General Fund Operating Budget, per Resolution 0300-16.

[0919-16](#)

**Subject:** 2017 Downtown Business Improvement District Operating Budget. (Res No. 0371-16)

**Recommendation of the Finance & Personnel Committee on 11/7/16:** The 2017 Downtown Business Improvement District No. 1 Operating Plan dated September 28, 2016 be approved and the Finance Director be authorized and directed to place the special charges listed in the plan on the property tax bills of the parcels within the district.

**Fiscal Note:** It is estimated that the 184 parcels comprising B.I.D. No. 1 will generate \$194,000 in special charges to be disbursed to the Downtown B.I.D..

[0920-16](#)

**Subject:** 2017 Uptown Business Improvement District Operating Budget. (Res No. 0372-16)

**Recommendation of the Finance & Personnel Committee on 11/7/16:** The 2017 Uptown Business Improvement District Operating Plan dated October 8, 2016 be approved and the Finance Director be authorized and directed to place the special charges listed in the plan on the property tax bills of the parcels within the district.

**Fiscal Note:** It is estimated that the 130 parcels comprising B.I.D. No. 3 will generate \$30,000 in special charges to be disbursed to the Uptown B.I.D..

[0921-16](#)

**Subject:** 2017 Douglas Avenue Business Improvement District Operating Budget. (Res No. 0373-16)

**Recommendation of the Finance & Personnel Committee on**

**11/7/16:** The 2017 Douglas Avenue Business Improvement District Operating Plan dated November 4, 2016 be approved and the Finance Director be authorized and directed to place the special charges listed in the plan on the property tax bills of the parcels within the district.

**Fiscal Note:** It is estimated that the 212 parcels comprising B.I.D. No. 4 will generate \$48,525 in special charges to be disbursed to the Douglas Avenue B.I.D..

[0943-16](#)

**Subject:** (Direct Referral) Communication from the City Attorney requesting to meet with the Finance and Personnel Committee in Closed Session pursuant to Wisconsin Statutes section 19.85(1)(g), concerning strategy with respect to litigation in which the City of Racine is involved, specifically: *Tellez v. City of Racine*, Equal Rights Division Case Nos. CR201502587 and CR201601812.

**Recommendation of the Finance & Personnel Committee on November 7, 2016:** Receive and File

**Fiscal Note:** N/A

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

[0903-16](#)

**Subject:** Bid results on Contract 20160055, Hantschel Park Shelter Replacement.

**Recommendation of the Public Works and Services Committee on 11-07-16:** That the bids for Contract 20160055, Hantschel Park Shelter Replacement, be rejected. This contract will be re-bid at a later date.

**Fiscal Note:** N/A

[0904-16](#)

**Subject:** Bid results on Contract 20160060, Construct Home - 1922 Slauson Avenue (Res No. 0376-16)

**Recommendation of the Public Works and Services Committee on 11-07-16:** That Contract 20160060, Construct Home - 1922 Slauson Avenue, be awarded to Double D Construction, Inc., at their bid price of \$234,800.00, it being the lowest responsible bidder.

Further recommends that funds to defray the cost of this public works project be appropriated from Org-Object 20308-52255, 1922 Slauson Avenue.

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

[0918-16](#)

**Subject:** Communication from the Alderman of the 9th District requesting a preliminary resolution on the north section of the (EW) alley bounded by Washington Avenue to Wright Avenue; West Boulevard to Deane Boulevard for a 2017 public hearing. (Res No. 0379-16)

**Recommendation of the Public Works and Services Committee on 11-07-16:** That a preliminary resolution be introduced for the north section of the (EW) alley bounded by Washington Avenue to Wright Avenue; West Boulevard to Dean Boulevard for a 2017 public hearing.

**Fiscal Note:** N/A

[0932-16](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer requesting to adopt a resolution in support of the local match for funding of WDNR RBF Grant for ADA Lift Chair Improvements to the 5th Street Boat Launch Pier. (Res No. 0380-16)

**Recommendation of the Public Works and Services Committee on 11-07-16:** Approve the adoption of a resolution in support of applying for funding of WDNR RBF Grant for ADA Lift Chair Improvements to the 5th Street Boat Launch Pier.

**Fiscal Note:** Grant amount indeterminate at this time.

[0933-16](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer requesting to adopt a resolution in support of the local match for funding of WDNR RBF Grant for ADA Kayak Launcher at Pugh Recreational Area. (Res No. 0381-16)

**Recommendation of the Public Works and Services Committee on 11-07-16:** Approve the adoption of a resolution in support of applying for funding of WDNR RBF Grant for ADA Kayak Launcher at Pugh Recreational Area.

**Fiscal Note:** Grant amount indeterminate at this time.

[0934-16](#)

**Subject:** (Direct Referral) Change Order No. 3 on Contract 20160024, Parking Ramp Improvements, ProAxis, LLC., contractor. (Res No. 0377-16)

**Recommendation of the Public Works and Services Committee on 11-07-16:** That Change Order No. 3 on Contract 20160024, Parking Ramp Improvements, ProAxis, LLC., contractor, as submitted, be approved in the deduct amount of (\$211.52).

Further recommends that the funding account be adjusted by the following amount:

(\$211.52) - Org-Object 60383-57200, Parking System-Building Improvements  
(\$211.52) - Total

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

[0935-16](#)

**Subject:** Final Payment on Contract 20160024, Parking Ramp Improvements, ProAxis, LLC., contractor. (Res No. 0378-16)

**Recommendation of the Public Works and Services Committee on 11-07-16:** That the work done by Pro Axis, LLC., be accepted and final payment authorized for a total contract amount of \$207,588.16. Final Payment to include retainage.

**Fiscal Note:** Contract was authorized under Resolution 0179-16, dated May 17, 2016.

[0936-16](#)

**Subject:** Ordinance 08-16 - To repeal, recreate and revise sections of Chapter 98 - Utilities, Article IV. - Wastewater System of the Municipal Code of the City of Racine, Wisconsin.

**Recommendation of the Public Works and Services Committee on 11-07-16:** That Ordinance 08-16 be adopted.

**Fiscal Note:** N/A

[0937-16](#)

**Subject:** Ordinance 09-16 - To amend Chapter 98 - Utilities, Article III - Water Utility, Division 1, Generally, of the Municipal Code of the City of Racine, Wisconsin.

**Recommendation of the Public Works and Services Committee on 11-07-16:** That Ordinance 09-16 be adopted.

**Fiscal Note:** N/A

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

[0747-16](#)

**Subject:** (Direct Referral) An application from Planet Fitness, represented by Chris Fish, seeking approval of a conditional use amendment to allow deviations from the Regency Mall Sign Criteria for exterior signage at Planet Fitness, 5538 Durand Avenue. (PC-16) (Res No. 0382-16)

**Recommendation from the City Plan Commission on 11-09-16:** That the request be approved subject to conditions.

**Fiscal Note:** N/A

[0949-16](#)

**Subject:** (Direct Referral) A consideration of Use Supplement as a companion to the rezoning for the property at 1624 Yout Street. (PC-16) (Res No. 0385-16)

**Recommendation of the City Plan Commission on 11-09-16:** That the Use Supplement be adopted.

**Fiscal Note:** N/A

[0950-16](#)

**Subject:** (Direct Referral) A request by Jeff Gustin, representing Veterans Outreach of Wisconsin, seeking approval of a conditional use permit to operate a Transitional Living Facility with detached rooming units at 1624 Yout Street. (PC-16) (Res No. 0386-16)

**Recommendation from the City Plan Commission on 11-09-16:** That the request be approved subject to conditions.

**Fiscal Note:** N/A

[0951-16](#)

**Subject:** (Direct Referral) A request by Jeff Gustin, representing Veterans Outreach of Wisconsin, seeking approval of a 1-Lot Certified Survey Map for 1624 Yout Street. (PC-16) (Res No. 0387-16)

**Recommendation from the City Plan Commission on 11-09-16:** That the request be approved subject to conditions.

**Fiscal Note:** N/A

[0952-16](#)

**Subject:** (Direct Referral) A request by Jodie Hoffman, representing Woof Gang Rescue Inc., seeking a conditional use permit to operate a canine rescue and adoption center at 1535 Layard Avenue. (PC-16) (Res No. 0388-16)

**Recommendation from the City Plan Commission on 11-09-16:** That the request be approved subject to conditions.

**Fiscal Note:** N/A

[0953-16](#)

**Subject:** (Direct Referral) A request by David Yandel representing Lakefront Fitness LLC, for consideration of a conditional use permit to operate a fitness facility offering CrossFit, personal training, and nutrition classes at 1344 Lathrop Avenue. (PC-16) (Res No. 0389-16)

**Recommendation from the City Plan Commission on 11-09-16:** That the request be approved subject to conditions.



**Fiscal Note:** N/A

[0955-16](#)

**Subject:** (Direct Referral) A consideration of a Use Supplement amendment for 2711 Lathrop Avenue. (PC-16) (Res Nos. 0383-16 & 0384-16)

**Recommendation of the City Plan Commission on 11-09-16:** That Resolution 07-0221 of May 15, 2007, a use supplement for 2711 Lathrop Avenue, be rescinded and a new resolution created with an amendment to condition c. to add the following text "4. Additional permitted uses by right: indoor therapy facilities for domesticated animals (non-boarding)."

**Fiscal Note:** N/A

[0969-16](#)

**Subject:** (ZOrd.0005-16) An ordinance rezoning 1614, 1624, and 1630 Yout Street (commonly referred to as 1624 Yout Street) from I-1 Restrictive Industrial District to I-2 General Industrial District with a FD Flex Development Overlay.

**Recommendation of the City Plan Commission on 11-09-16:** That the ordinance be adopted.

**Fiscal Note:** N/A

#### **Community Development Committee Report, by Ald. Wisner**

[0922-16](#)

**Subject:** (Direct Referral) A request from the Department of Housing for the use of \$250,000.00 of HOME funds to build a single family house at 1437 Owen Avenue. (Res No. 0390-16)

**Recommendation of the Community Development Committee on 10-27-16:** That the request to use \$250,000.00 of HOME funds to for the purpose of building a single-family house for sale to an eligible homebuyer at 1437 Owen Avenue be approved.

Further that the Mayor, City Clerk, and Director of City Development be authorized to execute a written agreement with the Housing Department consistent with its application and federal regulations.

**Fiscal Note:** There are sufficient HOME funds available to meet this request.

#### **Committee of the Whole Report, by Ald. Wisner**

[0796-16](#)

**Subject:** Submittal of the Report of the Finance Committee of the Racine Waterworks Commission Regarding Year 2017 Water Utility Operations and Maintenance Budget and the 2017-2021 Capital

Improvements Budget Recommending Adoption (Res No. 0393-16)

**Recommendation of the Waterworks Commission on 9/20/16:** To adopt

**Recommendation of the Committee of the Whole on 11-09-2016:** the Item be adopted.

**Fiscal Note:** Copies of the 2017 Water Utility Operations and Maintenance Budget and the 2017-2021 Capital Improvements Budget Recommending Adoption are on file in the Office of the Finance Director.

[0802-16](#)

**Subject:** Submittal of the 2017 Sewer Service Rates (Res No. 0394-16)

**Recommendation of the Racine Wastewater Commission on 9/20/16:** To adopt

**Recommendation of the Committee of the Whole on 11-09-2016:** the Item be adopted.

**Fiscal Note:** Copies of the 2017 Sewer Service Rates are on file in the Office of the Finance Director.

[0803-16](#)

**Subject:** Submittal of the Report of the Finance Committee of the Racine Wastewater Commission Regarding Year 2017 Wastewater Utility Operations and Maintenance Budget and the 2017-2021 Capital Improvements Budget Recommending Adoption (Res No. 0395-16)

**Recommendation of the Racine Wastewater Commission on 9/20/16:** To adopt

**Recommendation of the Committee of the Whole on 11-09-2016:** the Item be adopted.

**Fiscal Note:** Copies of the 2017 Wastewater Utility Operations and Maintenance Budget and the 2017-2021 Capital Improvements Budget are on file in the Office of the Finance Director.

[0844-16](#)

**Subject:** Communication from Mayor Dickert submitting the proposed 2017-2026 10-Year Capital Improvement Plan. (Res No. 0392-16)

**Recommendation of the Committee of the Whole on 11-09-2016:** the Item be Adopted.

**Fiscal Note:** Copies of the 2017-2026 10-Year Capital Improvement Plan are on file in the Office of the Finance Director.

[0845-16](#)

**Subject:** Communication from Mayor Dickert submitting the proposed 2017 City of Racine Budget consisting of the General Fund, Special Revenue Funds, Debt Service Fund, Capital Project Funds, Enterprise Funds and Internal Service Funds. (Res No. 0391-16)

**Recommendation of the Committee of the Whole on 11-09-2016:**  
the Item be adopted, as amended.

**Fiscal Note:** Copies of the 2017 City of Racine Budget consisting of the General Fund, Special Revenue Funds, Debt Service Fund, Capital Project Funds, Enterprise Funds and Internal Service Funds are on file in the Office of the Finance Director.

#### Office of the Mayor Report, by Ald. Wisner

[0963-16](#)

**Subject:** Communication from Mayor Dickert nominating appointment to the following commission:

Appoint Alderwoman Mary Land, 2211 Hayes Ave., Racine, 53405 to the Affirmative Action Human Resources Commission to complete the term of Alderwoman Melissa Lemke, expiring May 2, 2017.

#### H. Consent Resolutions

[Res.0371-16](#)

2017 Downtown Business Improvement District Operating Budget

Resolved, that the 2017 Downtown Business Improvement District No. 1 Operating Plan dated September 28, 2016 is approved and the Finance Director is authorized and directed to place the special charges listed in the plan on the property tax bills of the parcels within the district.

**Fiscal Note:** It is estimated that the 184 parcels comprising B.I.D. No. 1 will generate \$194,000.00 in special charges to be disbursed to the Downtown B.I.D..

**Sponsors:**

Q.A. Shakoor II

[Res.0372-16](#)

2017 Uptown Business Improvement District Operating Budget

Resolved, that the 2017 Uptown Business Improvement District Operating Plan dated October 8, 2016 is approved and the Finance Director is authorized and directed to place the special charges listed in the plan on the property tax bills of the parcels within the district.

Fiscal Note: It is estimated that the 130 parcels comprising B.I.D. No. 3 will generate \$30,000.00 in special charges to be disbursed to the Uptown B.I.D..

Sponsors: Q.A. Shakoor II

[Res.0373-16](#) 2017 Douglas Avenue Business Improvement District Operating Budget

Resolved, that the 2017 Douglas Avenue Business Improvement District Operating Plan dated November 4, 2016 is approved and the Finance Director is authorized and directed to place the special charges listed in the plan on the property tax bills of the parcels within the district.

Fiscal Note: It is estimated that the 212 parcels comprising B.I.D. No. 4 will generate \$48,525.00 in special charges to be disbursed to the Douglas Avenue B.I.D.

Sponsors: Q.A. Shakoor II

[Res.0374-16](#) Rescind Resolution 13-0369

Resolved, that Resolution 13-0369, of September 17, 2013, is rescinded.

Fiscal Note: The City will lease time at the facility on an annual basis with funding provided in the Police Department General Fund Operating Budget, per Resolution 0300-16.

Sponsors: Q.A. Shakoor II

[Res.0376-16](#) Bid results on Contract 20160060, Construct Home - 1922 Slauson Avenue

Resolved, that Contract 20160060, Construct Home - 1922 Slauson Avenue, is awarded to Double D Construction, Inc., at its bid price of \$234,800.00, it being the lowest responsible bidder.

Fiscal Note: Funds to defray the cost of this public works project be appropriated from Org-Object 20308-52255, 1922 Slauson Avenue.

Sponsors: Terry McCarthy

[Res.0377-16](#) Change Order No. 3 on Contract 20160024 - Parking Ramp Improvements

Resolved, that Change Order No. 3 on Contract 20160024, Parking Ramp Improvements, ProAxis, LLC., contractor, as submitted, is approved in the deduct amount of (\$211.52).

Fiscal Note: Funding account be adjusted by the following amount:

(\$211.52) - Org-Object 60383-57200, Parking System-Building Improvements  
(\$211.52) - Total

**Sponsors:** Terry McCarthy

**Res.0378-16** Final Payment on Contract 20160024 - Parking Ramp Improvements

Resolved, that the work done by Pro Axis, LLC., is accepted and final payment authorized for a total contract amount of \$207,588.16. Final Payment to include retainage.

**Fiscal Note:** Contract was authorized under Resolution 0179-16, dated May 17, 2016.

**Sponsors:** Terry McCarthy

**Res.0379-16** Request for Preliminary Resolution on North Section of (EW) Alley Bounded by Washington Avenue to Wright Avenue; West Boulevard to Deane Boulevard

Resolved, that the request of the Alderman of the 9th District that a preliminary resolution be introduced for the north section of the (EW) alley bounded by Washington Avenue to Wright Avenue; West Boulevard to Deane Boulevard for a 2017 public hearing is approved.

**Fiscal Note:** N/A

**Sponsors:** Terry McCarthy

**Res.0380-16** ADA Lift Chair Improvements to 5th Street Boat Launch Pier

Resolved, that the request of the Commissioner of Public Works/City Engineer for a resolution in support of the local match for funding of WDNR RBF Grant for ADA Lift Chair Improvements to the 5th Street Boat Launch Pier is approved.

WHEREAS, City of Racine hereby requests assistance for the purpose of:

Project description: ADA Lift Chair Improvements to the 5th Street Boat Launch Pier, Racine, Wisconsin.

THEREFORE, BE IT RESOLVED, that the City of Racine has budgeted a sum sufficient to complete the study or project, and HEREBY AUTHORIZES the Commissioner of Public Works/City Engineer, to act on behalf of the City of Racine:

FURTHER RESOLVED, that the Commissioner of Public Works/City Engineer are authorized to submit an application to the Department of

Natural Resources for financial assistance, sign documents, and take necessary action to undertake, direct and complete the approved project.

FURTHER RESOLVED that the City of Racine will comply with state and federal rules for the programs; may perform force account work; will maintain the completed project in an attractive, inviting and safe manner;

FURTHER RESOLVED, that the City of Racine will keep the facilities open to the general public during reasonable hours consistent with the type of facility; and will obtain approval from the Wisconsin Department of Natural Resources before any change is made in the use of the project site (if applicable).

Fiscal Note: Grant amount indeterminate at this time.

**Sponsors:**

Terry McCarthy

**Res.0381-16**

ADA Kayak Launcher at Pugh Recreational Area. at Pugh Recreational Area

Resolved, that the request of the Commissioner of Public Works/City Engineer for a resolution in support of the local match for funding of WDNR RBF Grant for ADA Kayak Launcher at Pugh Recreational Area is approved.

WHEREAS, the City of Racine hereby requests assistance for the purpose of:

Project description: ADA Kayak Launcher at Pugh Recreational Area Racine, Wisconsin.

THEREFORE, BE IT RESOLVED, that the City of Racine has budgeted a sum sufficient to complete the study or project, and HEREBY AUTHORIZES the Commissioner of Public Works/City Engineer, to act on behalf of the City of Racine:

FURTHER RESOLVED, that the Commissioner of Public Works/City Engineer are authorized to submit an application to the Department of Natural Resources for financial assistance, sign documents, and take necessary action to undertake, direct and complete the approved project.

FURTHER RESOLVED that the City of Racine will comply with state and federal rules for the programs; may perform force account work; will maintain the completed project in an attractive, inviting and safe manner;

FURTHER RESOLVED, that the City of Racine will keep the facilities open to the general public during reasonable hours consistent with the type of facility; and will obtain approval from the Wisconsin Department of Natural Resources before any change is made in the use of the project site (if applicable).

Fiscal Note: Grant amount indeterminate at this time.

**Sponsors:**

Terry McCarthy

**Res.0382-16**

Planet Fitness Signage at Regency Mall

Resolved, that the request by Chris Fish, representing Integrity Sign Solutions, LLC for approval of exceptions to the Regency Mall sign standards to permit signage for Planet Fitness at 5538 Durand Avenue is approved, subject to the following conditions:

- a. That plans presented to the Plan Commission at the November 9, 2016 meeting be approved subject to the conditions contained herein
- b. That all codes and ordinances be complied with and required permits acquired, unless otherwise excepted herein
- c. That revised drawings represent letter height of no greater than 2 feet-3  $\frac{3}{4}$  ", single line text, with a fascia color of chocolate brown.
- d. That the Plan Commission approves the exceptions to exterior entry requirements as presented, and that said exceptions shall apply only to the signage presented for this tenant at this time.
- e. That all outstanding conditions of the original Planet Fitness conditional use permit shall be satisfied prior to issuance of a sign permit.
- f. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.
- g. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes shall be made from the conditions of the permit without the approval of the Common Council.

Fiscal Note: N/A

**Sponsors:**

Dennis Wiser

**Res.0383-16**

Rescind Resolution 07-0221

Resolved, that Resolution 07-0221 of May 15, 2007 is hereby rescinded.

Fiscal Note: N/A

**Sponsors:**

Dennis Wiser

**Res.0384-16**

Use Supplement for Flex Development Overlay at 2711 Lathrop Avenue

Resolved, that a use supplement be adopted in association with a Flex Development Overlay District at 2711 Lathrop Avenue, subject to the following conditions:

- a. That all uses listed in the underlying "I-1" Restricted Industrial District are permissible by right or by conditional use permit as specified in each district.
- b. That all applicable permits are obtained from the Building Inspection Department.
- c. That the following flex uses are permitted in addition to those permitted in the "I-1" Restricted Industrial District.
  1. Permitted uses: those uses permitted in the "B-2" Community Shopping District except those excluded herein.
  2. Conditional uses: those conditional uses permitted in the "B-2" Community Shopping District including auto sales as a primary use not to exceed twenty vehicles for sales display or storage except those excluded herein.
  3. Uses excluded: bus stations and terminals, adult entertainment uses, recycling drop-off or processing sites, live entertainment, and outdoor recreation facilities.
  4. Additional permitted uses by right: indoor therapy facilities for domesticated animals (non-boarding).
- d. That all aspects of the flex uses and all other uses shall be contained onsite.
- e. That all trash and recyclables be stored in closed containers and screened from view.
- f. That the following is prohibited:
  1. Changes in exterior light fixtures unless first approved by the Director of City Development for design, placement and intensity.
  2. Pennants, banners, streamers, balloons, spot lights, or string lights.
  3. Vehicle mounted advertising devices such as antenna sleeves, balloons, or other forms of advertising or visual attraction methods other than window signs and price stickers.
  4. Storage or display of inoperable vehicles or vehicle parts.
- g. That the following be submitted for the review and approval of the



Director of City Development prior to the implementation of desired uses at this facility, but before September 1, 2006:

1. A landscape plan for implementation that illustrates plantings along Lathrop Avenue, and the design and location of a dumpster enclosure.
2. A comprehensive sign package for implementation that creates a unified design for all tenants to be occupying this location.
- h. That the following be accomplished by October 31, 2006:
  1. Repair and paint the fencing.
  2. Install approved landscaping.
  3. Clear brush, weed trees and debris from the rear/eastern yard area.
  4. Paving and striping of the rear/eastern yard area if intended to be used for parking.
- i. That the Chief Building Inspector or Director of City Development may impose additional conditions on a single or a group of flex uses to mitigate potential negative impacts on the subject or surrounding properties. Decisions in this regard may be appealed by the affected operator(s) to the Plan Commission who will forward a recommendation to the Common Council.
- j. That upon consultation between the Chief Building Inspector and Director of City Development, additional uses not listed in this resolution may be permitted if found to comply with the spirit and intent of this flex development and the Flex Development Overlay District.
- k. That all applicable codes and ordinances be complied with and required permits acquired.
- l. That no minor changes be made from the conditions of this flex development without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.
- m. That this flex development is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

**Sponsors:**

Dennis Wisner

**Res.0385-16**

Use Supplement for Property at 1624 Yout Street

Resolved, that a use supplement be adopted for the property at 1624 Yout Street, subject to the following conditions:

- a. That all uses listed in the underlying I-1 Restricted Industrial District are permissible by right or by conditional use permit, except as otherwise specified in "b." below.
- b. Prohibited uses shall include:

1. Advertising signs.
2. Air, motor, water and rail road freight terminals.
3. Airports and commercial heliports (public or private) including aircraft landing fields, runways, flight strips, flying schools, hangars, terminal buildings and other auxiliary facilities.
4. Brewery as defined by Wis. Stat. Sec. 125.29.
5. Cartage and express facilities.
6. Distribution facilities.
7. Dry cleaning establishments.
8. Garages for the storage repair and servicing of motor vehicles.
9. Laundries.
10. Metal stamping.
11. Parking lots not accessory to a primary use.
12. Recycling drop-off sites.
13. Sewage treatment plants.
14. Signs in excess of 35 feet in height.

c. That all applicable permits shall be obtained from the Building Inspection department.

d. That the following flex uses are permitted by conditional use permit via Ordinance ZOrd. 0005-16 in addition to those permitted in the I-1 Restricted Industrial District and amended herein:

1. Transitional living facilities with detached rooming units.

e. That all aspects of the flex uses, and other uses, shall be contained on site and inside enclosed buildings, with no outside storage.

f. That the Chief Building Inspector or Director of City Development may impose additional conditions on a single or group of flex uses to mitigate potential negative impacts on the subject or surrounding properties. Decisions in this regard may be appealed by the affected operator(s) to the Plan Commission, who will forward a recommendation to the Common Council.

g. That, upon consultation between the Chief Building Inspector and Director of City Development, additional uses not listed in this resolution may be permitted if found to comply with the spirit and intent of this flex development and the Flex Development Overlay District.

h. That all applicable codes and ordinances be complied with and required permits acquired.

i. That no minor changes be made from the conditions of this flex development without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.

j. That this flex development is subject to Plan Commission review for compliance with listed conditions.

Fiscal Note: N/A

**Sponsors:**

Dennis Wisner

**Res.0386-16**

Transitional Living Facility at 1624 Yout Street

Resolved, that the request by Jeff Gustin, representing Veterans Outreach of Wisconsin, Inc., seeking approval of a conditional use permit to operate a transitional living facility with detached rooming units at 1624 Yout Street is approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on November 9, 2016 be approved subject to the conditions contained herein.

b. That all applicable building, occupancy, health and other permits be obtained from the appropriate City departments and divisions.

c. That this facility shall be required annually to obtain a Rooming House Permit and will be subject to pre-inspection and annual inspection by the City Public Health Department. All requirements of the City's Rooming House Ordinance, particularly the sanitation requirements, must be met.

d. That residential facilities and grounds are intended solely for the use of homeless military veterans residing at 1624 Yout Street and for related transitional living services such as meals, support groups, counseling, personal hygiene, and recreation.

e. That there will be resident on the grounds serving as the onsite representative of Veterans Outreach of Wisconsin.

f. That there shall be no more than 15 detached rooming units on this property and each unit is subject to the following conditions:

1. Each unit shall have a working smoke detector.
2. Each unit shall not have toilet facilities.
3. Each unit shall not have kitchen facilities (refrigerator, freezer, hot plates, microwave ovens, cooking facilities, or other similar appliances).
4. Occupancy in each unit shall not exceed one person.

g. That the central service building shall be configured and used in the following manner:

1. There shall be four toilet rooms with four accompanying water closets.
2. There shall be four shower facilities.
3. There shall be individual lockable doors to each shower facility and said doors shall be visible from the common area.

4. The janitor room shall be located adjacent to the kitchen/shower/laundry areas.
  5. The kitchen facilities shall comply with City of Racine, Municipal Code, Chapter 22, Article 21 for storage facilities.
  6. That the Veterans Outreach of Wisconsin offices will be located in the central service building as well as a food pantry and clothing distribution services, all for the benefit of homeless military veterans and their immediate family members.
  7. The central service building shall be accessible to residents of the facility 24 hours daily.
- h. That the hours of that the central service building may be open to the general public are from 8:00 a.m. to 5:00 p.m., Monday through Friday.
- i. That quiet time on the grounds shall be from 10:00p.m. until 6:00 a.m., Sunday through Thursday, and 11:00p.m. until 6:00a.m. Friday and Saturday.
- j. That there shall be no visitors on the grounds during the designated quiet times.
- k. That all other aspects of the use and operation of this facility shall conform to the document titled "Veterans Outreach of Wisconsin, James A. Peterson Veteran Village Policy and Procedure Manual".
- l. That trash and recyclables shall be stored in closed containers and screened from view.
- m. That resident and staff shall be responsible for site, building and grounds keeping.
- n. That the parking, drive and service drive areas be paved and/or sealed and striped.
- o. That a detailed signage plan shall be submitted to the Director of City Development for review and approval prior to installation.
- p. That the following shall be accomplished prior to the issuance of an occupancy permit:
1. Parking, drive and service drive areas shall be paved and/or sealed and striped.
  2. Landscaping, fencing and other grounds improvements shall be installed in accordance with the site plan as approved by the Plan Commission, and as may be modified by the landscaping plan that has been submitted to the Director of City Development for review and approval.
  3. Dumpster enclosure is installed.

4. Painting of the building in accordance with a color scheme that has been submitted to the Director of City Development for review and approval.

q. That if, prior to the issuance of an occupancy permit, improvements in condition "o" are not completed, a financial surety shall be provided to the City in an amount equal in value to the required improvements, subject to the following terms:

1. Financial surety documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial security.

2. The City is authorized by this Conditional Use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not completed by the time of the issuance of an occupancy permit, or by an earlier date as may be required herein.

3. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or the owner or shall be imposed as a special charge against the real property in accordance with applicable statute.

4. That by operating under this Conditional Use, the owner gives permission to the City to enter upon the property for the purposes described herein.

r. That this approval is subject to the resolution of all technical discrepancies, comments and concerns that may be expressed by City staff and officials as they may relate to the review of this conditional use permit, the implementation of approved plans and the successful operation of the facility and grounds.

s. That all codes and ordinances shall be complied with, and required permits acquired.

t. 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.

u. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

**Sponsors:**

Dennis Wiser

[Res.0387-16](#) 1-lot Certified Survey Map for 1624 Yout Street

Resolved, that the request by Jeff Gustin, representing Veterans Outreach of Wisconsin, Inc., seeking approval of a 1-lot certified survey map for 1624 Yout Street is approved subject to the following conditions:

- a. That the certified survey map as prepared by Mark Madsen, registered Wisconsin Land Surveyor, dated September 14, 2016 and presented to the Plan Commission on November 9, 2016 be approved subject to the conditions contained herein.
- b. That the map comply with all applicable Wisconsin State Statutory requirements (Sec. 236.34) and Racine Municipal Code requirements (Ch. 86) in its final preparation.
- c. That all technical discrepancies as identified by Staff be resolved prior to the documents recording.
- d. That, within thirty days of recording, a certified recorded copy of the CSM shall be provided to the Department of City Development.

Fiscal Note: N/A

**Sponsors:**

Dennis Wiser

[Res.0388-16](#) Canine Rescue and Adoption Center at 1535 Layard Avenue

Resolved, that the request by Jodie Hoffman, representing Woof Gang Rescue, Inc. seeking a conditional use permit to operate a canine rescue and adoption center at 1535 Layard Avenue is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission of November 9, 2016 be approved, subject to the conditions contained herein.
- b. That the hours of operation for the general public be from 7:00 a.m. to 8:00 p.m. daily.
- c. That prior to the issuance of an occupancy permit, a landscape plan and parking lot repair, sealing, and striping plan for 1535 Layard Avenue be submitted to the Director of City Development for review and approval.
- d. That by May 1, 2017 the following shall be accomplished:
  1. Implementation of the approved landscape plan.
  2. Repair, seal and striping of the parking area at 1535 Layard Ave.

- e. That any desired signage plan be submitted to the Director of City Development for review of and approval prior to the installation.
- f. That all applicable permits be applied for and obtained.
- g. That no minor changes be made to the conditions of this permit without the approval of the Plan Commission and that no major changes be made without the approval of the Common Council.
- h. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

**Sponsors:**

Dennis Wiser

**Res.0389-16**

Fitness Facility at 1344 Lathrop Avenue

Resolved, that the request by David Yandel to operate the “Harbor Park Crossfit” fitness facility at 1344 Lathrop Avenue is approved subject to the following conditions:

- a. That the plans presented to the Plan Commission on November 9, 2016 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the hours of operation shall be 5:30 a.m. - 8:30 p.m. Monday through Friday and 8:00 a.m. - 12:00 p.m. Saturday and Sunday.
- d. That all codes and ordinances shall be complied with, and required permits acquired.
- e. That trash shall be stored indoors in acceptable containers and removed from the site on a daily basis.
- f. That the applicant and staff shall be responsible for site maintenance.
- g. That the parking lot shall be striped and wheel stops installed in accordance with the original site plan prior to issuance of an Occupancy Permit.
- h. That fencing and landscaping along the north property boundary, as approved on the original site, shall be installed prior to issuance of an occupancy permit.
- i. That proposed signage shall be reviewed and approved by the

Department of City Development prior to issuance of sign permits.

j. That if, prior to the issuance of an occupancy permit, improvements in conditions g. and h. are not completed, a financial surety shall be provided to the City in an amount equal in value to the required improvements, subject to the following terms:

1. Financial surety documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial security.

2. The City is authorized by this Conditional Use permit to enter the site, implement the plans(s) and draw on the financial security for the cost of implementation if required improvements are not completed by the time of the issuance of an occupancy permit, or by an earlier date as may be required herein.

3. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or the owner or shall be imposed as a special charge against the real property in accordance with applicable statute.

4. That by operating under this Conditional Use, the owner gives permission to the City to enter upon the property for the purposes described herein.

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:**

Dennis Wiser

**Res.0390-16**

HOME Funds to Build House at 1437 Owen Avenue

Resolved, that the request from the Housing function of the Department of City Development to use \$250,000.00 of HOME funds to build a single family house at 1437 Owen Avenue is approved.

Further resolved, that the Mayor, City Clerk and Director of City Development are authorized to execute a written agreement with the Housing Department consistent with its application and federal regulations.



Fiscal Note: There are sufficient HOME funds available to meet this request.

**Sponsors:** Dennis Wiser

[Res.0392-16](#) 10-Year Capital Improvement Plan

Resolved, that the 2017-2026 10-Year Capital Improvement Plan is approved.

Fiscal Note: Copies of the 2017-2026 10-Year Capital Improvement Plan is on file in the Office of the Finance Director.

**Sponsors:** Dennis Wiser

[Res.0393-16](#) Racine Waterworks Commission Year 2017 Water Utility Operations and Maintenance Budget and the 2017-2021 Capital Improvements Budget

Resolved, that the report of the Finance Committee of the Racine Water Works Commission regarding year 2017 Water Utility Operations and Maintenance Budget and the 2017-2021 Capital Improvements Budget are approved.

Fiscal Note: Copies of the 2017 Water Utility Operations and Maintenance Budget and the 2017-2021 Capital are on file in the Office of the Finance Director.

**Sponsors:** Dennis Wiser

[Res.0394-16](#) 2017 Sewer Service Rates

Resolved, that the submittal of 2017 Sewer Service Rates are approved.

Fiscal Note: Copies of the 2017 Sewer Service Rates are on file in the Office of the Finance Director.

**Sponsors:** Dennis Wiser

[Res.0395-16](#) 2017 Wastewater Utility Operations and Maintenance Budget and the 2017-2021 Capital Improvements Budget

Resolved, that the report of the Finance Committee of the Racine Wastewater Commission Regarding Year 2017 Wastewater Utility Operations and Maintenance Budget and the 2017-2021 Capital Improvements Budget are approved.

Fiscal Note: Copies of the 2017 Wastewater Utility Operations and Maintenance Budget and the 2017-2021 Capital Improvements Budget are on file in the Office of the Finance Director.

**Sponsors:** Dennis Wiser

[Res.0396-16](#) Preliminary - Ten (10) Year

## Benefits and Damages

RESOLVED, by the Common Council of the City of Racine, Wisconsin:

1. The Common Council hereby declares its intention to exercise its power under s. 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following street(s):

All property fronting upon both sides:

### **PORTLAND CEMENT CONCRETE PAVING**

**Alley - north section of the (EW) alley bounded by Washington Ave. to Wright Ave.; West Blvd. to Deane Blvd.**

2.Said public improvement shall consist of **PORTLAND CEMENT CONCRETE PAVING**.

3.The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall not be greater than the benefits accruing thereto from said improvements.

4.The assessments against any parcel may be paid in cash or in ten (10) annual installments.

5. The Commissioner of Public Works is directed to prepare a report consisting of:

- a. Preliminary or final plans and specifications for said improvement.
- b. An estimate of the entire cost of the proposed work or improvement.
- c. An estimate, as to each parcel of property within the assessment district, of:
  - (1) The assessment of benefits to be levied.
  - (2) The damages to be awarded for property taken or damaged.
  - (3) The net amount of such benefits over damages or the net amount of such damages over benefits.

Upon completing such report, the Commissioner of Public Works is directed to file a copy thereof on the City Clerk's Office for public

inspection.

6. Upon receiving the report of the Commissioner of Public Works, the City Clerk is directed to give a Class 1 notice of a public hearing on such report as specified in §. 66.60(7), Wisconsin Statutes.

The hearing shall be held at the Council Chambers in the City Hall at a time set by the Clerk in accordance with §. 66.0703 (7)(a), Wisconsin Statutes.

Fiscal Note: N/A

**Sponsors:**

Terry McCarthy

## **I. Resolutions**

**[Res.0375-16](#)**

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$18,290,000 General Obligation Refunding Bonds

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 public purpose of refunding obligations of the City, including interest on them, specifically, the Note Anticipation Notes, dated September 7, 2016 (the "2016 Notes"), the General Obligation Refunding Bonds, Series 2006A, dated October 5, 2006 (the "2006 Bonds") maturing in the year 2018, the General Obligation Refunding Bonds, Series 2007A, dated November 13, 2007 (the "2007 Bonds") maturing in the year 2018, the General Obligation Refunding Bonds, dated December 9, 2008 (the "2008 Bonds") maturing in the year 2019, and the General Obligation Refunding Bonds, dated October 25, 2011 (the "2011 Bonds") maturing in the years 2023 through 2025 (collectively, the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of providing permanent financing for the projects financed by the 2016 Notes and achieving debt service cost savings with respect to the other Refunded Obligations.

WHEREAS, cities are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations; and

WHEREAS, it is the finding of the Common Council that it is necessary,

desirable and in the best interest of the City to authorize the issuance of and to sell its general obligation refunding bonds (the "Bonds") to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of its bond 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 Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of EIGHTEEN MILLION TWO HUNDRED NINETY THOUSAND DOLLARS (\$18,290,000) 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 Bonds aggregating the principal amount of EIGHTEEN MILLION TWO HUNDRED NINETY THOUSAND DOLLARS (\$18,290,000) 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 "General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$18,290,000; shall be dated December 7, 2016; 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 rates per annum and mature on the dates and in the principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2017. 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. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 2A. Designation of Maturities. For purposes of State law, the Bonds are designated as being issued to pay and discharge the debts incurred by the City through the issuance of the Refunded Obligations and the obligations refunded by the Refunded Obligations in the order in which those debts were incurred, so that the Bonds of the earliest maturities are considered to be issued to discharge the debts which

were incurred first.

Section 3. Redemption Provisions. The Bonds maturing on December 1, 2027 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on December 1, 2026 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 are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the City shall direct.

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. Tax Provisions.

(A) 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 2016 through 2029 for the payments due in the years 2017 through 2030 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City 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, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. 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 General Obligation Refunding Bonds, dated December 7, 2016" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds 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 Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (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 Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or 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. Any investment of the Debt Service Fund Account shall at all times conform 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 Bonds 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 7. Proceeds of the Bonds; Segregated Borrowed Money Fund.

The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding 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 a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. A portion of the proceeds of the Bonds shall be transferred to the Escrow Account in order to provide for payment of the Advance Refunded Obligations, as defined in Section 18 hereof. 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 for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. 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 Bonds 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 Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds or the Refunded Obligations 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 Bonds 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 Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds 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 Bonds 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 Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds 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 10. Execution of the Bonds; Closing; Professional Services.

The Bonds 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 Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds 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 Bonds 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 Bonds, 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 Bonds is hereby ratified and approved in all respects.

Section 11. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").



Section 12. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. 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 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 Bond or Bonds 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 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.

Section 13. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). 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 Record Date.

Section 14. 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 15. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds 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 16. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, 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 Bonds 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 Bonds).

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 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 17. Redemption of the 2006 Bonds and the 2016 Notes. The 2006 Bonds maturing in the year 2018 and the 2016 Notes are hereby called for prior payment and redemption on December 19, 2016 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with the Purchaser to cause timely notice of redemption, in substantially the forms attached hereto as Exhibits D-1 and D-2 and incorporated herein by this reference (the "Notices"), to be provided at the times, to the parties and in the manner set forth on the Notices. All actions heretofore taken by the officers and agents of the City to effectuate the redemption of the 2006 Bonds and the 2016 Notes are hereby ratified and approved.

Section 18. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the City (the "Escrow Agent") for the purpose of ensuring the payment of the principal of and interest on the 2007 Bonds, the 2008 Bonds and the 2011 Bonds being refunded (collectively, the "Advance Refunded Obligations").

The Mayor and City Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as

Exhibit E (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of such agreement by said officers to constitute full approval of the Common Council of any such modifications), with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

The Bond Proceeds allocable to refunding the Advance Refunded Obligations shall be deposited in a refunding escrow account which is hereby created with the Escrow Agent, pursuant to the Escrow Agreement, for the purpose of retaining the required amount of cash, if any, and acquiring the United States obligations provided for in the Escrow Agreement.

Upon transfer of the Bond Proceeds and any other necessary funds allocable to refunding the Advance Refunded Obligations to the Escrow Account, the taxes heretofore levied to pay debt service on the Advance Refunded Obligations shall be abated to the extent such transfer together with investment earnings thereon is sufficient to pay the principal of and interest on the Advance Refunded Obligations, but such abatement shall not affect the City's pledge of its full faith, credit and resources to make such payments. The refunding escrow account created by the Escrow Agreement shall hereinafter serve as the debt service (or sinking) fund account for the Advance Refunded Obligations. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

Section 19. SLGS Subscriptions. The Escrow Agent and the Purchaser are authorized to submit subscriptions for United States Treasury Securities - State and Local Government Series and to purchase other U.S. government securities on behalf of the City in such amount as is necessary in order to carry out the refunding of the Advance Refunded Obligations.

Section 20. Redemption of the Advance Refunded Obligations. The 2007 Bonds maturing in the year 2018 are hereby called for prior payment and redemption on December 1, 2017; the 2008 Bonds maturing in the year 2019 are hereby called for prior payment and redemption on December 1, 2018; and the 2011 Bonds maturing in the years 2023 through 2025 are hereby called for prior payment and redemption on December 1, 2020, all at a price of par plus accrued interest to the date of redemption.

The City hereby directs the Escrow Agent appointed above to cause timely notice of redemption, in substantially the forms attached to the Escrow Agreement, to be provided at the times, to the parties and in the manner set forth therein.

Section 21. 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 Bonds in the Record Book.

Section 22. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, 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 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, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 23. 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: This refunding provides the long term bonding for the City's 2016 Capital Projects and provides an estimated present value saving of \$198,786 on refunded portions of 2006, 2007, 2008 and 2011 long term debt.

**Sponsors:**

Q.A. Shakoor II

**Res.0391-16**

2017 City Budget

Resolved, that the proposed 2017 City of Racine Budget consisting of the General Fund, Special Revenue Funds, Debt Service Fund, Capital Project Funds, Enterprise Funds and Internal Service Funds is approved.

Fiscal Note: Copies of the 2017 City of Racine Budget consisting of the General Fund, Special Revenue Funds, Debt Service Fund, Capital Project Funds, Enterprise Funds and Internal Service Funds are on file in the Office of the Finance Director.

**Sponsors:**

Dennis Wiser

**J. Consent Agenda**

**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.**