



City of Racine

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

Meeting Minutes - Final Common Council

*Mayor John T. Dickert, Alderman Q.A. Shakoor, II, Alderman Eric Marcus,
Alderman Michael Shields, Alderman Ronald D. Hart,
Alderman Jim Kaplan,
Alderman Dennis Wisner, Alderman Aron Wisneski, Alderman Sandy Weidner, Alderman Terry McCarthy, Alderman Raymond DeHahn, Alderman Gregory Holding, Alderman Robert Mozol, Alderman O. Keith Fair, Alderman Melissa Kaprelian-Becker, Alderman James Morgenroth*

Tuesday, October 4, 2011

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol
EXCUSED: 2 - Shakoor, II and McCarthy

B. Pledge of Allegiance To The Flag

Mayor Dickert led the Council in the Pledge of Allegiance to the Flag.

C. Approval of Journal of Council Proceedings (Minutes)

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

D. Public Comments

*Susan DeKeuster
John Knuteson
Francie McGuire Winkler
Beth Pramme
Teresa Padilla
Anah Gonzalez*

E. Communications

Refer to Finance and Personnel Committee, by Ald. Wisner

[11-6894](#)

Subject: communication from the City Attorney submitting the claim of Nekisha Cobbs for consideration.

Referred to Finance and Personnel Committee

[11-6799](#)

Subject: communication from the City Attorney submitting the claim of

Andre Epps for consideration.

Referred to Finance and Personnel Committee

11-6914

Subject: Communication from the Grant Facilitator requesting to appear before the Finance & Personnel Committee to request acceptance of the Second Chance Act Adult Offender Reentry Program for Planning and Demonstration 2011 Grant in the amount up to \$50,000.

Referred to Finance and Personnel Committee

11-6951

Subject: Communication from Venice Bass requesting a waiver or reduction of fees to reserve the King Center for a Gospel Blast event on October 29, 2011.

Referred to Finance and Personnel Committee

11-6965

Subject: Communication from the Public Health Administrator requesting to accept an amendment to the Prevention Block portion of the Consolidated Grant Contract from the State of Wisconsin Department of Health Services for the Division of Public Health. (Grant Control #2011-002)

Referred to Finance and Personnel Committee

11-6966

Subject: Communication from the Public Health Administrator requesting permission to apply for and accept \$23,344 from the State of Wisconsin represented by its Division of Public Health of the Department of Health Services for Public Health Emergency Preparedness and Response - CRI. (Grant Control #2011-025)

Referred to Finance and Personnel Committee

11-6967

Subject: Communication from the Public Health Administrator requesting permission to apply and accept \$64,991 from the Wisconsin Department of Health Services for Public Health Emergency Preparedness and Response (PHEP). (Grant Control #2011-026)

Referred to Finance and Personnel Committee

11-6976

Subject: Communication from the Assistant Finance Director requesting to appear before the Finance & Personnel Committee to present the 2010 Single Audit for the City of Racine.

Referred to Finance and Personnel Committee

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

[11-6941](#) **Subject:** Communication from the Co-Race Director of the Jingle Bell Run for Arthritis Racine 2010 requesting permission to use City right-of-way on Saturday, December 3, 2011.

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

Referred to Public Works and Services Committee

Referred to Board of Park, Recreation and Cultural Services

[11-6964](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 32-11 (K1-034), PS - Parking Utility Financial Analysis, R.A. Smith, contractor.

Referred to Public Works and Services Committee

[11-6972](#) **Subject:** Communication from the Alderman of the 7th District, on behalf of Jason Frank (3452 Sixth Ave.), requesting a public hearing for paving of the alley bounded by Charles Street to Sixth Avenue; North Street to Shoreland Drive.

Referred to Public Works and Services Committee

Refer to Traffic Commission, by Ald. Weidner

[11-6977](#) **Subject:** Communication from Jennifer Horn, Principal, Stephen Bull Fine Arts School - 815 De Koven Avenue, requesting a study be done for a crossing guard in the area of the school.

Referred to Traffic Commission

[11-6982](#) **Subject:** Communication from the Alderman of the 6th District regarding the parking of commercial vehicles on residential streets.

Referred to Traffic Commission

Refer to City Plan Commission, by Ald. Wisneski

[11-6980](#) **Subject:** Communication from the Alderman of the 2nd District requesting that the City of Racine Comprehensive Land Use Plan regarding the properties located at 1835 Clark Street, 1206 DeKoven Avenue, and 1849 Racine Street be revised to rezone/re designate these properties as residential.

Referred to City Plan Commission

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Wisner**11-6793**

Subject: (Direct Referral) Communication from the Grant Facilitator to appear before the Finance & Personnel Committee requesting to apply for the Milwaukee Adolescent Health Program Grant in the amount of \$100,000 per year for 5 years from the Medical College of Wisconsin to be utilized for the Wisconsin PREP offering teen pregnancy prevention services.

Recommendation of the Finance & Personnel Committee on 8-22-11: Defer the item.

Recommendation of the Finance & Personnel Committee on 9-26-11: Item to be received and filed.

Fiscal Note: N/A

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

11-6909

Subject: Communication from the Public Health Administrator requesting to enter into an agreement with the University of Wisconsin Oshkosh for the Health Department Laboratory to provide contracted services and to receive payment up to \$70,899 per year for a 3 year period. (Resolution No. 11-2751)

Recommendation of the Finance & Personnel Committee on 9-26-11: The Mayor and City Clerk be authorized and directed to enter into an agreement with the University of Wisconsin Oshkosh for the Health Department Laboratory to provide contracted services.

Fiscal Note: Receive payment up to \$70,899 per year for a 3-year period for implementation of mitigation strategies at sanitary survey evaluated beaches in Wisconsin. No match required on the part of the City.

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

11-6911

Subject: Communication from the Purchasing Agent requesting to appear before the Finance & Personnel Committee to discuss the results of Official Notice #13, Request for Proposal, Audit Services. (Resolution No. 11-2749)

Recommendation of the Finance & Personnel Committee on 9-26-11: The contract of Official Notice #13, Request for Proposal, Audit Services be awarded to Baker Tilly Virchow Krause for a five (5) year term beginning in 2012 with the option of two (2) one-year

extensions.

Fiscal Note: Funds for this expenditure are available in account 101.191.5600, Audit Fees.

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

Council Action

A motion was made by Alderman Dennis Wiser , seconded by Alderman Aron Wisneski, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wiser, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

11-6947

Subject: The Common Council referred Ordinance No. 9-11 to repeal and recreate Chapter 74 - Article III. Discipline and Grievance procedure to the Finance & Personnel Committee on 9-20-11. (Ordinance No. 09-11)

Recommendation of the Finance & Personnel Committee on 9-26-11: Approve Ordinance No. 9-11 to repeal and recreate Chapter 74 - Article III. Discipline and Grievance procedure.

Fiscal Note: N/A

Alderman Marcus requested that item 11-6947 be considered separately.

Motion made by Alderman Marcus seconded by Alderman Shields requesting the following amendments:

4(d) - change the word independent to impartial

5(b) - strike the following sentence: An employee shall not be permitted union representation at any state in the grievance process

2(d) - exclude this line that reads: demotion, transfer, or change in job assignment

Attorney Lettney informed the Council members he was in agreement with amendment #1 only.

After a brief discussion, it was determined they would break the amendments up into two motions, the first amendment would be for 4(d) and the second amendment would be for 5(b) and 2(d).

Motion was made by Alderman Marcus seconded by Alderman Shields to approve Amendment #1 - 4 (d) which would change the word independent to impartial. The motion passed by the following vote:

AYES: Shields, Weidner, Wiser, Wisneski, DeHahn, Fair, Hart, Holding, Kaplan, Kaprelian-Becker, Marcus, Morgenroth and Mozol

NOES: NONE

EXCUSED: McCarthy and Shakoor

Motion was made by Alderman Marcus seconded by Alderman Shields to approve Amendment #2 - 5(b) - strike the following sentence: An employee shall not be permitted union representation at any state in the grievance process and 2(d) - exclude this line that reads: demotion, transfer, or change in job assignment. The motion failed by the following vote:

AYES: Shields, Fair and Marcus

NOES: Weidner, Wisner, Wisneski, DeHahn, Hart, Holding, Kaplan, Kaprelian-Becker, Morgenroth and Mozol

EXCUSED: McCarthy and Shakoor

A motion was made that this Communication be Adopted As Amended: . The motion was APPROVED by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

Alderman Wisner requested suspension of the rules to take up the three bond resolutions that were listed towards the end of the agenda. There were no objections.

Steve Kornetzke updated the Council Members on the new amounts and answered questions.

Public Works and Services Committee Report, by Ald. Weidner

11-6597

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 2 to Contract 19-11 (K1-019), Professional Services - Design Roof Specifications for Street Maintenance Garage, Industrial Roofing Services, Inc., consultant. (Resolution No. 11-2760)

Recommendation of the Public Works and Services Committee on 9-27-11: That Amendment No. 2 to Contract 19-11 (K1-019), Professional Services - Design Roof Specifications for Street Maintenance Garage, Industrial Roofing Services, Inc., consultant, as submitted, be approved in the amount of \$1,500.00

Fiscal Note: Funding to defray the cost of this change order to be appropriated from Account 404.000.5760, Equipment Maintenance Lintel Replacement.

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

11-6953

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 34-10 (K0-042), City Hall and Memorial Hall Restoration (R1), AZAR, LLC, contractor. Resolution No. 11-2754)

Recommendation of the Public Works and Services Committee

on 9-27-11: That the work done by AZAR LLC under Contract 34-10 (K0-042), City Hall and Memorial Hall Restoration (R1), be accepted and final payment authorized for a total contract amount of \$303,899.28.

Fiscal Note: Contract was authorized under Resolution No. 10-2150, dated August 17, 2010.

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

11-6954

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 5 to Contract 1-11 (K1-001), City Hall Renovations-Phase III (R1), Seater Construction Co., Inc., contractor. (Resolution 11-2758)

Recommendation of the Public Works and Services Committee

on 9-27-11: That Change Order No. 5 on Contract 1-11 (K1-001), City Hall Renovations-Phase III (R1), Seater Construction Co., Inc., contractor, be approved in the amount of \$19,577.00.

Fiscal Note: Funding to defray the cost of this change order to be appropriated from Account 990.100.5010, City Hall-Facilities Plan Implementation.

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

11-6885

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting the assessment rates established for 2012 Public Hearings for 2013 construction of Portland Cement Concrete Paving and Curb and Gutter. (Resolution No. 11-2755)

Recommendation of the Public Works and Services Committee

on 9-27-11: The proposed special assessment rates for public hearings in 2012 (2013 construction) for portland cement concrete paving and curb and gutter be as follows:

Portland Cement Concrete Paving

Residential Paving (7 inch) - 26' Flange to Flange Foot	\$57.00/Front
Residential Paving (7 inch) - 32' Flange to Flange Foot	\$65.00/Front
Commercial Paving (8 inch) - 32' Flange to Flange Foot	\$75.00/Front

Industrial Paving (9 inch) - 32' Flange to Flange Foot	\$85.00/Front
Industrial Paving (9 inch) - 44' Flange to Flange	\$105.00/Front Foot
Industrial Paving (9 inch doweled)-44' Flange to Flange	\$115.00/Front Foot
Industrial Paving (10 inch doweled)-44' Flange to Flange	\$125.00/Front Foot

Portland Cement Concrete Curb and Gutter (30 inch)

7" Pavement	\$22.00/Front Foot
8" Pavement	\$24.00/Front Foot
9" Pavement	\$26.00/Front Foot
10" Pavement	\$28.00/Front Foot

Sewer and Water Services

Sewer (6") and Water (1")	\$10,500.00/Each
Sewer (6") and Water (2")	\$12,000.00/Each

Alley Paving

10' ROW	7" Pavement	\$35.00/Front Foot
11'-15' ROW	7" Pavement	\$45.00/Front Foot
16'-20' ROW	7" Pavement	\$55.00/Front Foot
21'-25' ROW	7" Pavement	\$65.00/Front Foot

Further recommend that these special assessment rates become effective upon passage of the Common Council for all preliminary resolutions.

These rates apply to all streets, regardless of width, unless the actual construction cost is less, then the front foot cost shall be reduced accordingly.

Fiscal Note: These rates are established so that the abutting property owner pays 100% of the cost of such street improvements.

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

11-6913

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 on Contract 35-11 (K1-037), Replace Fire Alarm System at Library, Enterprise Engineered Systems, Inc., contractor. (Resolution No. 11-2759)

Recommendation of the Public Works and Services Committee on 9-27-11: That Change Order No. 1 on Contract 35-11 (K1-037), Replace Fire Alarm System at Library, Enterprise Engineered Systems, Inc., contractor, be approved in the amount of \$1,600.00.

Fiscal Note: Funding to defray the cost of this change order to be appropriated from Account 255.991.5020, Fire Alarm.

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

[11-6925](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering requesting a reduction in retainage on Contract 24-11 (K1-024), Spring Street Bridge Repairs, Lunda Construction Company, contractor. (Resolution No. 11-2762)

Recommendation of the Public Works and Services Committee on 9-27-11: That the request of the contractor to reduce the retainage on Contract 24-11 (K1-024), Spring Street Bridge Repairs, Lunda Construction Company, contractor, to \$2,500.00, be approved.

Fiscal Note: The amount of retainage is sufficient to cover the value of the remainder of the work on this project.

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

[11-6927](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 2 on Contract 15-11 (K1-015), 2011 City Resurfacing (R1), A.W. Oakes & Sons, Inc., contractor. (Resolution No. 11-2761)

Recommendation of the Public Works and Services Committee on 9-27-11: That Change Order No. 2 on Contract 15-11 (K1-015), 2011 City Resurfacing (R1), A.W. Oakes & Sons, Inc., contractor, be approved in the amount of \$33,825.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Accounts 104.991.5420, Storm Sewer, Miscellaneous Locations.

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

[11-6928](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a list of streets to be included in the 2012 Public Hearings for 2013 construction. (Resolution 11-2756)

Recommendation of the Public Works and Services Committee

on 9-27-11: The following list of streets, as submitted by the Assistant Commissioner of Public Works/Engineering, be considered for reconstruction with portland cement concrete paving for the 2013 construction season (2012 hearings) and that a preliminary resolution be introduced.

Portland Cement Concrete Paving

Belmont Avenue from Eisenhower Drive to Spring Street
Cleveland Avenue from Durand Avenue to Pierce Boulevard
Echo Lane from Byrd Avenue to Sixteenth Street
Emstan Hills Road from Duchess Drive to Oakwood Drive
English Street from N. Main Street to Chatham Street
English Street from Chatham Street to Michigan Boulevard
Freeland Circle from Virginia Street to Cul-de-sac
Glendale Avenue from Winthrop Avenue to Drexel Avenue
Indiana Street from Dead end to Olive Street
Kentucky Street from Cul-de-sac to Shadow Lane
Mitchell Street from Ashland Avenue to Kearney Avenue
N. Wisconsin Street from Carlton Drive to Cul-de-sac (N)
Spring Valley Drive from Spring Street to Harrington Drive
Victorian Drive from Emstan Hills Road to Maryland Avenue
Vista Drive from Spring Valley Drive to Harrington Drive
Wood Duck Way from Waterbury Lane to Chicory Road

Fiscal Note: Unknown at this time.

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

[11-6929](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a list of alleys to be included in the 2012 Public Hearings for 2013 construction. (Resolution No. 11-2757)

Recommendation of the Public Works and Services Committee

on 9-27-11: The following list of alleys, as submitted by the Assistant Commissioner of Public Works/Engineering, be considered for reconstruction with portland cement concrete paving for the 2013 construction season (2012 hearings) and that a preliminary resolution be introduced.

Portland Cement Concrete Paving

Alley bounded by Walton Avenue and Layard Avenue; Charles Street and Geneva Street
Alley bounded by Lindermann Avenue and Kinzie Avenue; Blaine Avenue and Hayes Avenue

Alley bounded by Kinzie Avenue and Haven Avenue; Arthur Avenue and Blaine Avenue

Alley bounded by Layard Avenue and Romaine Avenue; Charles Street and Geneva Street

Alley bounded by Prospect Street and Hamilton Street; Carlisle Avenue and Blake Avenue

Alley bounded by 3rd Street and State Street; Wisconsin Avenue and Main Street S(NS)

Alley bounded by 15th Street and Wright Avenue; Deane Boulevard and Quincy Avenue

Alley bounded by 19th Street and 18th Street; Grange Avenue and Flett Avenue

Alley bounded by 16th Street and Washington Avenue; Packard Avenue and Memorial Drive

Alley bounded by 16th Street and 15th Street; Deane Boulevard and Quincy Avenue

Alley bounded by 16th Street and 15th Street; West Boulevard and Deane Boulevard

Alley bounded by 17th Street and 16th Street; Morton Avenue and Austin Avenue

Alley bounded by 17th Street and 16th Street; Murray Avenue and Phillips Avenue

Alley bounded by St. Patrick Street and High Street; Summit Avenue and Carlisle Avenue

Alley bounded by State Street and West Street; Blake Avenue and Memorial Drive

Alley bounded by Railroad tracks and 17th Street; West Boulevard and Deane Boulevard

Alley bounded by DeKoven Avenue and 18th Street; Franklin Street and Center Street

Alley bounded by DeKoven Avenue and 18th Street; Villa Street and Park Avenue

Alley bounded by English Street and Yout Street; Marquette Street and La Salle Street

Alley bounded by English Street and Yout Street; Summit Avenue and Carlisle Avenue

Alley bounded by Hamilton Street and Albert Street; Carlisle Avenue and Blake Avenue

Alley bounded by Hamilton Street and Albert Street; Summit Avenue and Carlisle Avenue

Alley bounded by High Street and English Street; Summit Avenue and Carlisle Avenue

Alley bounded by Goold Street and Walton Avenue; Green Street and St. Clair Street

Fiscal Note: Unknown at this time.

Alderman Weidner requested that item 11-6929 be considered separately.

This Communication was Received and Filed as Reported

AYES: 12 - Fair, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wiser, Holding, Wisneski, Morgenroth, Hart and Mozol

NOES: 1 - Marcus

EXCUSED: 2 - Shakoor, II and McCarthy

11-6934

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 1 to an existing agreement for the marking of underground street lighting and traffic signal infrastructure with Precise Underground Marking Corporation, Milwaukee, WI. (Resolution No. 11-2763)

Recommendation of the Public Works and Services Committee on 9-27-11: That the agreement with Precise Underground Marking Corporation to mark underground street lighting and traffic signal infrastructure, which ends December 31, 2011, be approved for a one (1) year extension at the current rate.

Fiscal Note: Funding to defray the cost of these services is available in Account 101.590.5610, Street Lighting-Professional Services. This contract was authorized by Resolution 10-2255, dated November 3, 2010, and will result in no increase in cost for the 2012 calendar year.

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

11-6936

Subject: Communication from Emmaus Evangelical Lutheran Church requesting permission to use city right-of-way for a Health, Latino and Soccer Festival on October 8-9, 2011. (Resolution No. 11-2752)

Recommendation of the Public Works and Services Committee on 9-27-11: That Emmaus Lutheran Church be granted permission to close Summit Avenue from English Street to Yout Street, Yout Street from Summit Avenue to Carlisle Avenue, and English Street from Summit Avenue to Carlisle Avenue, on Saturday, October 8, 2011, and Sunday, October 9, 2011, from 10:00 a.m. to 6:00 p.m., for a Health, Latino and Soccer Festival.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.

D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.

E. The sponsor shall pay a \$350.00 special event fee.

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

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

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

11-6963

Subject: (Direct Referral) Communication from the Purchasing Agent submitting bids on Official Notice #14, LED Lighting at BUS Garage. (Resolution No. 11-2753)

Recommendation of the Public Works and Services Committee on 9-27-11: That the contract for LED Lighting at the BUS Garage be awarded to Ruud Lighting, Inc., Sturtevant, WI, at their bid price of \$26,678.36, they being the only responsible bidder.

Fiscal Note: Funding to defray the cost of this lighting be appropriated from Account 105.900.5040, Capital Projects - ARRA Funded.

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

Council Action

A motion was made by Alderman Sandy Weidner, seconded by Alderman Raymond DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoore, II and McCarthy

Public Safety and Licensing Committee Report, by Ald. Wisneski

11-6895

Subject: To create Sec. 6-87 - Social Host Ordinance, Code of the City of Racine, Wisconsin relating to alcoholic beverages.

Recommendation of the Public Safety and Licensing Committee on 9-12-11: To defer the item until the 9-26-11 meeting.

Recommendation of the Public Safety and Licensing Committee on 9-26-11: Recommend that Ordinance 8-11, Sec. 6-87 - Social

Host Ordinance, Code of the City of Racine, Wisconsin relating to alcoholic beverages be adopted.

Fiscal Note: N/A

Alderman Wisneski requested that item 11-6895 be considered separately.

*Alderman Marcus made a motion seconded by Alderman Shields to refer the item back to the committee for further information to include:
police department to discuss how this would be enforced, new ordinance being merged with current ordinance and increase in penalties.*

A motion was made that this Communication be Referred to the Public Safety and Licensing Committee, . The motion was APPROVED by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

11-6908

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to present the bids for Contract 45-11 (K1-033), Island Park Asphalt Improvements - CDBG. (Resolution No. 11-2764)

Recommendation of the Public Safety and Licensing Committee on 9-26-11: That the Contract 45-11 (K1-033), Island Park Asphalt Improvements - CDBG. be awarded to Payne & Dolan, Inc at their bid price of \$81,599.03 as the lowest responsible bidder.

Fiscal Note: Funds available for the bid of \$81,559.03 available from account 891.030.5750.

Alderman Wisneski requested that item 11-6908 be considered separately.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

11-6912

Subject: Communication from Sharif Malik, Dasada Property Management, LLC, 600 Three Mile Road, submitting a petition to exceed the Class A quota limit.

Recommendation of the Public Safety and Licensing Committee on 9-26-11 - To approve the request for Sharif Malik, Dasada Property Management, LLC, 600 Three Mile Road, petition to exceed the "Class A" quota limit and be allowed to apply for the "Class A" license.

Fiscal Note: N/A

Alderman Wisneski requested that item 11-6912 be considered separately.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 8 - Fair, Marcus, Shields, Kaplan, DeHahn, Morgenroth, Hart and Mozol

NOES: 5 - Kaprelian-Becker, Weidner, Wisner, Holding and Wisneski

EXCUSED: 2 - Shakoor, II and McCarthy

The above item requires a 2/3 majority vote of the council members. The motion failed.

11-6654

Subject: (Direct Referral) Reconsideration of nonrenewal application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2011-2012 due to statutory requirements.

Park 6 LLC 500 Sixth Street
(Tradename) Park 6
Thomas J. Holmes, Agent

Recommendation of the Public Safety and Licensing Committee on 7-11-11: That the Committee hold a due process hearing to consider whether the "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License of Park 6, LLC 500 Sixth St. (Thomas Holmes, Agent) should be suspended or revoked. The licensee shall be allowed to continue current operations until completion of the due process hearing.

Recommendation of the Public Safety and Licensing Committee on 9-14-11: (Due Process Hearing)

That the "Class B" Intoxicating Liquor and Fermented Malt Beverage and all other licenses issued by the City of Racine to Park 6, LLC, doing business as Park 6 at 500-6th Street, Racine, Wisconsin, be revoked.

Fiscal Note: Potential cost of Due Process hearing \$6,000.

Alderman Wisneski requested that item 11-6654 be considered separately.

This Communication was Referred to the Common Council

Traffic Commission Report, by Ald. Weidner

11-6595

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a request for a

yield sign at the intersection of Winthrop Avenue and Gates Court.
(Resolution No. 11-2766)

Recommendation of the Traffic Commission on 09-19-11: The request to install a yield sign at the intersection of Winthrop Avenue and Gates Court be granted.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$100.00 and an annual maintenance cost of \$40.00.

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

[11-6745](#)

Subject: Communication from James Eastman, (Merchants Moving & Storage - 1215 State St.), requesting parking be allowed on Union Street between State Street and Liberty Street. (Resolution No. 11-2767)

Recommendation of the Traffic Commission on 09-19-11: Recommends that "No parking at any time" restrictions be approved on Union Street, west side, from Liberty Street north 75 feet and from State Street south 30 feet.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

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

[11-6757](#)

Subject: Communication from the Alderman of the 1st District and Wisconsin Lutheran School (734 Villa St.) requesting No Parking from 7:00 A.M. to 3:00 P.M. signs be installed at 734 Villa Street. (Ordinance No. 11-11)

Recommendation of the Traffic Commission on 09-19-11: Recommends that Schedule F of Section 94-141 (9) relating to "No stopping, standing or parking from 7:30 A.M. to 4:30 P.M. on any school day except for school buses and mass transit vehicles owned and operated by the City" be amended to delete Villa Street, west side, from 200 feet south of Seventh Street south 190 feet.

Further recommends that Schedule F of Section 94-141 (41) relating to "No stopping, standing or parking from 7:00 A.M. to 3:00 P.M. on any school day except for school buses and mass transit vehicles owned and operated by the City" be amended to include Villa Street, west side, from 200 feet south of Seventh Street south 190 feet.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

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

[11-6758](#)

Subject: Communication from the Alderman of the 1st District and Wisconsin Lutheran School (734 Villa St.) requesting 15 mph speed limit signs be placed at 734 Villa St.

Recommendation of the Traffic Commission on 09-19-11: Receive and file.

Fiscal Note: N/A

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

[11-6865](#)

Subject: Communication from the Alderman of the 5th District, on behalf of Dave Corban - 2300 Erie Street, requesting to get north and south stop signs placed at the intersection of Erie Street and Walton Avenue.

Recommendation of the Traffic Commission on 09-19-11: Receive and file.

Fiscal Note: N/A

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

[11-6961](#)

Subject: In accordance with Section 2-95 of the Municipal Code of the General Ordinances of the City of Racine, recommends that the following requests for changes in traffic code be granted:

A. Recommends that Section 94-67 (b) of Schedule D of the Municipal Code of the General Ordinances of the City of Racine relative to "Yield right-of-way intersections" be amended:

By Including:

1. Right-of-way traffic on "Winthrop Avenue"; Yield right-of-way traffic on "Gates Court"

B. Recommends that Section 94-141 (1) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking at any time" be amended:

By Including:

1. Union Street, west side, from Liberty Street north 75 feet.
2. Union Street, west side, from State Street south 30 feet.

C. Recommends that Section 94-141 (9) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No stopping, standing or parking from 7:30 A.M. to 4:30 P.M. on a school day except for school buses and mass transit vehicles owned and operated by the City" be amended:

By Deleting:

1. Villa Street, west side, from 200 feet south of Seventh Street south 190 feet.

D. Recommends that Section 94-141 (41) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No stopping, standing or parking from 7:00 A.M. to 3:00 P.M. on any school day except for school buses and mass transit vehicles owned and operated by the City" be amended:

By Including:

1. Villa Street, west side, from 200 feet south of Seventh Street south 190 feet.

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

Council Action

A motion was made by Alderman Sandy Weidner, seconded by Alderman Raymond DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

Transit and Parking Commission Report, by Ald. Weidner

11-6748

Subject: Communication from the Transit and Parking System Manager submitting the final version of the City of Racine Parking Utility Financial Analysis Report.

Recommendation of the Transit and Parking Commission on 07-31-11: Defer

Recommendation of the Transit and Parking Commission on 09-28-11: Approve the final version of the City of Racine Parking Utility Financial Analysis Report.

Fiscal Note: N/A

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

[11-6903](#)

Subject: Communication from the BUS Transit Manager submitting the August BUS monthly operating report.

Recommendation of the Transit and Parking Commission on 09-28-11: Receive and file.

Fiscal Note: N/A

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

[11-6905](#)

Subject: Communication from the Transit and Parking System Manager requesting to review the public hearing schedule on October 20, 2011 regarding transit service reductions.

Recommendation of the Transit and Parking Commission on 09-28-11: Receive and file.

Fiscal Note: N/A

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

[11-6906](#)

Subject: Communication from the Transit and Parking System Manager requesting proposed meeting changes for 2011 and 2012 Transit and Parking Commission meetings.

Recommendation of the Transit and Parking Commission on 09-28-11: Approve revising the remaining 2011 Transit and Parking Commission meeting schedule to include on October 26th, November 16th and tentative December 7th meeting with next year's meetings to be scheduled on the third Wednesday of the month as opposed to the current fourth Wednesday. All meetings to be at 4:30 P.M.

Fiscal Note: N/A

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

[11-6907](#)

Subject: Communication from the Transit and Parking System Manager requesting to discuss the targeted parking meter removal and an update on the "pay-by-space" demonstration in the Library

parking lot.

Recommendation of the Transit and Parking Commission on 09-28-11: Receive and file.

Fiscal Note: N/A

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

11-6943

Subject: (Direct Referral) Communication from the Transit and Parking System Manager regarding a revision to the US Federal Transit Administration (FTA) Grant No. WI-04-0037-00. (Resolution No. 11-2768)

Recommendation of the Transit and Parking Commission on 09-28-11: Approve a final revision in FTA Grant WI-04-0037-00 to include funding for transit center roof and masonry improvements, bus shelters, service building roof repairs, a required radio system upgrade, cameras and AVL equipment for paratransit vehicles and repair or replace needed shop equipment.

Fiscal Note: N/A. Federal funding previously approved at 80% and local share provided for in CIP.

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

Council Action

A motion was made by Alderman Sandy Weidner, seconded by Alderman Raymond DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

City Plan Commission Report, by Ald. Wisneski

11-6830

Subject: (Direct Referral) Consideration of request from Norwood Commercial Contractors, Inc. to rezone properties located at 1835 Clark Street, 1206 DeKoven Avenue, and 1849 Racine Street, from I-2 General Industrial District to B-2 Community Shopping District (PC-11).

Recommendation of the City Plan Commission on 9-28-11: That the item be received and filed.

Fiscal Note: N/A

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

11-6956

Subject: (Direct Referral) Consideration of a request from Brad Carr seeking a conditional use permit at 1135 Chatham Street for an automobile repair and accessories installation. (PC-11) (Resolution No. 11-2769)

Recommendation of the City Plan Commission on 9-28-11: That the item be approved subject to conditions.

Fiscal Note: N/A

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

11-6957

Subject: (Direct Referral) Consideration of a request from David Martinez representing Devil Dog Motors seeking a conditional use permit to operate an automobile repair and accessories installation business at 3210 Durand Avenue. (PC-11) (Resolution No. 11-2770)

Recommendation of the City Plan Commission on 9-28-11: That the item be approved subject to conditions.

Fiscal Note: N/A

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

11-6959

Subject: (Direct Referral) Consideration of a request from Matthew Wagner, representing S.C. Johnson, seeking a rezoning of the property at 1525 Howe Street from I-2 General Industrial to I-2 with a H-Historic District Overlay. (PC-11) (Zoning Ordinance 6-11)

Recommendation of the City Plan Commission on 9-28-11: That an ordinance be prepared and a public hearing scheduled.

Fiscal Note: N/A

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

11-6960

Subject: (Direct Referral) Consideration of a request from Jeremy Cynkar of WHG Real Estate South LLC, d/b/a Applebee's seeking an amendment to a conditional use permit at 2521 S. Green Bay Road for updates to signage and architectural treatments. (PC-11) (Resolution No.11-2771)

Recommendation of the City Plan Commission on 9-28-11: That

the item be approved subject to conditions.

Fiscal Note: N/A

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

Council Action

A motion was made by Alderman Aron Wisneski, seconded by Alderman Raymond DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

Housing Loan Board Report, by Ald. Wisner

[11-6897](#)

Subject: (Direct Referral) Request of Assistant Director, Joseph Heck, to purchase 1319 Center Street for the NSP-3 program. (Resolution No. 11-2772)

Recommendation of the Loan Board of Review on 9-22-11: That the request be approved.

Fiscal Note: Accepted offer is for \$3,267. Funds are available through the NSP-3 program.

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

[11-6937](#)

Subject: (Direct Referral) Communication from Lois H. Shaw, 1212 Geneva Street, requesting adjustment of property lines between 1212 Geneva Street and 1216 Geneva Street. (Resolution No. 11-2773)

Recommendation of the Loan Board of Review on 9-22-11: That the request be approved subject to Ms. Shaw paying transfer and recording fees.

Fiscal Note: N/A

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

Council Action

A motion was made by Alderman Dennis Wisner, seconded by Alderman Raymond DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

Committee of the Whole Report, by Ald. Holding

[11-6962](#)

Subject: (Direct Referral) Communication from RCEDC requesting to present Economic Development efforts which primarily include preliminary results on the Business Call program.

Recommendation: that the Item be Received and Filed.

Fiscal Note: N/A

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

[11-6279](#)

Subject: Communication from the 14th District Alderman requesting the Parks and Recreation Department be placed under the Department of Public Works.

Recommendation: that the Item be Received and Filed.

Fiscal Note: N/A

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

Council Action

A motion was made by Alderman Gregory Holding, seconded by Alderman Sandy Weidner, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

Office of the Mayor Report, by Ald. Holding

[11-6981](#)

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

Reappoint Alderman Q.A. Shakoor II 1516 W. 6th St Racine, 53404 to the Economic Development Committee for a one year term expiring June 1, 2012

Reappoint Alderman Michael Shields 1850 13th St Racine, 53403 to the Water Commission for a one year term expiring October 1, 2012

Reappoint Alderman Michael Shields 1850 13th St Racine, 53403 to the Wastewater Commission for a one year term expiring October 1, 2012

Reappoint Alderman Ron Hart 4420 Republic Ave Racine, 53405 to the Water Commission for a one year term expiring October 1, 2012

Reappoint Alderman Ron Hart 4420 Republic Ave Racine, 53405 to the Wastewater Commission for a one year term expiring October 1, 2012

Reappoint Thomas Bunker 804 Lathrop Ave Racine, 53405 to the Wastewater Commission as an alternate for a one year term expiring October 1, 2012

Reappoint Thomas Friedel 1904 Dwight St Racine, 53403 to the Wastewater Commission as an alternate for a one year term expiring October 1, 2012

Reappoint Tracy Richters 333 Lake Racine, 53403 to the Water Commission for a four year term expiring October 1, 2015

Reappoint Tracy Richters 333 Lake Racine, 53403 to the Wastewater Commission for a four year term expiring October 1, 2015

Appoint Timothy Thompkins as Affirmative Action Officer for the City of Racine

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

Water Works Committee Report, by Ald Hart

[11-6930](#)

Subject: Submittal of the Report of the Finance Committee of the Racine Waterworks Commission Regarding Year 2012 Water Utility Operation and Maintenance Budget and the 2012-2016 Capital Improvements Budget Recommending Adoption

**Recommendation of the Racine Waterworks Commission on
9/27/11: To adopt. Refer to the Committee of the Whole.**

This Communication was Referred to the Committee of the Whole

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

Wastewater Commission Report, by Ald Hart

[11-6931](#)

Subject: Submittal of the Report of the Finance Committee of the Racine Wastewater Commission Regarding Year 2012 Wastewater Utility Operation and Maintenance Budget and the 2012-2016 Capital Improvements Budget Recommending Adoption

**Recommendation of the Racine Wastewater Commission on
9/27/11: To adopt. Refer to the Committee of the Whole.**

A motion was made that this Communication be Referred to the Committee of the Whole, . The motion was APPROVED by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

[11-6932](#)

Subject: Submittal of 2012 Sewer Service Rates

**Recommendation of the Racine Wastewater Commission on
9/27/11: To adopt. Refer to the Committee of the Whole.**

A motion was made that this Communication be Referred to the Committee of the Whole, . The motion was APPROVED by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

G. Consent Agenda - Resolutions

[Res.11-2749](#)

Discuss results of Official Notice #13, Request for Proposal, Audit Services.

Resolved, that Official Notice #13, Request for Proposal, Audit Services be awarded to Baker Tilly Virchow Krause for a five (5) year term beginning in 2012 with the option of two (2) one-year extensions.

Fiscal Note: Funds for this expenditure are available in account 101.191.5600, Audit Fees.

Sponsors: Q.A. Shakoor, II

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2751

Enter into an agreement with the University of Wisconsin Oshkosh for the Health Department Laboratory to provide contracted services

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with the University of Wisconsin Oshkosh for the Health Department Laboratory to provide contracted services and to receive payment up to \$70,899 per year for a 3 year period.

Fiscal Note: Receive payment up to \$70,899 per year for a 3-year period for implementation of mitigation strategies at sanitary survey evaluated beaches in Wisconsin. No match required on the part of the City.

Sponsors: Q.A. Shakoor, II

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2752

Requesting permission to use city right-of-way for a Health, Latino and Soccer Festival on October 8-9, 2011.

Resolved, that Emmaus Lutheran Church be granted permission to close Summit Avenue from English Street to Yout Street, Yout Street from Summit Avenue to Carlisle Avenue, and English Street from Summit Avenue to Carlisle Avenue, on Saturday, October 8, 2011, and Sunday, October 9, 2011, from 10:00 a.m. to 6:00 p.m., for a Health, Latino and Soccer Festival.

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

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$350.00 special event fee.
- F. Processing fee of \$50.00 be paid.

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: Sandy Weidner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2753

Submitting bids on Official Notice #14, LED Lighting at BUS Garage.

Resolved, that the contract for LED Lighting at the BUS Garage be awarded to Ruud Lighting, Inc., Sturtevant, WI, at their bid price of \$26,678.36, they being the only responsible bidder.

Fiscal Note: Funding to defray the cost of this lighting be appropriated from Account 105.900.5040, Capital Projects - ARRA Funded.

Sponsors: Sandy Weidner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2754

Submitting request for final payment on Contract 34-10 (K0-042), City Hall and Memorial Hall Restoration (R1).

Resolved, that the work done by AZAR LLC under Contract 34-10 (K0-042), City Hall and Memorial Hall Restoration (R1), be accepted and final payment authorized for a total contract amount of \$303,899.28.

Fiscal Note: Contract was authorized under Resolution No. 10-2150, dated August 17, 2010.

Sponsors: Sandy Weidner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2755

Submitting assessment rates established for 2012 Public Hearings for 2013 construction of Portland Cement Concrete Paving and Curb and Gutter.

Resolved, that the proposed special assessment rates for public hearings in 2012 (2013 construction) for portland cement concrete paving and curb and gutter be as follows:

Portland Cement Concrete Paving

Residential Paving (7 inch) - 26' Flange to Flange \$57.00/Front Foot
Residential Paving (7 inch) - 32' Flange to Flange \$65.00/Front Foot
Commercial Paving (8 inch) - 32' Flange to Flange \$75.00/Front Foot
Industrial Paving (9 inch) - 32' Flange to Flange \$85.00/Front Foot
Industrial Paving (9 inch) - 44' Flange to Flange \$105.00/Front Foot
Industrial Paving (9 inch doveled)-44' Flange to Flange \$115.00/Front Foot
Industrial Paving (10 inch doveled)-44' Flange to Flange \$125.00/Front Foot

Portland Cement Concrete Curb and Gutter (30 inch)

7" Pavement \$22.00/Front Foot
8" Pavement \$24.00/Front Foot
9" Pavement \$26.00/Front Foot
10" Pavement \$28.00/Front Foot

Sewer and Water Services

Sewer (6") and Water (1") \$10,500.00/Each
Sewer (6") and Water (2") \$12,000.00/Each

Alley Paving

10' ROW 7" Pavement \$35.00/Front Foot
11'-15' ROW 7" Pavement \$45.00/Front Foot
16'-20' ROW 7" Pavement \$55.00/Front Foot
21'-25' ROW 7" Pavement \$65.00/Front Foot

Further resolved, that these special assessment rates become effective upon passage of the Common Council for all preliminary resolutions.

These rates apply to all streets, regardless of width, unless the actual construction cost is less, then the front foot cost shall be reduced accordingly.

Fiscal Note: These rates are established so that the abutting property owner pays 100% of the cost of such street improvements.

Sponsors: Sandy Weidner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

[Res.11-2756](#)

PRELIMINARY RESOLUTION FOR A LIST OF STREETS TO BE INCLUDED IN THE 2012 PUBLIC HEARINGS FOR 2013 CONSTRUCTION.

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

Belmont Avenue from Eisenhower Drive to Spring Street
Cleveland Avenue from Durand Avenue to Pierce Boulevard
Echo Lane from Byrd Avenue to Sixteenth Street
Emstan Hills Road from Duchess Drive to Oakwood Drive
English Street from N. Main Street to Chatham Street
English Street from Chatham Street to Michigan Boulevard
Freeland Circle from Virginia Street to Cul-de-sac
Glendale Avenue from Winthrop Avenue to Drexel Avenue
Indiana Street from Dead end to Olive Street
Kentucky Street from Cul-de-sac to Shadow Lane
Mitchell Street from Ashland Avenue to Kearney Avenue
N. Wisconsin Street from Carlton Drive to Cul-de-sac (N)
Spring Valley Drive from Spring Street to Harrington Drive
Victorian Drive from Emstan Hills Road to Maryland Avenue
Vista Drive from Spring Valley Drive to Harrington Drive
Wood Duck Way from Waterbury Lane to Chicory Road

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: Unknown at this time.

Sponsors: Sandy Weidner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2758

Submitting Change Order No. 5 to Contract 1-11 (K1-001), City Hall Renovations-Phase III (R1).

Resolved, that Change Order No. 5 on Contract 1-11 (K1-001), City Hall Renovations-Phase III (R1), Seater Construction Co., Inc., contractor, be approved in the amount of \$19,577.00.

Fiscal Note: Funding to defray the cost of this change order to be appropriated from Account 990.100.5010, City Hall-Facilities Plan Implementation.

Sponsors: Sandy Weidner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2759

Submitting Change Order No. 1 on Contract 35-11 (K1-037), Replace Fire Alarm System at Library.

Resolved, that Change Order No. 1 on Contract 35-11 (K1-037), Replace Fire Alarm System at Library, Enterprise Engineered Systems, Inc., contractor, be approved in the amount of \$1,600.00.

Fiscal Note: Funding to defray the cost of this change order to be appropriated from Account 255.991.5020, Fire Alarm.

Sponsors: Sandy Weidner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2760

Submitting Amendment No. 2 to Contract 19-11 (K1-019), Professional Services - Design Roof Specifications for Street Maintenance Garage.

Resolved, that Amendment No. 2 to Contract 19-11 (K1-019), Professional Services - Design Roof Specifications for Street Maintenance Garage, Industrial Roofing Services, Inc., consultant, as submitted, be approved in the amount of \$1,500.00.

Fiscal Note: Funding to defray the cost of this change order to be appropriated from Account 404.000.5760, Equipment Maintenance Lintel Replacement.

Sponsors: Sandy Weidner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2761

Submitting Change Order No. 2 on Contract 15-11 (K1-015), 2011 City Resurfacing (R1).

Resolved, that Change Order No. 2 on Contract 15-11 (K1-015), 2011 City Resurfacing (R1), A.W. Oakes & Sons, Inc., contractor, be approved in the amount of \$33,825.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Accounts 104.991.5420, Storm Sewer, Miscellaneous Locations.

Sponsors: Sandy Weidner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2762

Requesting a reduction in retainage on Contract 24-11 (K1-024), Spring Street Bridge Repairs.

Resolved, that the request of the contractor to reduce the retainage on Contract 24-11 (K1-024), Spring Street Bridge Repairs, Lunda Construction Company, contractor, to \$2,500.00, be approved.

Fiscal Note: The amount of retainage is sufficient to cover the value of the remainder of the work on this project.

Sponsors: Sandy Weidner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2763

Submitting Amendment No.1 for the marking of underground street lighting and traffic signal infrastructure.

Resolved, that the agreement with Precise Underground Marking Corporation to mark underground street lighting and traffic signal infrastructure, which ends December 31, 2011, be approved for a one (1) year extension at the current rate.

Fiscal Note: Funding to defray the cost of these services is available in Account 101.590.5610, Street Lighting-Professional Services. This contract was authorized by Resolution `10-2255, dated November 3, 2010, and will result in no increase in cost for the 2012 calendar year.

Sponsors: Sandy Weidner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2764

Bids for Contract 45-11 (K1-033), Island Park Asphalt Improvements - CDBG.

Resolved, that Contract 45-11 (K1-033), Island Park Asphalt Improvements - CDBG be awarded to Payne & Dolan, Inc at their bid price of \$81,599.03 as the lowest responsible bidder.

Fiscal Note: Funds available for the bid of \$81,559.03 available from account 891.030.5750.

Sponsors: Aron Wisneski

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2766

Submitting a request for a yield sign at the intersection of Winthrop Avenue and Gates Court.

Resolved, that the request to install a yield sign at the intersection of Winthrop Avenue and Gates Court be granted.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$100.00 and an annual maintenance cost of \$40.00.

Sponsors: Sandy Weidner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

[Res.11-2767](#)

Request that parking be allowed on Union Street between State Street and Liberty Street.

Resolved, that "No parking at any time" restrictions be approved on Union Street, west side, from Liberty Street north 75 feet and from State Street south 30 feet.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

Sponsors: Sandy Weidner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

[Res.11-2768](#)

Revision to the US Federal Transit Administration (FTA) Grant No. WI-04-0037-00.

Resolved, that a final revision in FTA Grant WI-04-0037-00 to include funding for transit center roof and masonry improvements, bus shelters, service building roof repairs, and required radio system upgrade, cameras and AVL equipment for paratransit vehicles and repair or replace needed shop equipment, be approved.

Fiscal Note: N/A. Federal funding previously approved at 80% and local share provided for in CIP.

Sponsors: Raymond DeHahn

A motion was made that this Resolution be Adopted. The motion was APPROVED.

[Res.11-2769](#)

CONDITIONAL USE PERMIT BE GRANTED TO OPERATE AN AUTOMOBILE REPAIR FACILITY AT 1135 CHATHAM STREET.

Resolved, that the request of Brad Carr seeking a conditional use permit at 1135 Chatham Street for an automobile repair and accessories installation be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on September 28, 2011 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the hours the establishment is open to the general public, and the conduct of repair operations be from 8:30 a.m. - 5:30 p.m., Monday through Friday, and 9:00 a.m. - 3:00 p.m. on Saturdays, with no Sunday hours. These hours and days of operation shall be adhered to without exception.
- d. That no engine repair, transmission repair, tire work, a/c, body work, transmission service, or painting be allowed at this location. Also, diesel vehicles may not be serviced at this location.
- e. That all aspects of the operation of the auto repair must be contained indoors, including the storage of parts and equipment.
- f. That vehicles for repair shall be limited to private passenger automobiles and personal trucks or vans. No commercial vehicle repair is allowed.
- g. That all vehicles being worked on or awaiting work shall be stored indoors, as the site has no off-street parking.
- h. That all doors and windows to the building must remain closed while vehicle work is being done to lessen the impact of noise on the surrounding neighborhoods.
- i. That if noise concerns become a problem at this site, this approval shall be brought back to the Plan Commission to discuss action on dealing with the noise intrusions.
- j. That no vehicle sales shall be conducted at this location.
- k. There shall be no outdoor display or sales of products or vehicles at this site.
- l. That no junked or inoperable vehicles may be stored at this location, and no vehicle salvage be conducted at this location
- m. That one employee vehicle, and one vehicle assisting in a pick-up or drop-off for service may be parked on the street at any given time. No other vehicles associated with the business may park on the street.

- n. That by November 15, 2011, the building shall be painted in a uniform color, as approved by the Director of City Development.
- o. That the vegetative overgrowth on the site shall be trimmed up or removed prior to granting of building occupancy.
- p. That all signs shall be professionally made, comply with zoning ordinance requirements and approved by the Downtown Area Design Review Commission prior to installation.
- q. That all trash shall be stored inside the building and removed at regular intervals.
- r. That all codes and ordinances be complied with and required permits acquired.
- s. 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.
- t. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Aron Wisneski

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2770

REQUESTING A CONDITIONAL USE PERMIT TO OPERATE AN AUTOMOBILE REPAIR AND ACCESSORIES INSTALLATION BUSINESS

Resolved, that the request of David Martinez, representing Devil dog Motors seeking a conditional use permit to operate an automobile repair and accessories installation business at 3210 Durand Avenue, be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on September 28, 2011 be approved subject to the conditions contained herein.
- b. That all conditions of approval as contained in Common Council Resolution No. 7790 of December 6, 1994, Resolution No. 6625 of August 16, 2005 and compliance review 07-0355 of September 24, 2008 be complied with unless otherwise amended herein.

- c. That all applicable building and occupancy permits be obtained from the Building Inspection Department.

- d. That the hours the establishment is open to the general public, and the conduct of repair operations be from 9:00 a.m. - 6:00 p.m., Monday through Saturday, with no Sunday hours. These hours and days of operation shall be adhered to without exception.

- e. That the following items or activities are prohibited in relation to this facility:
 - 1. Major engine, transmission, tire, air conditioning repair or service.
 - 2. Work on or painting of vehicle bodies and parts.
 - 3. Vehicles display and sales.
 - 4. Outdoors repair, servicing and testing activities.
 - 5. Outdoor storage of parts, equipment, materials or products.
 - 6. Outdoor storage of junked or inoperable vehicles.
 - 7. Outdoor display or sales of products.
 - 8. Outdoor vending machines.
 - 9. Offsite customer and employees parking.
 - 10. Street storage of vehicles, parts, equipment, material or products.
 - 11. Sounds, fumes or vibrations that adversely impact area properties.
 - 12. Opening of western overhead door while work is being conducted on vehicles and equipment.
 - 13. Vehicle salvage and disassembly.
 - 14. Opening of the Hayes Avenue gate between the hours of 10:00 a.m. and 8:00 a.m. the following day.
 - 15. Repair or servicing other than that of private passenger automobiles and personal trucks or vans and marine vehicles.
 - 16. Repair or servicing of semi trucks, tractor -trailers or other commercial vehicles.

- f. That all signs shall be professionally made, comply with zoning ordinance requirements and be submitted for the review and approval of the Director of City Development prior to installation. All current un-permitted signage and obsolete signage shall be immediately removed.

- g. That all trash and recyclables be stored in closed containers and screened from view.

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

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

Fiscal Note: N/A

Sponsors: Aron Wisneski

A motion was made that this Resolution be Adopted. The motion was APPROVED.

[Res.11-2771](#)

REQUEST AN AMENDMENT TO A CONDITIONAL USE PERMIT AT 2521 S. GREEN BAY ROAD

Resolved, that the request of Jeremy Cynkar of WHG Real Estate South LLC, d/b/a Applebee's, seeking an amendment to a conditional use permit at 2521 S. Green Bay Road for updates to signage and architectural treatments be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on September 28, 2011 be approved subject to the conditions contained herein.
- b. That all codes and ordinances be complied and all applicable permits be applied for through the Building Inspection Department.
- c. That the monument sign not exceed six feet in total height.
- d. 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.
- e. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Aron Wisneski

A motion was made that this Resolution be Adopted. The motion was APPROVED.

[Res.11-2772](#)

Request to purchase 1319 Center Street for the NSP-3 program.

Resolved, that the request to purchase 1319 Center Street for the NSP-3 program be approved.

Fiscal Note: Accepted offer is for \$3,267. Funds are available through the NSP-3 program.

Sponsors: Dennis Wisner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.11-2773

Request adjustment of property lines between 1212 Geneva Street and 1216 Geneva Street.

Resolved, that the adjustment of property lines between 1212 Geneva Street and 1216 Geneva Street be approved, subject to Ms. Shaw paying transfer and recording fees.

Fiscal Note: N/A

Sponsors: Dennis Wisner

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Council Action

A motion was made by Alderman Gregory Holding, seconded by Alderman Raymond DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoore, II and McCarthy

H. Resolutions

Res.11-2757

PRELIMINARY RESOLUTION FOR PAVING ALLEYS BE CONSIDERED FOR RECONSTRUCTION FOR THE 2013 CONSTRUCTION SEASON (2012 HEARING).

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 bounded by Walton Avenue and Layard Avenue; Charles Street and Geneva Street

Alley bounded by Lindermann Avenue and Kinzie Avenue; Blaine Avenue and Hayes Avenue

Alley bounded by Kinzie Avenue and Haven Avenue; Arthur Avenue and Blaine Avenue

Alley bounded by Layard Avenue and Romaine Avenue; Charles Street and Geneva Street

Alley bounded by Prospect Street and Hamilton Street; Carlisle Avenue and Blake Avenue

Alley bounded by 3rd Street and State Street; Wisconsin Avenue and Main Street S(NS)

Alley bounded by 15th Street and Wright Avenue; Deane Boulevard and Quincy Avenue

Alley bounded by 19th Street and 18th Street; Grange Avenue and Flett Avenue

Alley bounded by 16th Street and Washington Avenue; Packard Avenue and Memorial Drive

Alley bounded by 16th Street and 15th Street; Deane Boulevard and Quincy Avenue

Alley bounded by 16th Street and 15th Street; West Boulevard and Deane Boulevard

Alley bounded by 17th Street and 16th Street; Morton Avenue and Austin Avenue

Alley bounded by 17th Street and 16th Street; Murray Avenue and Phillips Avenue

Alley bounded by St. Patrick Street and High Street; Summit Avenue and Carlisle Avenue

Alley bounded by State Street and West Street; Blake Avenue and Memorial Drive

Alley bounded by Railroad tracks and 17th Street; West Boulevard and Deane Boulevard

Alley bounded by DeKoven Avenue and 18th Street; Franklin Street and Center Street

Alley bounded by DeKoven Avenue and 18th Street; Villa Street and Park Avenue

Alley bounded by English Street and Yout Street; Marquette Street and La Salle Street

Alley bounded by English Street and Yout Street; Summit Avenue and

Carlisle Avenue

Alley bounded by Hamilton Street and Albert Street; Carlisle Avenue and Blake Avenue

Alley bounded by Hamilton Street and Albert Street; Summit Avenue and Carlisle Avenue

Alley bounded by High Street and English Street; Summit Avenue and Carlisle Avenue

Alley bounded by Goold Street and Walton Avenue; Green Street and St. Clair Street

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.

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: Unknown at this time.

Sponsors: Sandy Weidner

A motion was made by Alderman Holding, seconded by Alderman DeHahn, that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 12 - Fair, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

NOES: 1 - Marcus

EXCUSED: 2 - Shakoore, II and McCarthy

[Res.11-2729](#)

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$6,500,000 WATERWORKS SYSTEM MORTGAGE REVENUE BONDS AND PROVIDING FOR THE PAYMENT OF SAID BONDS AND OTHER DETAILS AND COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Racine, Racine County, Wisconsin (the "Municipality") owns and operates a Waterworks System (the "System") which is operated for a public purpose as a public utility by the Municipality;

WHEREAS, under the provisions of Section 66.0621 of the Wisconsin Statutes any municipality may, by action of its governing body, provide funds for extending, adding to and improving a public utility or to refund obligations issued to finance or refinance such extensions, additions and improvements from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and which bonds may be additionally secured by a mortgage lien upon such utility;

WHEREAS, the Municipality has outstanding its Waterworks System Mortgage Revenue Bonds, dated November 1, 2004 (the "November 2004 Bonds"), its Waterworks System Mortgage Revenue Bonds, dated April 2, 2007 (the "2007 Bonds"), its Waterworks System Mortgage Revenue Bonds, dated December 8, 2009 (the "2009 Bonds"), and its Waterworks System Mortgage Revenue Refunding Bonds, dated June 28, 2011 (the "June 2011 Bonds"), which bonds are payable from the income and revenues of the System and are additionally secured by a mortgage lien on the System (collectively, the "Prior Bonds");

WHEREAS, the Prior Bonds were issued pursuant to an Ordinance adopted by the Common Council of the Municipality (the "Governing Body") on April 17, 1978, as supplemented by a supplementing ordinance adopted on October 5, 2004 (the "Ordinance") and by Resolutions adopted by the Governing Body on March 6, 2007, November 17, 2009, and June 7, 2011 (collectively, the "2007, 2009 and 2011 Resolutions");

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

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

WHEREAS, the Ordinance and the 2007, 2009 and 2011 Resolutions provide that additional bonds may be issued on a parity with the Prior Bonds upon compliance with certain conditions;

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

WHEREAS, to the best of the Governing Body's knowledge, information and belief, all conditions precedent to the issuance of additional bonds set forth in the Ordinance, the 2007, 2009 and 2011 Resolutions and the Prior Resolutions have been or will be complied with prior to the issuance of the Bonds authorized by this Resolution;

WHEREAS, certain improvements and extensions to the System are necessary to adequately meet the needs of the Municipality and the residents thereof, consisting of financing 2011 and 2012 water main and water meter replacement projects and acquiring equipment, including pump motors, a transformer and variable frequency drives (the "Project");

WHEREAS, for the purpose of paying costs of the Project (including paying legal, financing, engineering and other professional fees in connection therewith), the Governing Body deems it to be necessary, desirable and in the best interest of the Municipality to authorize and sell waterworks system mortgage revenue bonds of the Municipality payable solely from the revenues of the System on a parity with the Prior Bonds, which bonds are to be authorized and issued pursuant to the provisions of Section 66.0621, Wisconsin Statutes;

WHEREAS, other than the Prior Bonds and the Safe Drinking Water Bonds, no other bonds or obligations payable from the

revenues of the System are now outstanding.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Municipality that:

Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by implication requires otherwise:

"Act" means Section 66.0621 of the Wisconsin Statutes;

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

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

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

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

"Bonds" means \$6,500,000 Waterworks System Mortgage Revenue Bonds of the Municipality dated October 25, 2011, authorized to be issued by this Resolution;

"Code" means the Internal Revenue Code of 1986, as amended;

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

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

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

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

"Gross Revenues" shall include all revenues, income and earnings of the System derived from water charges imposed by the Municipality, all payments to the Municipality under any agreements between the Municipality and any contract users of the System, and any other moneys received from any source by the System including all rentals and fees;

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

"Net Revenues" means Gross Revenues of the System after

deduction of Current Expenses;

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

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

"Project" means improvements and extensions to the System, consisting of financing 2011 and 2012 water main and water meter replacement projects and acquiring equipment, including pump motors, a transformer and variable frequency drives. All elements of the Project are to be owned and operated by the Municipality as a part of the System as described in the preamble hereto;

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

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

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

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

Section 2. Authorization of the Bonds. For the purpose of paying costs of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System the sum of SIX MILLION FIVE HUNDRED THOUSAND DOLLARS (\$6,500,000), and registered revenue bonds of the Municipality are hereby authorized to be issued in evidence thereof to Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin (the "Original Purchaser") in accordance with the terms and conditions of its purchase proposal (the "Proposal") attached hereto as Exhibit A and incorporated herein by this reference.

Section 3. Terms of the Bonds. The revenue bonds shall be

designated "Waterworks System Mortgage Revenue Bonds" (the "Bonds"); shall be dated October 25, 2011; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall bear interest at the rates per annum set forth in the Proposal and shall mature on September 1 of each year, in the years and principal amounts set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest on the Bonds shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2012. 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 Book.

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").

It is hereby determined and declared that:

- (a) the above Schedule is such that the requirement each year to pay both the principal of and interest on the Bonds is reasonable in accordance with prudent municipal utility management practices; and
- (b) the aggregate amount of Bonds, which shall encompass sums sufficient to provide for the costs hereinabove set forth, is necessary.

Section 3A. Call Provisions. At the option of the Municipality, the Bonds maturing on September 1, 2022 and thereafter shall be subject to redemption prior to maturity on September 1, 2021 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the Municipality and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. 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.

Section 3B. Parity with the Prior Bonds. The Bonds shall be additional bonds within the meaning of Section 11 of the Ordinance and Section 9 of the 2007, 2009 and 2011 Resolutions, are issued on a parity with the Prior Bonds and are secured by an equal lien and claim to the revenues and properties of the System and the monies on deposit in the Special Redemption Fund as set forth in the Ordinance, the 2007, 2009 and 2011 Resolutions, and this Resolution. In addition, the Bonds and any Parity Bonds are secured by a mortgage lien upon the System on a parity with the mortgage lien granted to the Prior Bonds.

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

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

Section 5. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund hereinafter described, and shall be a valid claim of any holder thereof only against said Special Redemption Fund and the revenues of the System pledged to such fund. Sufficient revenues are hereby pledged to said Special Redemption Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds as the same becomes due. In addition, the Bonds and any Parity Bonds are secured by a mortgage lien upon the System on a parity with the mortgage lien granted to the Prior Bonds. It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund (defined below) and deposited in the Special Redemption Fund (defined below) shall be sufficient in any event to pay the interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds as the same accrues and the principal amount hereof as the same matures, and to provide any amounts required to be paid monthly into the Reserve Account (defined below) to maintain the Reserve Requirement.

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds, certain funds of the System were created by the Ordinance, continued by the 2007, 2009 and 2011 Resolutions and are hereby continued to be used solely for the following respective purposes:

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

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

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

Account".

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

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

(ii) There shall be deposited into the Reserve Account an amount sufficient to make the amount on deposit therein equal to the Reserve Requirement. The Reserve Account shall be used solely for the purpose of paying principal of or interest on the Prior Bonds, the Bonds or any Parity Bonds at any time when there shall be insufficient money in the Interest and Principal Account. The Reserve Account shall be funded and replenished in the manner specified in Section 7 hereof. The Safe Drinking Water Bonds are not secured by the Reserve Account.

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

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

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

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

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

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

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

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

(c) to the Special Redemption Fund, for monthly transfer to the Reserve Account thereof, an amount equal to one-twelfth of the Reserve Requirement until the amount accumulated in the Reserve

Account (after giving effect to amounts deposited in the Reserve Account from Bond Proceeds pursuant to Section 12 hereof, from any investment earnings or any other source) equals the Reserve Requirement. It is the intent of the Municipality that at all times the Reserve Account constitutes a "reasonably required reserve fund" under Section 148 of the Code and any applicable Regulations;

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

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

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

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

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

Section 8. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing waterworks services for public purposes, shall be charged against the Municipality and shall be paid by it as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System, and out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. However such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if necessary, (b) yearly appropriations therefor and (c) applicable levy limitations, if any; but neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of services rendered to the Municipality and its inhabitants or make any subsequent payment over and above such reasonable cost and value. Such compensation for such service rendered to the Municipality shall, in the manner hereinabove provided, be paid into the Revenue Fund referred to in Section 6 hereof.

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

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

(a) For the purpose of refunding any of the Bonds or any Parity Bonds which shall have matured or which shall mature not later than three (3) months after the date of delivery of such refunding bonds and for the payment of which there shall be insufficient moneys in the Special Redemption Fund; and,

(b) For the purpose of refunding any outstanding Bonds or any Parity Bonds, or purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, renewing, replacing, operating or managing the System, if all of the following conditions shall have been met:

(i) The Net Revenues for the last completed Fiscal Year preceding the issuance of such additional bonds must have been at least equal to one and one-quarter (1.25) times the highest combined annual interest and principal requirements on all Bonds and any Parity Bonds then outstanding payable from

the revenues of the System (other than Bonds and any Parity Bonds being refunded), and the bonds so proposed to be issued, for any succeeding Fiscal Year in which there shall be a principal maturity on such outstanding bonds; provided, however, that if prior to the authorization of such additional bonds the Municipality shall have adopted and put into effect a revised schedule of rates, then the Net Revenues of the System for the last completed Fiscal Year which would, in the written opinion of an independent consulting engineer or independent certified public accountant employed for that purpose, have resulted from such rates had they been in effect for such period may be used in lieu of the actual Net Revenues for the last completed Fiscal Year;

(ii) The payments required to be made into the various funds and accounts provided herein must be current, and the Municipality must not be in default hereunder;

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

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

Section 10. Covenants Regarding Operation of the System;

Books and Accounts; and Insurance. The Municipality hereby covenants and agrees with each and every holder of the Bonds and any Parity Bonds as follows:

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

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

paid into the Special Redemption Fund;

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

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

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

(f) The Municipality will keep proper books and accounts relative to the System, separate from all other records of the Municipality, and will cause such books and accounts to be audited annually not later than six months after the close of each Fiscal Year by a recognized independent firm of certified public accountants, and will make available to the holders of any of the Bonds or any Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants. Any holder shall have the right at any reasonable time to inspect the System and the records, accounts and data of the System and the Municipality relating thereto. Each such audit, in addition to whatever matters may be thought proper by the accountant, shall include the following in accordance with generally accepted accounting practices: (1) a statement in detail of the income and expenditures of the System for the Fiscal Year; (2) a statement of the Net Revenues of the System for such Fiscal Year; (3) a balance sheet as of the end of such Fiscal Year; (4) the accountants' comment regarding the manner in which the Municipality has carried out the requirements of this Resolution, and the accountants' recommendation for any changes or improvements in the accounting methods of the System; (5) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy; and (6) the number and types of connections to the System at the end of each year; and

(g) So long as any of the Bonds or Parity Bonds are outstanding, the Municipality will carry, for the benefit of the holders of the Bonds and any Parity Bonds, insurance of a kind and in such amounts as would usually be carried by private companies or other public bodies engaged in operating a similar waterworks system. All

money received for losses under any of such insurance policies, except public liability, shall be used in repairing the damage or in replacing the property destroyed, but in the event that the Governing Body shall find it inadvisable to repair such damage or replace such property, and that the operation of the System shall not have been impaired thereby, such money may be deposited in the Revenue Fund, but shall not reduce the amount otherwise required to be paid into said Revenue Fund.

Section 11. Sale of the Bonds. The Bonds shall be sold to the Original Purchaser for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 12. Application of Bond Proceeds. The Bond Proceeds (including any accrued interest from their date to the date of delivery) shall be deposited and applied as follows:

Sponsors: Dennis Wisner

A motion was made by Alderman Wisner, seconded by Alderman Weidner, that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

[Res.11-2730](#)

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$8,080,000 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 purpose of paying the cost of refunding obligations of the City, including interest on them, specifically, the Note Anticipation Notes dated June 28, 2011 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

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 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 EIGHT MILLION EIGHTY THOUSAND DOLLARS (\$8,080,000) 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 EIGHT MILLION EIGHTY THOUSAND DOLLARS (\$8,080,000) 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 \$8,080,000; shall be dated October 25, 2011; 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 December 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2012. 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 3. Redemption Provisions. The Bonds shall be subject to redemption prior to maturity, at the option of the City, on December 1, 2020 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.

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 2011 through 2024 for the payments due in the years 2012 through 2025 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 \$8,080,000 General Obligation Refunding Bonds, dated October 25, 2011" (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. 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 Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit D and incorporated herein by this reference.

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") 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).

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

Section 17. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on November 28, 2011 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 form attached hereto as Exhibit E and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice.

Section 18. 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 19. Bond Insurance. If the Purchaser of the Bonds 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 20. 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.

John Dickert

Mayor

ATTEST:

Janice M. Johnson-Martin

City Clerk (SEAL)

Fiscal Note: The amount being refunded is \$8,080,000.00.

Sponsors: Dennis Wisner

A motion was made by Alderman Wisner, seconded by Alderman Weidner, that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

Res.11-2750

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$12,925,000 TAXABLE 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 purpose of paying the cost of refunding obligations of the City, including interest on them, specifically, the Taxable General Obligation Refunding Bonds, dated November 1, 2003, maturing in the years 2014 through 2023 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

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 achieving debt service cost savings;

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;

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such bonds on a taxable rather than tax-exempt basis; 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 taxable 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 TWELVE MILLION NINE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$12,925,000) 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 TWELVE MILLION NINE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$12,925,000) 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 "Taxable General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$12,925,000; shall be dated October 25, 2011; 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 June 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2012. 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 3. Redemption Provisions. The Bonds shall not be subject to optional redemption.

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 2011 through 2019 for the payments due in the years 2012 through 2020 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 \$12,925,000 Taxable General Obligation Refunding Bonds, dated October 25, 2011" (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.

(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. In order to accomplish the purpose for which the Bonds are issued, proceeds of the Bonds shall be transferred to the Escrow Account, as provided in Section 15 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. 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 9. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit D and incorporated herein by this reference.

Section 10. 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 11. 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 12. 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 13. 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 14. 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") 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).

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

Section 15. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the City for the purpose of ensuring the payment of the principal of and interest on the Refunded Obligations (the "Escrow Agent").

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 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 Refunded Obligations to the Escrow Account, the taxes heretofore levied to pay debt service on the 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 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 Refunded Obligations. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

Section 16. Escrow Securities Subscriptions. The Escrow Agent and Robert W. Baird & Co. Incorporated are authorized to purchase direct obligations of the U.S. Government on behalf of the City in such amount as is necessary in order to carry out the Refunding.

Section 17. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on June 1, 2013 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 form attached to the Escrow Agreement (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice.

Section 18. 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 19. Bond Insurance. If the Purchaser of the Bonds 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 20. 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.

John Dickert
Mayor
ATTEST:

Janice M. Johnson-Martin
City Clerk (SEAL)

Sponsors: Dennis Wisner

A motion was made Adopted

AYES: 13 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wisner, Holding, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 2 - Shakoor, II and McCarthy

I. Ordinances

Ord.11-11 Ordinance 11-11

To amend Section 94-141(9) and (41) of the Municipal Code of the City of Racine, Wisconsin, relating to "No stopping, standing or parking from 7:30 A.M. to 4:30 P.M. on any school day except for school buses and mass transit vehicles owned and operated by the City":

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

Part 1:

Schedule F of Section 94-141(9) is amended to delete the

following:

"Villa Street, west side, from 200 feet south of Seventh Street south 190 feet.

Part 2:

Schedule F of Section 94-141(41) is amended to include the following:

"Villa Street, west side, from 200 feet south of Seventh Street south 190 feet.

Part 3:

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

Fiscal Note: The estimated cost of this sign will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Sponsors: Sandy Weidner

Referred to Traffic Commission

[ZOrd.6-11](#)

AN ORDINANCE REZONING 1525 HOWE 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 property located at 1525 Howe Street and more particularly described as follows:

"Those lands located in Racine County, WI, in the SW 1/4 of Sec. 16, T.3N, R.23E, in the City of Racine, being the southern 490 feet (2.699

acres) of the parcel described as being part of Blocks 79 and 82 of the School Section, plus the adjacent vacated 15th Street right-of-way as described in Document #2174120 (4.110 acres more-or-less). Parcel ID No. 09042005"

be rezoned from I-2 General Industrial to I-2 with a H-Historic District Overlay.

Part 2:

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

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Aron Wisneski

Referred to City Plan Commission

J. Adjourn

The meeting was adjourned at 9:07p.m. by Alderman Holding. The next scheduled meeting of the Council is October 18, 2011.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK