



City of Racine

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

Meeting Minutes - Final Common Council

Mayor John T. Dickert
Alderman Jeff Coe, Alderman Robert Anderson
Alderman Michael Shields, Alderman Jim Kaplan, Alderman
David L. Maack
Alderman Sandy Weidner, Alderman Terry McCarthy,
Alderman Raymond DeHahn
Alderman Q.A. Shakoor, II, Alderman Aron Wisneski,
Alderman Gregory Holding
Alderman James T. Spangenberg, Alderman Ronald D. Hart,
Alderman Robert Mozol, Alderman Kelli Stein

Tuesday, March 2, 2010

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

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 Shakoor.

Alderman Stein arrived at 7:05p.m. and took her seat.

D. Public Comments

Susan DeKeuster
Dwight Mosby
Mike Frontier
Alfonso Gardner

E. Communications

Refer to Finance and Personnel Committee, by Ald. Spangenberg

[10-4803](#)

Subject: Communication from the City Attorney submitting the claim of Jodie Antreassian-Janiuk for consideration.

Staff recommendation to the Finance & Personnel Committee on 3-08-10: The claim of Jodie Antreassian-Janiuk, 3120 Ruby Ave., requesting reimbursement of \$1,876.92 for damages to her vehicle allegedly occurred while driving over a section of failed pavement in the 3700 block of Douglas Ave. on 1/14/10 be denied.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

10-4790

Subject: Communication from the Public Health Administrator requesting permission to accept funding of \$4,000 from the Wisconsin Department of Transportation. (Grant Control #2009-067)

Staff recommendation to the Finance & Personnel Committee on 3-08-10: The Mayor and City Clerk be authorized and directed to enter into a \$4,000 agreement with the Wisconsin Department of Transportation to be utilized for the purchase of car seats for children.

Fiscal Note: There will be a 25% soft mach required on the part of the City.

Referred to Finance and Personnel Committee

10-4806

Subject: Request from the Director of City Development to accept an award of a Certified Local Government, Historic Preservation Subgrant Grant Control No. 2009-06 National Register Nomination for the proposed Melvin Avenue historic district.

Staff recommendation to the Finance & Personnel Committee on 3-08-10: The Mayor and City Clerk be authorized and directed to enter into a \$7,400 agreement with the Wisconsin Historical Society, City Grant Control No. 2009-067, through the Certified Local Government Subgrant to be utilized for a historic preservation professional for the National Register Nomination of the proposed Melvin Avenue historic district

Fiscal Note:

Referred to Finance and Personnel Committee

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

10-4807

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations requesting to waive formal bidding for upgrading the City Hall Exhaust Fan Controls and Server.

Referred to the Public Works and Services Committee

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

10-4793

Subject: (New) Application for a Gasoline Station Owner's and Manager's License for Corner Petro Mart, LLC, Jose Hernandez, Manager at 600 3 Mile Road.

Referred to Public Safety and Licensing Committee

10-4800

Subject: Communication from the Alderman of the 15th District requesting video cameras to monitor crime at 6th Street from Main to Grand Avenue and Main Street from State to 6th Street.

Referred to Public Safety and Licensing Committee

10-4804

Subject: Communication from the 1st District Alderman requesting to rescind Resolution 10-1828 of January 19, 2010 and to establish a policy which does rebate

\$9,500.00 of the reserve "Class B" liquor license fee if a regular "Class B" license becomes available within 364 days of the issuance of the reserve "Class B" license.

Referred to Public Safety and Licensing Committee

10-4805

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting that formal bidding be waived and the Purchasing Agent be authorized to negotiate with Reinders, Inc. for the purchase of a used 72" lawn mover.

Referred to Public Safety and Licensing Committee

10-4815

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to present the bids received by the Purchasing Agent on March 1, 2010 for a 4 x 4 Utility Work Machine with Sand and Salt Spreader and Snow V-plow.

Referred to the Public Safety and Licensing Committee

Refer to Traffic Commission, by Ald. Holding

10-4799

Subject: Communication from Kim DeLaO, principal of SC Johnson Elementary School, requesting to speak with the Traffic Commission about issues regarding loading/unloading, parking at the school and requesting a study of the traffic pattern in front of their building be done.

Referred to Traffic Commission

Refer to Transit and Parking Commission, by Ald. DeHahn

10-4791

Subject: Communication from USPS wishing to terminate their parking lease at McMynn Ramp.

Referred to Transit and Parking Commission

10-4792

Subject: Communication from David Wesley requesting to discuss bus stops at Prospect Heights.

Referred to Transit and Parking Commission

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Spangenberg

10-4753

Subject: Communication from the City Attorney submitting the claim of Merchants Moving & Storage Company's claim for consideration.

Recommendation of the Finance & Personnel Committee on 02-22-10: The claim of Merchants Moving & Storage Company, 1207 State Street requesting reimbursement in the amount of \$6,904.02 for damage to a storm water drain connection that they suspect allegedly occurred during the City's street lighting project in 1991 but wasn't discovered until October, 2009 be denied.

Fiscal Note: N/A

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

10-4737

Subject: Communication from the Fire Chief requesting permission to apply for, and if awarded, accept, the 2010 DHS Port Security Grant as a sub-grantee host of the Milwaukee Fire Department. Grant Control Number 2010-006. (Res.10-1887)

Recommendation of the Finance & Personnel Committee on 02-22-10: The Fire Chief be allowed to apply for the 2010 DHS Port Security Grant with the understanding that if awarded, it will come back before the Finance & Personnel Committee.

Fiscal Note: There is no match required on the part of the City. Approval for the final grant will be requested under a new communication at the appropriate time.

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

10-4738

Subject: Communication from the Fire Chief requesting permission to carry forward \$33,000 from 2009 to 2010, for the acquisition of the Lucas Chest Compression (CPR) System for the Paramedic Rescue Squads. (Res.10-1888)

Recommendation of the Finance & Personnel Committee on 02-22-10: \$33,000 of 2009 General Fund Budget be transferred from account 101.300.5030, Fire Department Overtime, to account 101.300.5770, Fire Department Machinery and Equipment, to acquire three (3), Physio Lucas Chest Compression Systems. Further recommend that \$33,000 in account 101.300.5770, Fire Department Machinery and Equipment, be added to the 2009-2010 carry-forward list currently being compiled for consideration in the near future.

Fiscal Note: There are sufficient funds for the transfer.

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

10-4739

Subject: Communications from the Fire Chief requesting permission to carry forward \$25,000 from 2009 to 2010, for fitness equipment as part of City's commitment to Peer Fitness Training.

Recommendation of the Finance & Personnel Committee on 02-22-10: The item be received and filed at the request of the Fire Chief.

Fiscal Note: N/A

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

10-4740

Subject: Communication from the Fire Chief requesting permission to carry forward \$72,262 from 2009 to 2010, for City's match to the 2009 DHS Port Security Grant and the 2008 FEMA Fire Act Grant for SCBA. (Res.10-1889)

Recommendation of the Finance & Personnel Committee on 02-22-10: The match amount of \$15,000 in account 101.300.5770, Fire Department Machinery and Equipment, for the 2009 DHS Port Security Grant be added to the 2009-2010 carry-forward list currently being compiled for consideration in the near future.

Fiscal Note: The 2008 FEMA Fire Act Grant was closed out as of December 31, 2009 and does not require a carry-forward. The 2009 DHS Port Security Grant has a required match of \$15,000. There are sufficient funds available for the carry-forward.

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

10-4783

Subject: (Direct Referral) Communication from the Deputy City Attorney, Scott Letteney, and the Human Resources Manager, Terry Parker, requesting to appear before the Personnel/Finance Committee to submit a collective bargaining agreement between the City of Racine and Local 67A (Crossing Guards) AFSCME, AFL-CIO for consideration, covering the years 2009-2010. (Res.10-1890)

Recommendation of the Finance & Personnel Committee on 02-22-10: To approve the collective bargaining agreement between the City of Racine and Local 67A (Crossing Guards) AFSCME, AFL-CIO covering the years 2009-2010.

Fiscal Note: The pay adjustment is 1% for 2009 and 0% for 2010 for a total increase of \$2,032.40.

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

Council Action

A motion was made by Alderman James T. Spangenberg that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

Public Works and Services Committee Report, by Ald. Holding

10-4728

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting a proposal for On-Call As Needed Services for Geographic Information System. (Res.10-1894)

Recommendation of the Public Works and Services Committee on 2-9-10: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services, Inc. for 2010 Technical Information Consulting, on a time-and-materials basis, in the not-to-exceed amount of 26,746.00.

Further recommends that funds to defray the cost of these professional services be appropriated from the following accounts:

\$ 7,000.00 - Account 104.000.5330, Storm Water Enterprise
\$ 7,000.00 - Account 287.740.5310, Sanitary Sewer Maintenance Fund
\$ 7,000.00 - Account 990.908.5020, Concrete Paving Replacement
\$ 5,746.00 - Account 990.913.5010, Environmental Remediation
\$26,746.00 - Total

Fiscal Note: Funds are available as herein delineated.

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

10-4744

Subject: Communication from the Downtown Racine Corporation requesting permission to use city right-of-way on Saturday, March 13, 2010, for a St. Patrick's Day Parade. (Res.10-1892)

Recommendation of the Public Works and Services Committee on 2-23-10: Permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 8th Street, on Saturday, March 13, 2010, from 12:00 noon to 2:00 p.m., for a St. Patrick's Day Parade, 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 be responsible for all detour signage during the event.
- F. The sponsor shall pay a \$700.00 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, in implementing this event.

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

10-4763

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 62-09 (K9-063), Photovoltaic Electric Generating System and Lighting Replacement at City Hall Annex, Johnson Controls, Inc., contractor. (Res.10-1898)

Recommendation of the Public Works and Services Committee on 2-23-10: That the work done by Johnson Controls, Inc. under Contract 62-09 (K9-063), Photovoltaic Electric Generating System and Lighting Replacement at City Hall Annex, be accepted and final payment authorized for a total contract amount of \$374,670.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1576, dated September 1, 2009.

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

10-4776

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair. (Res.10-1893)

Recommendation of the Public Works and Services Committee on 2-23-10: That Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, be awarded to Seater Construction Co., Inc., Racine, WI, at their bid price of \$84,000.00, plus Alternate Bid #1 at \$5,900.00 and Alternate Bid #3 at \$2,500.00, for a total contract amount of \$92,400.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 990.220.5030, Central Heating Plant - Structural Repairs.

Fiscal Note: Funds are available as herein delineated.

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

10-4777

Subject: (Direct Referral) Communication from the Commissioner of Public

Works/City Engineer submitting a request for final payment on Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, AZAR, LLC, contractor. (Res.10-1897)

Recommendation of the Public Works and Services Committee on 1-12-10: That the work done by AZAR, LLC under Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, be accepted and final payment authorized for a total contract amount of \$387,645.08.

Fiscal Note: Contract was authorized under Resolution No. 09-1527, dated July 21, 2009.

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

10-4778

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 4-07 (K7-004), Professional Services - Analysis of Railroad Overpasses, HNTB, consultant. (Res.10-1896)

Recommendation of the Public Works and Services Committee on 2-23-10: That the professional services provided by HNTB, under Contract 4-07 (K7-004), Professional Services - Analysis of Railroad Overpasses, be accepted and final payment authorized for a total contract amount of \$18,996.17.

Fiscal Note: Contract was authorized under Resolution No. 06-7357, dated December 19, 2006.

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

10-4781

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 21-09 (K9-022), 2009 City Resurfacing, Payne & Dolan, Inc., contractor. (Res.10-1900)

Recommendation of the Public Works and Services Committee on 2-23-10: That Change Order No. 1 on Contract 21-09, (K9-022), 2009 City Resurfacing, Payne & Dolan, Inc., contractor, as submitted, be approved in the deduct amount of \$28,565.25.

Further recommends that the funding accounts be adjusted by the following amounts:

(\$25,195.54) - Account 906.000.4820, Special Assessment Fund
\$28,374.07 - Account 989.908.5220, Asphalt Resurfacing
(\$15,340.00) - Account 287.988.5310, Sanitary Sewer, Var. Loc.
(\$13,776.78) - Account 989.590.5010, Replace City Circuits
(\$ 2,600.00) - Racine Water Utility
(\$28,565.25) - Total

Fiscal Note: Change Order No. 1 will result in a decrease in contract price.

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

10-4782

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 1 on Contract 17-09 (K9-017), PS - Design Osborne Ravine Sanitary Sewer Abatement and Structural Repair, AECOM, consultant. (Res.10-1901)

Recommendation of the Public Works and Services Committee on 2-23-10: That Amendment No. 1 to Contract 17-09 (K9-017), Professional Services - Design Osborne Ravine Sanitary Sewer Abatement and Structural Repair, AECOM Technical Services, Inc., consultant, as submitted, be approved in the amount of \$6,230.42.

Further recommends that funding to defray the cost of these professional services be appropriated from the following accounts:

\$4,610.51 - Account 104.990.5420, Storm Sewers, Misc. Loc.
\$1,619.91 - Account 287.990.5310, Sanitary Sewer, Misc. Loc.
\$6,230.42 - Total

Fiscal Note: Funds are available as herein delineated.

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

Council Action

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoore, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

10-4785

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer regarding the announcement of TIGER Grant recipients.

Recommendation of the Public Works and Services Committee on 2-23-10: That the communication 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.

10-4787

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer regarding receipt of \$100,000.00 from WE Energies for Phase II of the Solar Photovoltaic project at the City Hall Annex.

Recommendation of the Public Works and Services Committee on 2-23-10: That the communication 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.

10-4788

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a proposal from Power Engineers for expansion of CityWorks to Public Works Facility Management. (Res.10-1895)

Recommendation of the Public Works and Services Committee on 2-23-10: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Power Engineers for the expansion of Cityworks to include the Facility Management Division of the Department of Public Works, in the

not-to-exceed amount of \$20,330.00.

Further recommends that funds to defray the cost of these professional services be appropriated from the following accounts:

\$ 4,500.00 - Account 988.100.5010, City Hall Facilities
\$15,830.00 - Account 988.220.5030, Central Heating Plant
\$20,330.00 - Total

Fiscal Note: Funds are available as herein delineated.

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

10-4794

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 11-09 (K(-011), 2009 Asphalt Resurfacing, C.D.B.G., A.W. Oakes & Son, contractor. (Res.10-1899)

Recommendation of the Public Works and Services Committee on 2-23-10: That Change Order No. 1 on Contract 11-09 (K9-011), 2009 Asphalt Resurfacing, CDBG, A.W. Oakes & Son, Inc., contractor, be approved in the amount of \$42,031.02.

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

\$ 1,113.43 - Account 989.908.5530, Crosswalk Ramps
\$ 4,367.88 - Account 989.908.5210, Asphalt Street Paving
\$36,549.71 - Account 989.908.5220, Asphalt Resurfacing
\$42,031.02 - Total

Fiscal Note: Funds are available as herein delineated.

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

Council Action

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

Public Safety and Licensing Committee Report, by Ald. Wisneski

10-4754

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting to enter in an agreement with the American Red Cross for the use of Parks, Recreation & Cultural Services facilities. (Res.10-1880)

Recommendation of the Public Safety and Licensing Committee 2-22-10: That the agreement with the American Red Cross for the use of Parks, Recreation & Cultural Services facilities be approved.

Fiscal Note: N/A

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

10-4755

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting change order #1 for Contract 45-09 (K9-046) Door and Window Replacement at Tyler-Domer and Dr. King Community Centers and Park Service Center by Softer Lite Window Co. (Res.10-1881)

Recommendation of the Public Safety and Licensing Committee on 2-22-10: That change order #1 for Contract 45-09 (K9-046) Door and Window Replacement at Tyler-Domer and Dr. King Community Centers and Park Service Center by Softer Lite Window Co. be approved.

Fiscal Note: The increase is \$1,660.00 and funds are available from account 989.670.5010 Tyler-Domer Door and Window Replacement.

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

10-4756

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting final payment for Contract 45-09 (K9-046) Door and Window Replacement at Tyler-Domer and Dr. King Community Centers and Park Service Center by Softer Lite Window Co. (Res.10-1882)

Recommendation of the Public Safety and Licensing Committee on 2-22-10: That the final payment for Contract 45-09 (K9-046) Door and Window Replacement at Tyler-Domer and Dr. King Community Centers and Park Service Center by Softer Lite Window Co. be approved.

Fiscal Note: \$101, 630.00 are available from account 989-670-5010 Tyler-Domer Door and Window Replacement.

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

10-4767

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the report of bids received on the sale of abandoned vehicles 02-10-2010.

Recommendation of the Public Safety and Licensing Committee on 2-22-10: That the item be received and filed.

Fiscal Note: This will generate \$3421.01 in revenue.

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 that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

Traffic Commission Report, by Ald. Holding**09-4407**

Subject: Communication from the Alderman of the 5th District, on behalf of Rosalinda Arredondo (420 Walton Ave) requesting the 2-hour parking restrictions on Walton Avenue be removed.

Recommendation on 01-18-10: Defer

Recommendation on 02-15-10: All parking restrictions in the 400 block of Walton Avenue be removed.

Fiscal Note: There is a nominal cost to remove these signs.

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

[09-4537](#)

Subject: Communication from Beverly Eppler requesting street parking changes in the 1900 block of Taylor Avenue.

Recommendation on 01-18-10: Defer

Recommendation on 02-15-10: "No parking at any time" restrictions on Taylor Avenue, west side, from 20th Street north 50 feet be removed.

Fiscal Note: There is a nominal cost to remove these signs.

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

[10-4786](#)

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 94-141 (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 Deleting:

1. Taylor Avenue, west side, from 20th Street north 50 feet.
2. Walton Avenue, north side, from Main Street west 100 feet.
3. Walton Avenue, south side, from North Main Street west 75 feet.

B. Recommends that Section 94-141 (32) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking from 8:00 A.M. to 10:00 P.M. from May 1 to September 30 of each year on Saturdays, Sundays and holidays only." be amended:

By Deleting:

1. Walton Avenue, south side, from 75 feet west of North Main Street to North Wisconsin Street.
2. Walton Avenue, north side, from 100 feet west of North Main Street to North Wisconsin Street.

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 that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

City Plan Commission Report, by Ald. Holding

09-3947

Subject: (Direct Referral) Request from Larry Stickney representing the Racine/Kenosha Community Action Agency seeking a conditional use permit for 1800 21st Street for offices, material storage, and vehicle storage to perform weatherization activities. (Res.10-1884)

Recommendation of the City Plan Commission on 2-24-10: That this 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.

10-4686

Subject: (Direct Referral) Review of a two-lot certified survey map for Badger Plaza, LLC at 4003 Durand Avenue. (Res.10-1883)

Recommendation of the City Plan Commission on 2-24-10: That this 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.

10-4795

Subject: (Direct Referral) Request from Racine Urban Garden Network (RUGN) for a conditional use permit at 734 S. Marquette Street to accommodate of a community garden and dog walk. (Res.10-1885)

Recommendation of the City Plan Commission on 2-24-10: 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 Gregory Holding that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

Community Development Committee Report, by Ald. Shakoor

10-4750

Subject: Request from the Director of City Development to change the grant recipient and scope of services for the Kitchen Incubator project. (Res.10-1902)

Recommendation of the Community Development Committee on 2-25-10: That VenuWorks be designated as the recipient of the Kitchen Incubator grant and that the

scope of services be revised to include a study of the project's feasibility.

Fiscal Note: A Community Development Block Grant in the amount of \$25,000 was approved for the Kitchen Incubator project in November 2008 (Resolution No. 08-1076).

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

10-4751

Subject: Request from the Director of City Development for Local Option Funds for maintenance of Southside properties. (Res.10-1903)

Recommendation of the Community Development Committee on 2-25-10: That \$25,000 be allocated from the Local Option Fund for maintenance of the Southside properties.

Fiscal Note: There are sufficient funds in the Local Option Fund for this request.

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

10-4775

Subject: (Direct Referral) Request of the Director of City Development to retain Community Planning and Development Advisors to co-ordinate development of Racine's 2010-2014 Consolidated Housing and Community Development Plan. (Res.10-1904)

Recommendation of the Community Development Committee on 2-25-10: That Community Planning and Development Advisors be retained to develop Racine's 2010-2014 Consolidated Plan and 2010 Annual Plan as outlined in their proposal.

Fiscal Note: There are sufficient funds for this request.

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 Q.A. Shakoor, II that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

Wastewater Commission Report, by Ald Hart

10-4752

Subject: Communication from the General Manager of the Wastewater Utility wishing to discuss the Financial Assistance Agreement for Clean Water Fund Program, Project No. 4285-15, Ohio St. Interceptor and Michigan Blvd. Collection Sewers. (Res.10-1886)

Recommendation of the Finance & Personnel Committee on 02-22-10: The Mayor and City Clerk be authorized to enter into a Financial Assistance agreement with the State of Wisconsin Department of Administration for a Clean Water Fund Loan in the amount of \$2,657,592.00.

Fiscal Note: No City funds are involved with the Clean Water Fund Loan from the State of Wisconsin Department of Administration. The loan rate will be 2.2%. The

loan will be repaid with Wastewater Utility funds.

Recommendation of the Wastewater Commission on 2/23/10: The Mayor and City Clerk be authorized to enter into a Financial Assistance Agreement with the Wisconsin Department of Administration for a Clean Water Fund Loan for the purpose of funding the Ohio Street Interceptor and Michigan Boulevard Collection Sewers projects in the amount of \$2,657,592.00. Further recommends that \$2,657,592.00 in Wastewater revenue bonds be issued to the State of Wisconsin Clean Water Fund Program in exchange for a Clean Water Fund Loan in the same amount.

Fiscal Note: Funding will be provided by the Wastewater Utility.

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

G. Consent Agenda-Resolutions

Res.10-1880

Agreement with American Red Cross for use of Parks, Recreation and Cultural Services Facilities be approved and Mayor and City Clerk be authorized to enter into the agreement contingent upon entering into a Hold Harmless Agreement with the City

Resolved, that the Agreement with the American Red Cross for the use of Parks, Recreation & Cultural Services facilities be approved contingent upon entering into a Hold Harmless Agreement with the City, and that the Mayor and City Clerk be authorized and directed to enter into the agreement with American Red Cross for the use of Parks, Recreation & Cultural Services facilities.

Fiscal Note: N/A

Sponsors: Aron Wisneski

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

Res.10-1881

Change Order No. 1 for Contract 45-09 (K9-046), Door and Window Replacement at Tyler-Domer and Dr. King Community Centers and Park Service Center by Softer Lite Window Company, be approved

Resolved, that Change Order No. 1 for Contract 45-09 (K9-046) Door and Window Replacement at Tyler-Domer and Dr. King Community Centers and Park Service Center by Softer Lite Window Co. be approved in an increased amount of \$1,660.00 for a total contract amount of \$101,630.00.

Fiscal Note: The increase is in the amount of \$1,660.00 and funds are available in Account No. 989.670.5010, Tyler-Domer Door and Window Replacement.

Sponsors: Aron Wisneski

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

Res.10-1882

Work on Contract 45-09 (K9-046), Door and Window Replacement at Tyler-Domer and Dr. King Community Centers and Park Service Center, Softer Lite Window

Company, be approved and final payment authorized

Resolved, that the work on Contract 45-09 (K9-046) Door and Window Replacement at Tyler-Domer and Dr. King Community Centers and Park Service Center, Softer Lite Window Company, be approved and final payment authorized for a total contract amount of \$101,630.00.

Fiscal Note: Funds in the amount of \$101, 630.00 are available in Account 989-670-5010, Tyler-Domer Door and Window Replacement.

Sponsors: Aron Wisneski

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

Res.10-1883

Two-Lot Certified Survey Map for Badger Plaza, LLC at 4003 Durand Avenue be approved subject to conditions

Resolved, that the Two-Lot Certified Survey Map for Badger Plaza, LLC at 4003 Durand Avenue, be approved subject to the following conditions:

- a. Resolution of technical discrepancies.
- b. Amending the 30 foot utility easement notation to read "30 foot easement for storm sewer, sanitary sewer and water utilities affecting vacated Kentucky Street".
- c. Indication on CSM that Lot 1 and 2 share joint parking and access privileges.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Res.10-1884

Conditional Use Permit for Racine/Kenosha Community Action Agency, 1800 - 21st Street, for offices, material storage, and vehicle storage be approved with conditions

Resolved, that the request from Larry Stickney representing the Racine/Kenosha Community Action Agency seeking a Conditional Use Permit for 1800 21st Street for offices, material storage, and vehicle storage to perform weatherization activities, be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on February 24, 2010 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 be from 7:30 a.m. - 3:30 p.m. Monday through Friday.
- d. That all semi-trailers or large vehicles enter the property off of the 20th Street entrance.
- e. That the applicant provide detail of the dumpster/recycling area screening for approval by the Director of City Development within 30 days of obtaining an occupancy permit.
- f. That only buildings A, B, and C as identified on the Site Plan be utilized for the

purpose of the weatherization business.

g. The applicant shall submit a landscape plan for areas along 21st Street and for the small landscape island within the parking area. This landscape plan shall be subject to the review and approval of the Director of City Development and submitted within 30 days of obtaining an occupancy permit.

h. That curb stops shall be installed for all parking spaces and the parking lot shall be repaired and striped within 30 days of obtaining an occupancy permit.

i. That one semi-trailer be allowed to be used for storage of insulation, and that said trailer be located adjacent to "Building B" as designated on the site plan, and that areas under and adjacent to the trailer be maintained free and clear of materials, supplies, weeds and refuse.

j. 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.

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

l. All junk and trash generated by the business shall be stored inside until picked up or taken to a trash facility.

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

n. 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.

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

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Res.10-1885

Conditional Use Permit for Racine Urban Garden Network (RUGN), 734 S. Marquette Street, to accommodate a Community Garden and Dog Walk, be approved subject to conditions

Resolved, that the request from Racine Urban Garden Network (RUGN) for a Conditional Use Permit at 734 S. Marquette Street to accommodate a Community Garden and Dog Walk, be approved subject to the following conditions:

a. That the plans presented to the Plan Commission on February 24, 2010, 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 garden shall be the responsibility of the RUGN and individual plot users shall be subject to these conditions as well as the RUGN Rules and Regulations.

- d. That no outdoor storage of supplies, materials, or equipment shall be allowed.
- e. That parking be reviewed in 12 months from the date of this approval to determine and address adequacy.
- f. That all trash and recyclables be stored in closed containers and screened from view.
- g. 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.
- h. That this permit is subject to Plan Commission review for compliance with the listed conditions, lease agreement, and guidelines and rules.
- i. That any additional signage shall be submitted to the Director of City Development for review and approval prior to installation.
- j. That a temporary wooden storage shed measuring no greater than 80 square feet in area and nine feet in height be allowed to be installed as illustrated on the approved site plan without a concrete slab or permits from the Building Inspection Department, subject to sufficient anchoring measures.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Res.10-1887

Fire Chief granted permission to apply for the 2010 DHS Port Security Grant as a sub-grantee host of the Milwaukee Fire Department

Resolved, that the Fire Chief be granted permission to apply for the 2010 DHS Port Security Grant as a sub-grantee host of the Milwaukee Fire Department with the understanding that if awarded, a new communication will be submitted to the Finance and Personnel Committee. Grant Control Number 2010-006.

Fiscal Note: There is no match required on the part of the City. Approval for the final grant will be requested under a new communication at the appropriate time.

Sponsors: James T. Spangenberg

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

Res.10-1888

Permission granted to the Fire Chief to carry forward funds from 2009 to 2010 for acquisition of Lucas Chest Compression (CPR) System for the Paramedic Rescue Squads

Resolved, that the Fire Chief be granted permission to transfer \$33,000 of 2009 General Fund Budget from Account 101.300.5030, Fire Department Overtime, to Account 101.300.5770, Fire Department Machinery and Equipment. to acquire three (3) Physio Lucas Chest Compression Systems.

Further resolved, that \$33,000 in Account 101.300.5770, Fire Department Machinery and Equipment, be added to the 2009-2010 carry-forward list currently being compiled for consideration in the near future.

Fiscal Note: There are sufficient funds for the transfer.

Sponsors: James T. Spangenberg

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

Res.10-1889

Permission granted to the Fire Chief to carry forward funds from 2009 to 2010 for City's match to the 2009 DHS Port Security Grant and 2008 FEMA Fire Act Grant for SCBA

Resolved, that permission be granted to the Fire Chief to carry forward the match amount of \$15,000 in Account 101.300.5770, Fire Department Machinery and Equipment, for the 2009 DHS Port Security Grant to be added to the 2009-2010 carry-forward list currently compiled for consideration in the near future.

Fiscal Note: The 2008 FEMA Fire Act Grant was closed out as of December 31, 2009 and does not require a carry-forward. The 2009 DHS Port Security Grant has a required match of \$15,000. There are sufficient funds available for the carry-forward.

Sponsors: James T. Spangenberg

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

Res.10-1890

Collective Bargaining Agreement between the City of Racine and Local 67A (Crossing Guards) AFSCME, AFL-CIO covering the years 2009-2010, be approved

Resolved, that the Collective Bargaining Agreement between the City of Racine and Local 67A (Crossing Guards) AFSCME, AFL-CIO covering the years 2009-2010, be approved.

Fiscal Note: The pay adjustment is 1% for 2009 and 0% for 2010 for a total increase of \$2,032.40.

Sponsors: James T. Spangenberg

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

Res.10-1891

Preliminary - Ten (10) Year Benefits and Damages

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

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

All property fronting upon both sides:

SEWER AND WATER LATERALS

Fifteenth Street from College Avenue to Wisconsin Avenue.

2. Said public improvement shall consist of SEWER AND WATER LATERALS.

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 in 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 s. 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 S. 66.0703 (7)(a), Wisconsin Statutes.

Sponsors: Gregory Holding

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

Res.10-1892

Permission granted to Downtown Racine Corporation to use City right-of-way on March 13, 2010 for St. Patrick's Day Parade

Resolved, that permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 8th Street, on Saturday, March 13, 2010, from 12:00 noon to 2:00 p.m., for a St. Patrick's Day Parade, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. The sponsor shall be responsible for all detour signage during the event;
- F. The sponsor shall pay a \$700.00 special event fee.

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

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

Sponsors: Gregory Holding

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

APPROVED.**Res.10-1893**

Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, be awarded to Seater Construction Company, Inc.

Resolved, that Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, be awarded to Seater Construction Co., Inc., Racine, WI, at its bid price of \$84,000.00, plus Alternate Bid #1 at \$5,900.00 and Alternate Bid #3 at \$2,500.00, for a total contract amount of \$92,400.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 990.220.5030, Central Heating Plant - Structural Repairs.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.10-1894

Mayor and City Clerk be authorized to enter into a Professional Services Agreement with AECOM Technical Services, Inc., for 2010 Technical Information Consulting

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Professional Services Agreement with AECOM Technical Services, Inc., for 2010 Technical Information Consulting, on a time-and-materials basis, in the not-to-exceed amount of \$26,746.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from the following accounts:

\$ 7,000.00 - Account 104.000.5330, Storm Water Enterprise
\$ 7,000.00 - Account 287.740.5310, Sanitary Sewer Maintenance Fund
\$ 7,000.00 - Account 990.908.5020, Concrete Paving Replacement
\$ 5,746.00 - Account 990.913.5010, Environmental Remediation
\$26,746.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.10-1895

Mayor and City Clerk be authorized to enter into a Professional Services Agreement with Power Engineers for the expansion of Cityworks

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Professional Services Agreement with Power Engineers for the expansion of Cityworks to include the Facility Management Division of the Department of Public Works, in the not-to-exceed amount of \$20,330.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from the following accounts:

\$ 4,500.00 - Account 988.100.5010, City Hall Facilities
\$15,830.00 - Account 988.220.5030, Central Heating Plant
\$20,330.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.10-1896

Professional Services provided by HNTB under Contract 4-07 (K7-004), Analysis of Railroad Overpasses, be accepted and final payment authorized

Resolved, that the professional services provided by HNTB, under Contract 4-07 (K7-004), Professional Services - Analysis of Railroad Overpasses, be accepted and final payment authorized for a total contract amount of \$18,996.17.

Fiscal Note: Contract was authorized under Resolution No. 06-7357, dated December 19, 2006.

Sponsors: Gregory Holding

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

Res.10-1897

Work done by AZAR, LLC under Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, be accepted and final payment authorized

Resolved, that the work done by AZAR, LLC under Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, be accepted and final payment authorized for a total contract amount of \$387,645.08.

Fiscal Note: Contract was authorized under Resolution No. 09-1527, dated July 21, 2009.

Sponsors: Gregory Holding

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

Res.10-1898

Work done by Johnson Controls, Inc., under Contract 62-09 (K9-063), Photovoltaic Electric Generating System and Lighting Replacement at City Hall Annex, be accepted and final payment authorized

Resolved, that the work done by Johnson Controls, Inc., under Contract 62-09 (K9-063), Photovoltaic Electric Generating System and Lighting Replacement at City Hall Annex, be accepted and final payment authorized for a total contract amount of \$374,670.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1576, dated September 1, 2009.

Sponsors: Gregory Holding

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

Res.10-1899

Change Order No. 1 on Contract 11-09 (K9-011), 2009 Asphalt Resurfacing, CDBG, A.W. Oakes & Son, Inc., be approved

Resolved, that Change Order No. 1 on Contract 11-09 (K9-011), 2009 Asphalt

Resurfacing, CDBG, A.W. Oakes & Son, Inc., contractor, be approved in the amount of \$42,031.02.

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

\$ 1,113.43 - Account 989.908.5530, Crosswalk Ramps
\$ 4,367.88 - Account 989.908.5210, Asphalt Street Paving
\$36,549.71 - Account 989.908.5220, Asphalt Resurfacing
\$42,031.02 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.10-1900

Change Order No. 1 on Contract 21-09 (K9-022), 2009 City Resurfacing, Payne & Dolan, Inc., contractor, be approved

Resolved, that Change Order No. 1 on Contract 21-09, (K9-022), 2009 City Resurfacing, Payne & Dolan, Inc., contractor, as submitted, be approved in the deduct amount of \$28,565.25.

Further resolved, that the funding accounts be adjusted by the following amounts:

(\$25,195.54) - Account 906.000.4820, Special Assessment Fund
\$28,374.07 - Account 989.908.5220, Asphalt Resurfacing
(\$15,340.00) - Account 287.988.5310, Sanitary Sewer, Var. Loc.
(\$13,776.78) - Account 989.590.5010, Replace City Circuits
(\$ 2,600.00) - Racine Water Utility
(\$28,565.25) - Total

Fiscal Note: Change Order No. 1 will result in a decrease in contract price.

Sponsors: Gregory Holding

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

Res.10-1901

Amendment No. 1 to Contract 17-09 (K9-017), Professional Services - Design Osborne Ravine Sanitary Sewer Abatement and Structural Repair, AECOM Technical Services, Inc., be approved

Resolved, that Amendment No. 1 to Contract 17-09 (K9-017), Professional Services - Design Osborne Ravine Sanitary Sewer Abatement and Structural Repair, AECOM Technical Services, Inc., consultant, as submitted, be approved in the amount of \$6,230.42.

Further resolved, that funding to defray the cost of these professional services be appropriated from the following accounts:

\$4,610.51 - Account 104.990.5420, Storm Sewers, Misc. Loc.
\$1,619.91 - Account 287.990.5310, Sanitary Sewer, Misc. Loc.
\$6,230.42 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.10-1902

VenuWorks be designated as recipient of Kitchen Incubator Grant and Scope of Services be revised

Resolved, that VenuWorks be designated as the recipient of the Kitchen Incubator Grant and that the scope of services be revised to include a study of the project's feasibility.

Fiscal Note: A Community Development Block Grant in the amount of \$25,000 was approved for the Kitchen Incubator Project in November 2008 (approved by Resolution No. 08-1076).

Sponsors: Q.A. Shakoor, II

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

Res.10-1903

Allocation from Local Option Fund for maintenance of Southside properties be approved

Resolved, that \$25,000 be allocated from the Local Option Fund for maintenance of the Southside properties.

Fiscal Note: There are sufficient funds in the Local Option Fund for this request.

Sponsors: Q.A. Shakoor, II

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

Res.10-1904

Community Planning and Development Advisors be retained to co-ordinate development of Racine's 2010-2014 Consolidated Housing and Community Development Plan

Resolved, that Community Planning and Development Advisors be retained to develop Racine's 2010-2014 Consolidated Plan and 2010 Annual Plan as outlined in their proposal.

Fiscal Note: There are sufficient funds for this request.

Sponsors: Q.A. Shakoor, II

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

Council Action

A motion was made by Alderman Q.A. Shakoor, II that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

H. Resolutions

Res.10-1886

Resolution Authorizing the Issuance and Sale of up to \$2,657,592 Wastewater Utility Revenue Bonds, Series 2010, and providing for other details and covenants with respect thereto

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

WHEREAS, certain improvements to the System are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Clean Water Fund Program Project No. 4285-15 by the Department of Natural Resources, and as described in the Department of Natural Resources approval letter for the plans and specifications of the Project, or portions thereof, issued under Section 281.41, Wisconsin Statutes, assigned No.

S-2008-0584 and dated August 14, 2008 and No. S-2008-0634 and dated October 2, 2008 by the DNR; and

WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility 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

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell wastewater utility system revenue bonds of the Municipality payable solely from the revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, to pay the cost of the Project; and

WHEREAS, pursuant to Resolution No. 7363 adopted on April 19, 1994 (the "1994 Resolution"), the Municipality has also previously issued its Wastewater Utility Revenue Bonds, Series 1994, dated April 27, 1994 (the "1994 Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, pursuant to Resolution No. 9712 adopted on March 18, 1997 (the "1997 Resolution"), the Municipality has also previously issued its Wastewater Utility Revenue Bonds, Series 1997, dated March 26, 1997 (the "1997 Bonds"), which are payable from the income and revenues of the System on a parity with the 1994 Bonds; and

WHEREAS, pursuant to Resolution No. 1655 adopted on May 5, 1998 (the "1998 Resolution"), the Municipality has also previously issued its Wastewater Utility Revenue Bonds, Series 1998, dated May 27, 1998 (the "1998 Bonds"), which are payable from the income and revenues of the System on a parity with the 1994 Bonds and the 1997 Bonds; and

WHEREAS, pursuant to Resolution No. 2640 adopted on August 2, 1999 (the "1999 Resolution"), the Municipality has also previously issued its Wastewater Utility Revenue Bonds, Series 1999, dated August 25, 1999 (the "1999 Bonds"), which are payable from the income and revenues of the System on a parity with the 1994 Bonds, the 1997 Bonds and the 1998 Bonds; and

WHEREAS, pursuant to Resolution No. 3481 adopted on September 5, 2000 (the "2000 Resolution"), the Municipality has also previously issued its Wastewater Utility Revenue Bonds, Series 2000, dated September 27, 2000 (the "2000 Bonds"), which are payable from the income and revenues of the System on a parity with the 1994 Bonds, the 1997 Bonds, the 1998 Bonds and the 1999 Bonds; and

WHEREAS, pursuant to Resolution No. 4544 adopted on March 19, 2002 (the "2002

Resolution"), the Municipality has also previously issued its Wastewater Utility Revenue Bonds, Series 2002, dated April 10, 2002 (the "2002 Bonds"), which are payable from the income and revenues of the System on a parity with the 1994 Bonds, the 1997 Bonds, the 1998 Bonds, the 1999 Bonds and the 2000 Bonds; and

WHEREAS, pursuant to Resolution No. 4718 adopted on July 2, 2002 (the "2002B Resolution"), the Municipality has also previously issued its Wastewater Utility Revenue Bonds, Series 2002B, dated July 24, 2002 (the "2002B Bonds"), which are payable from the income and revenues of the System on a parity with the 1994 Bonds, the 1997 Bonds, the 1998 Bonds, 1999 Bonds, the 2000 Bonds and the 2002 Bonds; and

WHEREAS, pursuant to Resolution No. 4964 adopted on November 19, 2002 (the "2002C Resolution"), the Municipality has also previously issued its Wastewater Utility Revenue Bonds, Series 2002C, dated November 27, 2002 (the "2002C Bonds"), which are payable from the income and revenues of the System on a parity with the 1994 Bonds, the 1997 Bonds, the 1998 Bonds, the 1999 Bonds, the 2000 Bonds, the 2002 Bonds and the 2002B Bonds; and

WHEREAS, pursuant to Resolution No. 07-0580 adopted on January 2, 2008 (the "2008 Resolution"), the Municipality has also previously issued its Wastewater Utility Revenue Bonds, Series 2008, dated January 23, 2008 (the "2008 Bonds"), which are payable from the income and revenues of the System on a parity with the 1994 Bonds, the 1997 Bonds, the 1998 Bonds, the 1999 Bonds, the 2000 Bonds, the 2002 Bonds, the 2002B Bonds and the 2002C Bonds; and

WHEREAS, the 1994 Resolution, 1997 Resolution, 1998 Resolution, 1999 Resolution, 2000 Resolution, 2002 Resolution, 2002B Resolution, 2002C Resolution and 2008 Resolution (collectively, the "CWF Resolutions") permit bonds to be issued on a parity with the 1994 Bonds, 1997 Bonds, 1998 Bonds, 1999 Bonds, 2000 Bonds, 2002 Bonds, 2002B Bonds, 2002C Bonds and 2008 Bonds (collectively, the "CWF Bonds") upon certain conditions, and those conditions have been met in connection with the issuance of the bonds to be issued pursuant to this Resolution; and

WHEREAS, other than the CWF Bonds, no 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:

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;
- (c) "Bonds" means the \$2,657,592 Wastewater Utility Revenue Bonds, Series 2010, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;
- (d) "Bond Year" means the twelve-month period ending on each May 1;
- (e) "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 and capital expenditures;
- (f) "CWF Bonds" means the 1994 Bonds, 1997 Bonds, 1998 Bonds, 1999 Bonds, 2000 Bonds, 2002 Bonds, 2002B Bonds, 2002C Bonds and 2008 Bonds, collectively;
- (g) "CWF Resolutions" means the 1994 Resolution, 1997 Resolution, 1998 Resolution, 1999 Resolution, 2000 Resolution, 2002 Resolution, 2002B Resolution, 2002C Resolution, and 2008 Resolution, collectively;

- (h) "Debt Service Fund" means the Wastewater Utility Special Redemption Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;
- (i) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;
- (j) "Fiscal Year" means the twelve-month period ending on each December 31;
- (k) "Governing Body" means the Common Council, or such other body as may hereafter be the chief legislative body of the Municipality;
- (l) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from wastewater utility charges imposed by the Municipality, all payments to the Municipality under any wastewater treatment service agreements between the Municipality and any contract users of the System, and any other monies received from any source including all rentals and fees and any special assessments levied and collected in connection with the Project;
- (m) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;
- (n) "Municipality" means the City of Racine, Racine County, Wisconsin;
- (o) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;
- (p) "1994 Bonds" means the Municipality's Wastewater Utility Revenue Bonds, Series 1994, dated April 27, 1994;
- (q) "1994 Resolution" means Resolution No. 7363 adopted on April 19, 1994 authorizing the issuance of the 1994 Bonds;
- (r) "1997 Bonds" means the Municipality's Wastewater Utility Revenue Bonds, Series 1997, dated March 26, 1997;
- (s) "1997 Resolution" means Resolution No. 9712 adopted on March 18, 1997 authorizing the issuance of the 1997 Bonds;
- (t) "1998 Bonds" means the Municipality's Wastewater Utility Revenue Bonds, Series 1998, dated May 27, 1998;
- (u) "1998 Resolution" means Resolution No. 1655 adopted on May 5, 1998 authorizing the issuance of the 1998 Bonds;
- (v) "1999 Bonds" means the Municipality's Wastewater Utility Revenue Bonds, Series 1999, dated August 25, 1999;
- (w) "1999 Resolution" means Resolution No. 2640 adopted on August 2, 1999 authorizing the issuance of the 1999 Bonds;
- (x) "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 Section 11 of this Resolution;
- (y) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Municipality as part of the System as described in the preamble hereto;
- (z) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;
- (aa) "System" means the entire wastewater utility system of the Municipality specifically including that portion of the Project owned by the Municipality and

including all property of every nature now or hereafter owned by the Municipality for the collection, transmission, treatment and disposal of domestic and industrial sewerage and waste, 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 wastewater utility system and including all appurtenances, contracts, leases, franchises, and other intangibles.

(bb) "2000 Bonds" means the Municipality's Wastewater Utility Revenue Bonds, Series 2000, dated September 27, 2000;

(cc) "2000 Resolution" means Resolution No. 3481 adopted on September 5, 2000 authorizing the issuance of the 2000 Bonds;

(dd) "2002 Bonds" means the Municipality's Wastewater Utility Revenue Bonds, Series 2002, dated April 10, 2002;

(ee) "2002 Resolution" means Resolution No. 4544 adopted on March 19, 2002 authorizing the issuance of the 2002 Bonds;

(ff) "2002B Bonds" means the Municipality's Wastewater Utility Revenue Bonds, Series 2002B, dated July 24, 2002;

(gg) "2002B Resolution" means Resolution No. 4718 adopted July 2, 2002 authorizing the issuance of the 2002B Bonds;

(hh) "2002C Bonds" means the Municipality's Wastewater Utility Revenue Bonds, Series 2002C, dated November 27, 2002;

(ii) "2002C Resolution" means Resolution No. 4964 adopted November 19, 2002 authorizing the issuance of the 2002C Bonds;

(jj) "2008 Bonds" means the Municipality's Wastewater Utility Revenue Bonds, Series 2008, dated January 23, 2008; and

(kk) "2008 Resolution" means Resolution No. 07-0580 adopted January 2, 2008 authorizing the issuance of the 2008 Bonds.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the cost 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 up to the sum of \$2,657,592; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Clean Water Fund Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the Mayor and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Wastewater Utility Revenue Bonds, Series 2010" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 2.200% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on November 1, 2010 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as

provided in the Financial Assistance Agreement.

The schedule of maturities of the Bonds is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

Section 4. Form, Execution, Registration and Payment of the Bonds. The Bonds shall be issued as registered obligations in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

The Bonds shall be executed in the name of the Municipality by the manual signatures of the Mayor and City Clerk, and shall be sealed with its official or corporate seal, if any.

The principal of, premium, if any, and interest on the Bonds shall be paid by the Municipal Treasurer, who is hereby appointed as the Municipality's Bond Registrar. Both the principal of and interest on the Bonds shall be payable in lawful money of the United States of America by the Bond Registrar. Payment of principal of the final maturity on the Bond will be payable upon presentation and surrender of the Bond to the Bond Registrar. Payment of principal on the Bond (except the final maturity) and each installment of interest shall be made to the registered owner of each Bond who shall appear on the registration books of the Municipality, maintained by the Bond Registrar, on the Record Date and shall be paid by check or draft of the Municipality and mailed to such registered owner at his or its address as it appears on such registration books or at such other address may be furnished in writing by such registered owner to the Bond Registrar.

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 Debt Service Fund hereinafter created and established, and shall be a valid claim of the registered owner or owners thereof only against such Debt Service Fund and the revenues of the System pledged to such fund, on a parity with the pledge granted to the holders of the CWF Bonds. Sufficient revenues are hereby pledged to said Debt Service Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the CWF Bonds, the Bonds and any Parity Bonds as the same becomes due.

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 CWF Bonds, the Bonds and Parity Bonds, certain funds of the System which were created and established by a resolution adopted April 20, 1993 and continued by the CWF Resolutions are hereby further continued and shall be used solely for the following respective purposes:

- (a) Wastewater Utility Revenue Fund (the "Revenue Fund"), into which shall be deposited as received the Gross Earnings of the System, which money shall then be divided among the Operation and Maintenance Fund, the Debt Service 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) Wastewater Utility Operation and Maintenance Fund (the "Operation and Maintenance Fund"), which shall be used for the payment of Current Expenses.
- (c) Wastewater Utility Special Redemption Fund (the "Debt Service Fund"), which shall be used for the payment of the principal of, premium, if any, and interest on the CWF Bonds, the Bonds and Parity Bonds as the same becomes due.
- (d) Wastewater Utility Depreciation Fund (the "Depreciation Fund"), which shall be used to provide a proper and adequate depreciation account for the System.
- (e) Wastewater Utility Surplus Fund (the "Surplus Fund"), which shall first be used whenever necessary to pay principal of, premium, if any, or interest on the CWF Bonds, the Bonds and Parity Bonds when the Debt Service 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 provided in this Section 6 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 or to reimburse the general fund of the Municipality for advances made by the Municipality to the System.

Section 7. Application of Revenues. After the delivery of the Bonds, the Gross Earnings 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, in an amount equal to the estimated Current Expenses for such month and for the following month (after giving effect to available amounts in said Fund from prior deposits);
- (b) to the Debt Service Fund, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the CWF Bonds, the Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the CWF Bonds, the Bonds and any Parity Bonds coming due during such Bond Year (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source); and
- (c) to the Depreciation Fund, an amount determined by the Governing Body to be sufficient to provide a proper and adequate depreciation account for the System; and
- (d) 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 Debt Service Fund, the Depreciation Fund and the Surplus Fund shall be made monthly not later than the tenth day of each month, and such transfer shall be applicable to monies on deposit in the Revenue Fund as of the last day of the month preceding. Any other transfers and deposits to any fund required or permitted by subsection (a) through (d) of this Section, except transfers or deposits which are required to be made immediately or annually, shall be made on or before the tenth 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 tenth 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 Debt Service Fund shall be sufficient in any event to pay the interest on the CWF Bonds, the Bonds and any Parity Bonds as the same accrues and the principal thereof as the same matures.

Section 8. Deposits and Investments. The Debt Service Fund shall be kept apart from monies in the other funds and accounts of the Municipality and the same shall be used for no purpose other than the prompt payment of principal of and interest on the CWF Bonds, the Bonds and any Parity Bonds as the same becomes due and payable. All monies therein shall be deposited in special and segregated accounts in a public depository selected under Chapter 34, Wisconsin Statutes and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes. The other funds herein created (except the Wastewater Utility CWFP Project Fund) may be combined in a single account in a public depository selected in the manner set forth above and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Section 9. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing wastewater services for public purposes shall be charged against the Municipality and shall be paid in monthly installments 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; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Bond Year Net Revenues equivalent to not less than the annual principal and interest

requirements on the CWF Bonds, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. 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 applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and 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 the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 10. Operation of System; Municipality Covenants. It is covenanted and agreed by the Municipality with the owner or owners of the Bonds, and each of them, that the Municipality will perform all of the obligations of the Municipality as set forth in the Financial Assistance Agreement.

Section 11. Additional Bonds. The Bonds are issued on a parity with the CWF Bonds as to the pledge of revenues of the System. No bonds or obligations payable out of the revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if the lien and pledge is junior and subordinate to that of the Bonds. Parity Bonds may be issued only under the following circumstances:

(a) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Clean Water Fund Program. However, such additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or

(b) Additional Parity Bonds may also be issued if all of the following conditions are met:

(1) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all bonds outstanding payable from the revenues of the System, and on the bonds then to be issued, times the greater of (i) 1.10 or (ii) the highest debt service coverage ratio to be required with respect to the Additional Parity Bonds to be issued or any other obligations payable from the revenues of the System then outstanding. Should an increase in permanent rates and charges, including those made to the Municipality, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Net Revenues for purposes of such computation shall include such additional revenues as an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may certify would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

(2) The payments required to be made into the funds enumerated in Section 6 of this Resolution must have been made in full.

(3) The additional bonds must have principal maturing on May 1 of each year and interest falling due on May 1 and November 1 of each year.

(4) The proceeds of the additional bonds must be used only for the purpose of providing extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Clean Water Fund Program for the purchase price of up to \$2,657,592 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase

price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Wastewater Utility CWFPP Project Fund." The Wastewater Utility CWFPP Project Fund shall be used solely for the purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Wastewater Utility CWFPP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

Section 14. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except: (a) the Municipality may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and (b) this Resolution may be amended, in any respect, with a written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System or the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 15. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The Municipality may discharge all Bonds due on any date by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the Municipality's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the Municipality's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for.

Section 16. Rebate Fund. Unless the Bonds are exempt from the rebate requirements of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality shall establish and maintain, so long as the Bonds and any Parity Bonds are outstanding, a separate account to be known as the "Rebate Fund." The sole purpose of the Rebate Fund is to provide for the payment of any rebate liability with respect to the Bonds under the relevant provisions of the Code and the Treasury Regulations promulgated thereunder (the "Regulations"). The Rebate Fund shall be maintained by the Municipality until all required rebate payments with respect to the Bonds have been made in accordance with the relevant provisions of the Code and the Regulations.

The Municipality hereby covenants and agrees that it shall pay to the United States from the Rebate Fund, at the times and in the amounts and manner required by the Code and the Regulations, the portion of the "rebate amount" (as defined in Section

1.148-3(b) of the Regulations) that is due as of each "computation date" (within the meaning of Section 1.148-3(e) of the Regulations). As of the date of this Resolution, the provisions of the Regulations specifying the required amounts of rebate installment payments and the time and manner of such payments are contained in Sections 1.148-3(f) and (g) of the Regulations, respectively. Amounts held in the Rebate Fund and the investment income therefrom are not pledged as security for the Bonds or any Parity Bonds and may only be used for the payment of any rebate liability with respect to the Bonds.

The Municipality may engage the services of accountants, attorneys or other consultants necessary to assist it in determining the rebate payments, if any, owed to the United States with respect to the Bonds. The Municipality shall maintain or cause to be maintained records of determinations of rebate liability with respect to the Bonds for each computation date until six (6) years after the retirement of the last of the Bonds. The Municipality shall make such records available to the State of Wisconsin upon reasonable request therefor.

Section 17. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 14, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the Municipality, its Governing Body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 18. Continuing Disclosure. The officers of the Municipality are hereby authorized and directed, if requested by the State of Wisconsin, to provide to the State of Wisconsin Clean Water Fund Program and to such other persons or entities as directed by the State of Wisconsin such ongoing disclosure regarding the Municipality's financial condition and other matters, at such times and in such manner as the Clean Water Fund Program may require, in order that securities issued by the Municipality and the State of Wisconsin satisfy rules and regulations promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended and as it may be amended from time to time, imposed on brokers and dealers of municipal securities before the brokers and dealers may buy, sell, or recommend the purchase of such securities.

Section 19. Conflicting Resolutions. All ordinances, resolutions (other than the CWF Resolutions), or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the CWF Resolutions, the CWF Resolutions shall control as long as any of the respective CWF Bonds are outstanding.

Fiscal Note: Funding will be provided by the Wastewater Utility.

Sponsors: James T. Spangenberg

A motion was made by Alderman Hart that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

I. Miscellaneous Business

J. Adjourn

The meeting was adjourned at 7:45 p.m. by Alderman Shakoor. The next scheduled meeting of the Council is March 16, 2010.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK