



# 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, November 17, 2009

7:00 PM

Room 205, City Hall

---

### A. Call To Order

**PRESENT:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

### B. Pledge of Allegiance To The Flag

*Boy Scout Pack 129 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 Kaplan arrived at 7:12p.m. and took his seat.

### D. Public Hearings

#### [ZOrd.3-09](#)

Ordinance adopting the Comprehensive Plan for the City of Racine, Wisconsin

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

SECTION 1. Pursuant to Section 62.23 of the Wisconsin Statutes, the City of Racine is authorized to prepare and adopt a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION 2. The Common Council of the City of Racine, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan, as required by Section 66.1001(4)(a) of the Wisconsin Statutes.

SECTION 3. The City cooperated with Racine County and SEWRPC to prepare a multi-jurisdictional comprehensive plan for the County that served

as a resource in the preparation of the comprehensive plan for the City of Racine, which is documented in a report titled "A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035".

SECTION 4. The Plan Commission of the City of Racine, by a majority vote of the entire commission recorded in its official minutes, recommended to the City Common Council approval of a resolution adopting the document titled "A Comprehensive Plan for the City of Racine: 2035," containing all of the elements specified in Section 66.1001(2) of the Wisconsin Statutes.

SECTION 5. In addition to multiple regular and special meetings, the City Plan Commission conducted a community-wide survey, two public informational meetings, and five neighborhood meetings, and the Common Council has duly noticed and conducted a public hearing on the comprehensive plan, in compliance with the requirements of Section 66.1001(4)(d) of the Wisconsin Statutes.

SECTION 6. The Common Council of the City of Racine, Wisconsin, does, by the enactment of this ordinance, formally adopt the document titled, "A Comprehensive Plan for The City of Racine: 2035," pursuant to Section 66.1001(4)(c) of the Wisconsin Statutes, as the City of Racine comprehensive plan.

SECTION 7. This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

\_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

*George Meyers spoke on the public hearing.*

**E. Public Comments**

*George Meyers  
Wayne Clingman*

**F. Communications**

**Refer to Finance and Personnel Committee, by Ald. Spangenberg**[09-3984](#)

**Subject:** communication from the City Attorney submitting the claim of Joseph & Shanna Hansen for consideration.

**Referred to Finance and Personnel Committee**

[09-4388](#)

**Subject:** Communication from the Interim Public Health Administrator requesting permission for the Mayor and City Clerk to enter into a contract and to accept up to \$300,000 grant funds from the Water Environment Research Foundation. (Grant Control #2009-047)

**Referred to Finance and Personnel Committee**

[09-4390](#)

**Subject:** Communication from Interim Public Health Administrator requesting permission for the Mayor and City Clerk to enter into a contract agreement and to accept additional grant funds of \$139,955 from the State of Wisconsin represented by its Division of Public Health of the Department of Health Services. (Grant Control #2009-062)

**Referred to Finance and Personnel Committee**

[09-4399](#)

**Subject:** Communication from the Interim Public Health Administrator requesting permission to enter into an amended agreement to accept additional funding from the Division of Public Health, Department of Health Services for the Women, Infants and Children Program. (Grant Control #2006-049)

**Referred to Finance and Personnel Committee**

**Refer to Public Works and Services Committee, by Ald. Holding**[09-4396](#)

**Subject:** Communication from the Commissioner of Public Works/City Engineer submitting a proposal from Isthmus Architecture, Inc. for the West Canopy Platform Repair and Restoration at the State Street Depot.

**Referred to Public Works and Services Committee**

[09-4410](#)

**Subject:** Communication from the Alderman of the 11th District requesting to reconsider Resolution 09-1679, dated November 3, 2009, regarding outdoor billboards at 1301 W. 6th Street.

**Referred to Public Works and Services Committee**

[09-4428](#)

**Subject:** Communication from the Alderman of the 5th District wishing to amend the flag policy for the City of Racine.

**Referred to Public Works and Services Committee**

**Refer to Public Safety and Licensing Committee, by Ald. Wisneski**[09-4380](#)

**Subject:** Communication from the 11th District Alderman requesting to repeal Resolution 1685 of May 26, 1998 and to establish a policy which does not rebate any portion of the reserve "Class B" liquor license fee.

**Referred to Public Safety and Licensing Committee**

[09-4391](#)

**Subject:** (New) Application of Caliente, LLC., Edward W. Scharding, Agent for "Class B" Fermented Malt Beverage and Intoxicating Liquor License at 600 Sixth Street. (1st District)

**Referred to Public Safety and Licensing Committee**

[09-4394](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting final payment for Contract 49-09 (K9-050), HVAC Upgrades at Wustum Museum by United Mechanical Inc.

**Referred to Public Safety and Licensing Committee**

[09-4395](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting change order no. 1 and final payment to Southport Consulting for preparing plans and specifications for HVAC replacement at Wustum Museum.

**Referred to Public Safety and Licensing Committee**

[09-4397](#)

**Subject:** Application of Syed Mikhail's Inc., Atif Ali Shaikh, Agent, for a Change of Agent for a Class "A" Fermented Malt Beverage license for 930 Washington Avenue (1st District)

**Referred to Public Safety and Licensing Committee**

[09-4398](#)

**Subject:** Communication from Alderman Coe wishing to discuss changing the current procedure used for City Watch for new alcohol establishments.

**Referred to Public Safety and Licensing Committee**

[09-4403](#)

**Subject:** (New) Application of G & M Entertainment, Inc., Robert Granger, Agent "Class B" Fermented Malt Beverage & Intoxicating Liquor License for 240 A Main Street. (1st District)

**Referred to Public Safety and Licensing Committee**

**Refer to Traffic Commission, 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.

**Referred to Traffic Commission**

[09-4408](#)

**Subject:** Communication from the Alderman of the 5th District, on behalf of PJ Habetler III (2612 Green Street) requesting a four-way stop at the corner of Green and Augusta due to several accidents he has observed, and the difficulty seeing around parked cars while turning.

**Referred to Traffic Commission**

### **Refer to Transit and Parking Commission, by Ald. DeHahn**

[09-4409](#)

**Subject:** Communication from the Alderman of the 5th District, on behalf of Gary Czechowicz (1064 Geneva St) requesting the bus stop be moved from the southwest corner of Goold and Geneva to the southeast corner.

**Referred to Transit and Parking Commission**

### **Refer to Community Development Committee, by Ald. Q. A. Shakoor, II**

[09-4386](#)

**Subject:** Request of Michael Cornelius for additional HOME Housing Investment Partnerships funds.

**Referred to Community Development Committee**

## **G. Committee Reports**

### **Finance and Personnel Committee Report, by Ald. Spangenberg**

[09-4365](#)

**Subject:** Communication from the City Attorney submitting the claim of Northeastern Development, LLC for consideration.

**Recommendation to the Finance & Personnel Committee on 11-09-09:** That the claim of Northeastern Development LLC be denied.

**Fiscal Note:** N/A

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

[09-4251](#)

**Subject:** Communication from the Grants Facilitator requesting permission to apply for the Brownfields Job Training Grant (Grant Control No. 2009-066) through the Environmental Protection Agency.

The grant is in the amount of \$200,000 over a two year period.  
(Res.09-1712)

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

**11-09-09:** Permission be granted for the Grants Facilitator to apply for the Brownfields Job Training Grant (Grant Control No. 2009-066) through the Environmental Protection Agency. The grant is in the amount of \$200,000 over a two year period.

**Fiscal Note:** No hard match is required, however a soft match is recommended.

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

[09-4252](#)

**Subject:** Communication from the Grants Facilitator requesting permission to apply for the U.S. Department of Housing and Urban Development 2009 Healthy Homes Demonstration Program (Grant Control No. 2009-065). The grant is in the amount of \$875,000 with a project period of three years. (Res.09-1713)

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

**11-09-09:** Permission be granted for the Grants Facilitator to apply for the U.S. Department of Housing and Urban Development 2009 Healthy Homes Demonstration Program (Grant Control No. 2009-065). The grant is in the amount of \$875,000 with a project period of three years.

**Fiscal Note:** 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.**

[09-4329](#)

**Subject:** Communication from Carlos Mireles of Wisconsin Thunder wheelchair basketball team requesting to waive the fee for the use of Dr. Bryant Community Center three or four times between November 2009 and February 2010. (Res.09-1707)

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

**11-09-09:** To waive the fee for the use of Dr. Bryant Community Center three or four times between November 2009 and February 2010 and to work with the Park & Recreation Department for the use of other facilities as well.

**Fiscal Note:** The rental fee for the Dr. John Bryant Center is \$64.00 per hour (weekend fee).

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

[09-4332](#)

**Subject:** Communication from the City Attorney submitting the claim of Caroline Stephens for consideration.

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

**11-09-09:** The claim of Caroline Stephens, 4811 Emstan Hills Road, #203 requesting reimbursement in the amount of \$189.18 for repairs to her vehicle which was allegedly vandalized while it was in the impound lot be denied.

**Fiscal Note:** N/A

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

[09-4339](#)

**Subject:** Communication from the City Attorney wishing to discuss settlement of the lawsuit filed in Racine County as Case No. 08-CV-1599, Clara Bridgeman v. City of Racine, et al. (Res.09-1711)

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

**11-09-09:** To approve a negotiated settlement in the amount of \$33,000 in Case No. 08-CV-1599, Clara Bridgeman v. City of Racine, et al.

**Fiscal Note:** There are sufficient funds in Account 101.990.5910, Judgments and Claims for settlement.

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

[09-4340](#)

**Subject:** Communication from the City Attorney submitting the claim of Scott Tuska for consideration.

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

**11-09-09:** The claim of Scott Tuska, 1532 Bryn Mawr Avenue, requesting reimbursement in the amount of \$500.00 for a bicycle that was allegedly stolen after being found in the middle of the street by a police Officer during an unrelated investigation, be denied.

**Fiscal Note:** N/A

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

[09-4341](#)

**Subject:** Communication from the City Attorney submitting the claim of Celeste Balcer for consideration.

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

**11-09-09:** The claim of Celeste Balcer, 3330 Southwood Drive, requesting reimbursement in the amount of \$50,000.00 for injuries arising out of an alleged accident involving a snowplow on Goold Street near the intersection of Blake Avenue on February 21, 2009, be denied.

**Fiscal Note:** N/A

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

09-4343

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from Wisconsin Coastal Management (City Grant Control # 2009-072) for North Beach mats. (Res.09-1710)

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

**11-09-09:** Permission be granted for the Director of Parks, Recreation & Cultural Services to apply for a grant from Wisconsin Coastal Management (City Grant Control # 2009-072) for North Beach mats.

**Fiscal Note:** There will be a \$26,675 match on the part of the City.

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

09-4347

**Subject:** Communication from the Chief of Police requesting permission to apply for and accept a three-year 2010 Beat Patrol Grant (Grant Control No. 2009-074). (Res.09-1709)

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

**11-09-09:** Permission be granted for the Chief of Police to apply for and accept a three-year 2010 Beat Patrol Grant (Grant Control No. 2009-074).

**Fiscal Note:** A hard match of \$33,976 is required.

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

09-4348

**Subject:** The Director of City Development submitting a communication from Business Improvement District No. 1 - Downtown Racine submitting its proposed 2010 Operating Plan and special assessments. (Res.09-1714)

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

**11-09-09:** To approve the Business Improvement District No. 1 - Downtown Racine proposed 2010 Operating Plan and special



assessments as presented.

**Fiscal Note:** The \$208,801 in special assessments will be placed on the 2009 property tax bills.

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

[09-4355](#)

**Subject:** Request of the Assistant Director of City Development to revise the Neighborhood Stabilization Program (NSP) budget. (Res.09-1715)

**Recommendation of the Finance & Personnel Committee on 11-09-09:** To approve the Neighborhood Stabilization Program (NSP) budget as presented.

**Fiscal Note:** The budget total remains the same with changes between line items for new construction and rehabilitation.

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

[09-4382](#)

**Subject:** (Direct Referral) Communication received through the Office of the Mayor requesting consideration of a modification to the Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement. (Res.09-1708)

**Recommendation of the Finance & Personnel Committee on 11-09-09:** Recommend that the Mayor and City Clerk be authorized and directed to sign the modified Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement following Racine Wastewater Commission approval.

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

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

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

09-4270

**Subject:** Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 1 to State Project ID: 2350-13-00/70 - State of Wisconsin Department of Transportation and Graef, Inc. for professional design engineering services for reconstructing Douglas Avenue (Hwy. 32) from Goold Street to Three Mile Road. (Res.09-1704)

**Recommendation of the Public Works and Services Committee**

**on 11-10-09:** That Amendment No. 1 to State Contract ID: 2350-13-00/70, Douglas Avenue (Hwy. 32), Goold Street to Three Mile Road, Graef, Inc., consultant, be approved in the amount of \$208,004.91, with the City's share being \$52,001.23 and the State's share being \$156,003.68.

Further recommend that funding to defray the cost of the City's share of these professional services be appropriated from Account 989.908.5110, Douglas avenue - Goold to Three Mile.

**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.**

09-4297

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 33-09 (K9-034), Roof Replacement at Fire Station No. 7, Carlson Racine Roofing & Sheet Metal, Inc., contractor. (Res.09-1696)

**Recommendation of the Public Works and Services Committee**

**on 10-27-09:** Defer

**Recommendation of the Public Works and Services Committee**

**on 11-10-09:** The work done by Carlson Racine Roofing & Sheet Metal, Inc. under Contract 33-09 (K9-034), Roof Replacement at Fire Station No. 7, be accepted and final payment authorized for a total contract amount of \$136,985.00.

**Fiscal Note:** Contract was authorized under Resolution No. 09-1393, dated May 6, 2009.

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

09-4336

**Subject:** Communication from Ann Yehle, McKinley Middle School Directing Principal, requesting to close off the south sidewalk of Rupert Boulevard from Chicago Street west to the cemetery during the winter. (Res.09-1692)

**Recommendation of the Public Works and Services Committee**

**on 11-10-09:** That Racine Unified School District be granted permission to close the sidewalk on Rupert Boulevard fronting McKinley Middle School from December 1, 2009 to April 1, 2010 with the requirement that Racine Unified School District holds the City of Racine harmless from any and all injuries caused by conditions of the sidewalk related to this closure.

**Fiscal Note:** There will be no cost to the City of Racine in granting this permission.

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

**09-4344**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 3 to Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., consultant. (Res.09-1703)

**Recommendation of the Public Works and Services Committee**

**on 11-10-09:** That Amendment No. 3 to Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., consultant, as submitted, be approved in the amount of \$3,200.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 988.220.5030, CHP-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.**

**09-4358**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 2 on Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, AZAR, LLC., Contractor. (Res.09-1702)

**Recommendation of the Public Works and Services Committee**

**on 11-10-09:** That Change Order No. 2 to Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, AZAR LLC, contractor, as submitted, be approved that will provide a time extension until November 13, 2009 to complete this contract.

**Fiscal Note:** There will be no change in contract price as a result of this change order.

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

09-4360

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 31-09 (K9-032), Memorial Hall Exterior Restoration, RAM Construction Services, contractor. (Res.09-1699)

**Recommendation of the Public Works and Services Committee on 11-10-09:** The work done by RAM Construction Services under Contract 31-09 (K9-032), Memorial Hall Exterior Restoration, be accepted and final payment authorized for a total contract amount of \$57,838.50.

**Fiscal Note:** Contract was authorized under Resolution No. 09-1489, dated July 7, 2009.

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

09-4362

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering requesting the City of Racine turn down the request by WisDOT to install sidewalks on ARRA State Project ID: 2703-00-00 South Memorial Drive - Chicory Road to City limits. (Res.09-1700)

**Recommendation of the Public Works and Services Committee on 11-10-09:** That the City not install sidewalks along S. Memorial Drive from Chicory Road north to the city limits for the following reasons:

- A. Lack of continuity. Sidewalks do not exist on Chicory Road north of the city limits nor on S. Memorial Drive.
- B. Construction of sidewalks exceeds 20% of the project cost. The estimated cost of installing sidewalks is \$150,000.00.
- C. Lack of pedestrians within this industrial park.

**Fiscal Note:** By denying the installation of sidewalk, there will be no cost to the City of Racine.

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

09-4363

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer recommending that the alleys bounded by Charles Street, Eighth Avenue, South Street and North Street be paved with Portland Cement Concrete.

**Recommendation of the Public Works and Services Committee**

**on 11-10-09:** That a public hearing be held for the paving of the alleys bounded by Charles Street, Eighth Avenue, North Street and Shoreland Drive and Charles Street, Eighth Avenue, Shoreland Drive and South Street.

**Fiscal Note:** These are assessable alley projects and, therefore, all costs will be paid for by the abutting property owners.

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

[09-4364](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 31-09 (K9-032), Memorial Hall Exterior Restoration, RAM Construction Services, contractor. (Res.09-1698)

**Recommendation of the Public Works and Services Committee**

**on 11-10-09:** That Change Order No. 1 on Contract 31-09 (K9-032), Memorial Hall Exterior Restoration, RAM Construction Services, contractor, as submitted, be approved in the deduct amount of \$11,486.50.

**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.**

[09-4367](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 56-09 (K9-057), Safety Building - EIFS Cladding Project, Camosy, Inc., contractor. (Res.09-1701)

**Recommendation of the Public Works and Services Committee**

**on 11-10-09:** That Change Order No. 1 to Contract 56-09 (K9-057), Safety Building-EIFS Cladding Project, Camosy, Inc., contractor, as submitted, be approved that will provide a time extension until May 1, 2010 to complete this contract.

**Fiscal Note:** There will be no change in contract price as a result of this change order.

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

[09-4373](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 46-09 (K9-047), Roof Replacement at DPW Equipment

Maintenance Garage and Central Heating Plant, Carlson Racine Roofing and Sheet Metal, Inc., contractor. (Res.09-1697)

**Recommendation of the Public Works and Services Committee on 11-10-09:** The work done by Carlson Racine Roofing & Sheet Metal, Inc. under Contract 46-09 (K9-047), Roof Replacement at Equipment Maintenance Garage and Central Heating Plant, be accepted and final payment authorized for a total contract amount of \$20,810.

**Fiscal Note:** Contract was authorized under Resolution No. 09-1450, dated June 16, 2009.

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

[09-4376](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 4-09 (K9-004), Professional Services - Reroof Central Heating Plant, Equipment Maintenance Garage, and Tyler Domer Community Center, Industrial Roofing Services, Inc., consultant. (Res.09-1695)

**Recommendation of the Public Works and Services Committee on 11-10-09:** The professional services provided by Industrial Roofing Services, Inc. under 4-09 (K9-004), Professional Services - Reroof Central Heating Plant, Equipment Maintenance Garage and Tyler-Domer Community Center, be accepted and final payment authorized for a total contract amount of \$9,400.00.

**Fiscal Note:** Contract was authorized under Resolution No. 09-1192, dated January 20, 2009.

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

[09-4377](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 56-08 (K8-066), Professional Services - Roof Replacement at Fire Station No. 7, Industrial Roofing Services, Inc., consultant. (Res.09-1694)

**Recommendation of the Public Works and Services Committee on 11-10-09:** The professional services provided by Industrial Roofing Services, Inc. under 56-08 (K8-066), Professional Services - Roof Replacement at Fire Station No. 7, be accepted and final payment authorized for a total contract amount of \$14,000.00.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0988,

dated September 2, 2008.

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

[09-4383](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting a State/Municipal agreement for State Street Streetscaping from N. Memorial Drive to LaSalle Street, State ID: 2290-12-71. (Res.09-1705)

**Recommendation of the Public Works and Services Committee on 11-10-09:** That the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for Construction of Streetscape Elements on State Street (STH 38) from N. Memorial Drive to LaSalle Street, State Project ID: 2290-12-71, be approved in the amount of \$500,000.00 with the City's share being 20%, or \$100,000.00 and the State's share being 80%, or \$400,000.00.

Further recommends that funding to defray the City's share of this project will be provided in the 2010 Capital Improvement Program.

**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.**

[09-4384](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting a State Project Agreement for 7th Street Streetscaping from Marquette Street to Main Street, State Project ID: 2440-07-71. (Res.09-1706)

**Recommendation of the Public Works and Services Committee on 11-10-09:** That the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for Construction of Streetscape Elements on Seventh Street (STH 20) from Marquette Street to Main Street, State Project ID: 2440-07-71, be approved in the amount of \$625,000.00 with the City's share being 20%, or \$125,000.00 and the State's share being 80%, or \$500,000.00.

Further recommends that funding to defray the City's share of this project will be provided in the 2010 Capital Improvement Program.

**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.**



[09-4385](#)

**Subject:** (Direct Referral) Communication from the Office of Energy Independence asking if the City wishes to participate in a joint grant application for stimulus funding for energy savings measures. (Res.09-1693)

**Recommendation of the Public Works and Services Committee**

**on 11-10-09:** That the Mayor and City Clerk be authorized and directed to participate with other Wisconsin governmental agencies for the submittal of an EECBG proposal to the Federal government. This grant will be a cooperative venture among a number of Wisconsin governmental entities which will seek a Federal stimulus grant up to \$75,000,000.00. Potential purposes for these grant funds are to improve the energy efficiency of government buildings, use of renewable energy at government facilities, and for provision of loans to private property owners for energy efficient improvements.

Further recommends that a resolution be introduced supporting participation in this joint venture.

**Fiscal Note:** There is a \$1.00 for every \$5.00 match on the part of the local government. This match may be through either soft costs or actual financial contributions.

**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:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

**Public Safety and Licensing Committee Report, by Ald. Wisneski**

[09-4264](#)

**Subject:** (New) The following application for a "Class C" & Class "B" Fermented Malt Beverage and Wine License for Peppermint, Thomas J. Holmes, Agent at 515 Sixth Street. (1st District)

**Recommendation of the Public Safety and Licensing Committee**

**on 10-26-09:** That the application for a "Class C" & Class "B" Fermented Malt Beverage and Wine License for Peppermint, Thomas J. Holmes, Agent at 515 Sixth Street be approved and the license be issued when the following stipulations have been met: Kitchen has passed inspections and is open, a signed lease with the building owner is presented to the clerks office, and the cameras are installed,



working and inspected by a person designated from the City as Mr. Holmes stated on the questionnaire. Motion carried.

**Recommendation of the Public Safety and Licensing Committee on 11-09-09:** That the application for a "Class C" & Class "B" Fermented Malt Beverage and Wine License for Peppermint, Thomas J. Holmes, Agent at 515 Sixth Street be granted with the following stipulations:

- lease for building be submitted to City Clerk's Office;
- adequate security for special events
- installation of cameras

Fiscal Note: N/A

*Alderman Wisneski requested that item 09-4264 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:** 9 - Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor, II, Holding and Wisneski

**NOES:** 5 - Coe, McCarthy, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

[09-4331](#)

**Subject:** Communication from Shawn R. Olley seeking an exchange of land between the Olle Brothers and the City of Racine. The City now uses Olle Brothers property to access the Dog Park.

**Recommendation of the Public Safety and Licensing Committee on 11-09-09:** That the item be referred to the Parks, Recreation & Cultural Services Board for a recommendation and then returned to this committee.

**This Communication was Referred to the Board of Park, Recreation and Cultural Services**

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

[09-4338](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter into an agreement with Nielsen, Madsen & Barber SC to prepare plans and specifications for Root River canoe access. (Res.09-1688)

**Recommendation of the Public Safety and Licensing Committee on 11-09-09:** That the Director of Parks, Recreation & Cultural Services be granted permission to enter into an agreement with Nielsen, Madsen & Barber SC to prepare plans and specifications for Root River canoe access.

Fiscal Note: Funds are available in account 101-170-5610.

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

09-4346

**Subject:** Communication from the Fire Chief requesting permission to apply for and accept a 2009 Urban Area Security Initiative Grant in the amount of \$45,000 for establishing a communications equipment cache in Racine County. The Racine Fire Department will be the host agency for this grant. There is no grant match required. Grant Control Number 2009-073. (Res.09-1687)

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

**11-09-09:** Permission be granted for the Fire Chief to apply for a 2009 Urban Area Security Initiative Grant in the amount of \$45,000 for establishing a communications equipment cache in Racine County. The Racine Fire Department will be the host agency for this grant. There is no grant match required. Grant Control Number 2009-073.

**Recommendation of the Public Safety and Licensing Committee**

**on 11-09-09:** That permission be granted for the Fire Chief to apply for a 2009 Urban Area Security Initiative Grant in the amount of \$45,000 for establishing a communications equipment cache in Racine County. The Racine Fire Department will be the host agency for this grant. There is no grant match required. Grant Control Number 2009-073.

**Fiscal Note:** No match is required. A separate communication for acceptance will be submitted if we are successful in obtaining the grant.

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

09-4354

**Subject:** (New) Application of The Place, LLC., O. Keith Fair, Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License at 509 Sixth Street. (1st District)

**Recommendation of the Public Safety and Licensing Committee**

**on 11-09-09:** That the application of The Place, LLC., O. Keith Fair, Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License at 509 Sixth Street be granted.

Fiscal Note: N/A

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

[09-4366](#)

**Subject:** (Direct Referral) Communication from the Purchasing Agent submitting the report of bids received on the sale of abandoned vehicles(November 3, 2009)

**Recommendation of the Public Safety and Licensing Committee on 11-09-09:** That the item be received and filed.

Fiscal Note: This will generate \$3,757.01 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:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

### **City Plan Commission Report, by Ald. Holding**

[09-4401](#)

**Subject:** (Res. 09-1660) A resolution adopting a Comprehensive Plan for the City of Racine: 2035.

**Recommendation of the City Plan Commission on 11-11-09:** That the resolution be approved.

**Fiscal Note:** N/A

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

[09-4402](#)

**Subject:** (ZOrd.3-09) An Ordinance adopting a Comprehensive Plan for the City of Racine: 2035.

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

**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:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

### **Committee of the Whole Report, by Ald. Q. A. Shakoor, II**

#### **09-4164**

**Subject:** Submittal of the Report of the Finance Committee of the Racine Wastewater Commission Regarding year 2010 Wastewater Utility Operation and Maintenance Budget and the 2010-2014 Capital Improvements Budget Recommending Adoption (Res.09-1690)

**Recommendation of the Racine Wastewater Commission of 9-29-09:** To adopt. Refer to the Finance and Personnel Committee.

**Recommendation of the Finance & Personnel Committee on 10-12-09:** To adopt and refer to the Committee of the Whole.

**Recommendation of the Committee of the Whole on 11-11-2009:** the 2010 Wastewater Utility Operation & Maintenance Budget and the 2010-2014 Capital Improvements Budget be approved.

**Fiscal Note:** copies of the 2010 Water Utility Operation & Maintenance Budget and the 2010-2014 Capital Improvements Budget, along with their supporting exhibits, are on file in the Office of the Finance Director.

*Alderman Shakoor requested that item 09-4164 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:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

#### **09-4171**

**Subject:** Submittal of the Report of the Finance Committee of the Racine Waterworks Commission Regarding Year 2010 Water Utility Operation and Maintenance Budget and the 2010-2014 Capital Improvements Budget Recommending Adoption (Res.09-1691)

**Recommendation of the Racine Waterworks Commission of 9-29-09:** To adopt. Refer to the Finance and Personnel Committee.

**Recommendation of the Finance & Personnel Committee on 10-12-09:** To adopt and refer to the Committee of the Whole.

**Recommendation of the Committee of the Whole on 11-11-2009:** the 2010 Water Utility Operation & Maintenance Budget and the

2010-2014 Capital Improvements Budget be approved.

**Fiscal Note:** copies of the 2010 Water Utility Operation & Maintenance Budget and the 2010-2014 Capital Improvements Budget, along with their supporting exhibits, are on file in the Office of the Finance Director.

*Alderman Shakoor requested that item 09-4171 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:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

[09-4275](#)

**Subject:** Communication from Mayor Dickert submitting the 2010 proposed budgets for the General Fund, Special Revenue Funds, Capital Projects Funds, Debt Service, Enterprise Funds, Utilities, and Internal Service Funds. (Res.09-1689)

**Recommendation of the Committee of the Whole on 11-11-2009:**

that the 2010 Proposed General Fund, Special Revenue Funds, Capital Projects Funds and five year plan, Debt Service, Enterprise Funds and Internal Funds be amended and adopted as amended.

**Fiscal Note:** The adopted operating budget results in a tax levy of \$45,048,267 and a tax rate of \$10.8693 based on a total assessed value of taxable general property of \$4,144,525,000. The 2010 General Obligation Debt portion of the Five Year Capital Improvement Plan calls for borrowing to provide \$8,267,487 in funding for budgeted Capital Projects. Copies of these budgets, the Capital Improvement Plan and supporting documentation are on file in the Office of the Finance Director.

*Alderman Weidner made a motion to amend the proposed budget book as follows:*

*Proposed budget book change to reverse civilian street storage patrol; The intention of this amendment is to remove funding to have additional Parking Enforcement Personnel patrol at night enforcing Municipal street storage ordinances by writing tickets to violators.*

*Budget Book General Fund - Police Expenditure Changes, Page 24:*

*Decrease 101.311.5020, Other Salaries by \$42,141*

*Decrease 101.311.511, Wisconsin Retirement by \$4,635*

*Decrease 101.311.5120, FICA by \$3,224*

*Budget Book General Fund - Police Revenue Change, Page 28*

*Decrease 101.310.6760 Parking Violation Fines by \$50,000*

*Motion passed by the following vote:*

*AYES: Weidner, Wisneski, Anderson, Holding, Kaplan, Maack, Shields and Spangenberg*

*NOES: Coe, DeHahn, Hart, McCarthy, Mozol and Shakoor*

*EXCUSED: Stein*

*Alderman Weidner made a motion to amend the proposed budget book as follows:*

*Proposed CIP and Budget Book changes to eliminate Recycling Carts and fund the ongoing cost of land filling recyclables with additional tax levy.*

*CIP Changes:*

*Page 18, Public Improvements*

*Remove all funding for Recycling Collection Bins, \$2,000,000 Recycling Debt in 2010*

*Budget Book Recycling Special Revenues Fund Changes, Pages 157-158:*

*Remove 289.000.5770, Machinery and Equipment(carts) \$2,000,000*

*Remove 289.000.4840, Transfer from Capital Projects, \$2,000,000*

*Remove 289.000.6020, Special Charge \$260,000*

*Remove 289.000.4930, Transfer to Debt Service \$236,000*

*Reduce 289.000.5610, Professional Services by \$24,000*

*Budget Book General Fund-DPW Solid Waste Expenditures Change, Page 51:*

*Increase 101.400.5690, Landfill Disposal by \$150,000*

*Budget Book General Fund-Miscellaneous Unclassified Revenues, Page 112:*

*Increase 101.990.6010, Tax Levy \$150,000*

*This change will increase the tax rate by \$0.0362 to \$10,9055*

*The overall tax increase will rise from 1.50% to 1.84%*

*The average house will pay \$4.59 more for a total of 1,382.82*

*The % increase on an average house will rise from 1.46% to 1.80%*

*Alderman Hart made a motion to call the question. Motion failed by the following:*

*AYES: Hart, Holding and Shakoor*

*NOES: Weidner, Wisneski, Anderson, Coe, DeHahn, Kaplan, Maack, McCarthy, Mozol, Shields and Spangenberg*

*EXCUSED: Stein*

*Motion to eliminate recycling carts failed by the following votes:*

*AYES: Weidner, Kaplan and Shields*

*NOES: Wisneski, Anderson, Coe, DeHahn, Hart, Holding, Maack, McCarthy, Mozol, Shakoor and Spangenberg*

*EXCUSED: Stein*

*Alderman Kaplan made a motion to amend the proposed budget book as follows:*

*Proposed CIP and Budget Book changes to eliminate Recycling Carts and fund the ongoing cost of land filling recyclables with additional use of reserves.*

*CIP Changes:*

*Page 18, Public Improvements*

*Remove all funding for Recycling Collection Bins, \$2,000,000 Recycling Debt in 2010*

*Budget Book Recycling Special Revenues Fund Changes, Pages 157-158:*

*Remove 289.000.5770, Machinery and Equipment(carts) \$2,000,000*

*Remove 289.000.4840, Transfer from Capital Projects, \$2,000,000*  
*Remove 289.000.6020, Special Charge \$260,000*  
*Remove 289.000.4930, Transfer to Debt Service \$236,000*  
*Reduce 289.000.5610, Professional Services by \$24,000*

*Budget Book General Fund-DPW Solid Waste Expenditures Change, Page 51:*  
*Increase 101.400.5690, Landfill Disposal by \$150,000*

*Budget Book General Fund-Miscellaneous Unclassified Revenues, Page 112:*  
*Increase 101.990.9000, General Fund Balance \$150,000*

*Alderman Hart made a motion to call the question. Motion passed by the following:*

*AYES: Anderson, Coe, DeHahn, Hart, Holding, McCarthy, Mozol, Shakoor, Shields and Spangenberg*  
*NOES: Weidner, Wisneski, Kaplan and Maack*  
*EXCUSED: Stein*

*Motion to eliminate recycling carts failed by the following votes:*

*AYES: Weidner, Wisneski, Kaplan and Shields*  
*NOES: Anderson, Coe, DeHahn, Hart, Holding, Maack, McCarthy, Mozol, Shakoor and Spangenberg*  
*EXCUSED: Stein*

*Alderman Maack made a motion to amend the budget by the following:*

*To eliminate funding out of the CIP for Pierce Woods Park which would result in a reduction of \$25,000.00 out of the CIP budget.*

*Motion failed by the following vote:*

*AYES: Wisneski, Anderson, Kaplan, Maack, McCarthy and Shields*  
*NOES: Weidner, Coe, DeHahn, Hart, Holding, Mozol, Shakoor and Spangenberg*  
*EXCUSED: Stein*

*Alderman Wisneski requested that before the recycle program is implemented that the following proposal be considered:*

*#1 - that the recipients be given an option to receive a smaller cart if they call in to request one;*

*#2 - create an opt out clause and a recycle container be set up at the Pearl Street address for individuals wanting to drop off their own recyclables;*

*#3 - that the Department of Public Works be prepared to report out on the money used for the recyclables before the next budget and if there are any funds remaining it be applied to the \$2,000,000.00 that was borrowed*

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

**AYES:** 11 - Anderson, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**NOES:** 3 - Coe, Shields and Weidner

**EXCUSED:** 1 - Stein

**Office of the Mayor Report, by Ald. Q. A. Shakoor, II**[09-4356](#)

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

Lisa Koenen 3500 Partridge Terrace Racine 53404 to the Racine Sister City Planning Council to fill the current vacancy for a 3 year term expiring December the 1st, 2010.

Alice Peterson 115 South Indiana Street Racine 53405 to the Racine Sister City Planning Council to fill the current vacancy for a 3 year term expiring December the 1st, 2010.

Joan Roehre 700 Grove Ave, Racine 53405 to the Racine Sister City Planning Council to fill the current vacancy for a 3 year term expiring December the 1st, 2011.

Maricela Tellez 1002 La Salle St Racine 53404 to the Racine Sister City Planning Council to fill the current vacancy for a 3 year term expiring December the 1st, 2009.

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

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

**H. Consent Agenda-Resolutions**[Res.09-1687](#)

Permission granted to the Fire Chief to apply for 2009 Urban Area Security Initiative Grant

Resolved, that permission be granted to the Fire Chief to apply for a 2009 Urban Area Security Initiative Grant in the amount of \$45,000 for establishing a communications equipment cache in Racine County. The Racine Fire Department will be the host agency for this grant. There is no grant match required. Grant Control Number 2009-073.

Fiscal Note: No match is required. A separate communication for acceptance will be submitted if we are successful in obtaining the grant.

**Sponsors:** Aron Wisneski and James T. Spangenberg

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



**Res.09-1688**

Permission to enter into agreement with Nielsen, Madsen & Barber to prepare plans and specifications for Root River canoe access

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Nielsen, Madsen & Barber SC to prepare plans and specifications for Root River canoe access in an amount not to exceed \$4,000.00.

Fiscal Note: Funds are available in Account 101-170-5610.

Sponsors: Aron Wisneski

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

**Res.09-1692**

Permission for Unified School District to close sidewalk fronting McKinley Middle School contingent on signing Hold Harmless Agreement

Resolved, that Racine Unified School District be granted permission to close the sidewalk on Rupert Boulevard fronting McKinley Middle School from December 1, 2009 to April 1, 2010 with the requirement that Racine Unified School District enter into a Hold Harmless Agreement with the City.

Fiscal Note: There will be no cost to the City of Racine in granting this permission.

Sponsors: Gregory Holding

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

**Res.09-1693**

Mayor and City Clerk be authorized to participate with other Wisconsin governmental agencies in a grant application for stimulus funding for energy savings measures

Resolved, that the Mayor and City Clerk be authorized and directed to participate with other Wisconsin governmental agencies for the submittal of an EECBG proposal to the Federal government. This grant will be a cooperative venture among a number of Wisconsin governmental entities which will seek a Federal stimulus grant up to \$75,000,000.00. Potential purposes for these grant funds are to improve the energy efficiency of government buildings, use of renewable energy at government facilities, and for provision of loans to private property owners for energy efficient improvements.

Fiscal Note: There is a \$1.00 for every \$5.00 match on the part of the local government. This match may be through either soft costs or actual financial contributions.

Sponsors: Gregory Holding

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

**APPROVED.****Res.09-1694**

Professional Services provided by Industrial Roofing under Contract 56-08 (K8-066), Roof Replacement at Fire Station No. 7, be approved and final payment authorized

Resolved, that the professional services provided by Industrial Roofing Services, Inc., under Contract 56-08 (K8-066), Roof Replacement at Fire Station No. 7, be accepted and final payment authorized for a total contract amount of \$14,000.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0988, dated September 2, 2008.

Sponsors: Gregory Holding

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

**Res.09-1695**

Professional Services provided by Industrial Roofing under Contract 4-09 (K9-004), Reroof Central Heating Plant, Equipment Maintenance Garage and Tyler-Domer Community Center be approved and final payment authorized

Resolved, that the professional services provided by Industrial Roofing Services, Inc. under Contract 4-09 (K9-004), Reroof Central Heating Plant, Equipment Maintenance Garage and Tyler-Domer Community Center, be accepted and final payment authorized for a total contract amount of \$9,400.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1192, dated January 20, 2009.

Sponsors: Gregory Holding

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

**Res.09-1696**

Work approved under Contract 33-09 (K9-034), Roof Replacement at Fire Station No. 7, Carlson Racine Roofing, and final payment authorized

Resolved, that the work done by Carlson Racine Roofing & Sheet Metal, Inc. under Contract 33-09 (K9-034), Roof Replacement at Fire Station No. 7, be accepted and final payment authorized for a total contract amount of \$136,985.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1393, dated May 6, 2009.

Sponsors: Gregory Holding

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

**Res.09-1697**

Work approved under Contract 46-09 (K9-047), Roof Replacement at Equipment Maintenance Garage and Central Heating Plant, Carlson Racine Roofing, and final payment authorized

Resolved, that the work done by Carlson Racine Roofing & Sheet Metal, Inc. under Contract 46-09 (K9-047), Roof Replacement at Equipment Maintenance Garage and Central Heating Plant, be accepted and final payment authorized for a total contract amount of \$20,810.

Fiscal Note: Contract was authorized under Resolution No. 09-1450, dated June 16, 2009.

Sponsors: Gregory Holding

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

**Res.09-1698**

Change Order No. 1 to Contract 31-09 (K9-032), Memorial Hall Exterior Restoration, RAM Construction, be approved

Resolved, that Change Order No. 1 on Contract 31-09 (K9-032), Memorial Hall Exterior Restoration, RAM Construction Services, contractor, as submitted, be approved in the deduct amount of \$11,486.50.

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.09-1699**

Work approved under Contract 31-09 (K9-032), Memorial Hall Exterior Restoration, RAM Construction, and final payment authorized

Resolved, that the work done by RAM Construction Services under Contract 31-09 (K9-032), Memorial Hall Exterior Restoration, be accepted and final payment authorized for a total contract amount of \$57,838.50.

Fiscal Note: Contract was authorized under Resolution No. 09-1489, dated July 7, 2009.

Sponsors: Gregory Holding

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

**Res.09-1700**

City deny installation of sidewalks on ARRA State Project ID: 2703-00-00 South Memorial Drive - Chicory Road to City Limits

Resolved, that the City not install sidewalks along S. Memorial Drive from

Chicory Road north to the city limits for the following reasons:

A. Lack of continuity. Sidewalks do not exist on Chicory Road north of the city limits nor on S. Memorial Drive.

B. Construction of sidewalks exceeds 20% of the project cost. The estimated cost of installing sidewalks is \$150,000.00.

C. Lack of pedestrians within this industrial park.

Fiscal Note: By denying the installation of sidewalk, there will be no cost to the City of Racine.

Sponsors: Gregory Holding

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

**Res.09-1701**

Change Order No. 1 to Contract 56-09 (K9-057), Safety Building-EIFS Cladding Project, Camosy, Inc., be approved

Resolved, that Change Order No. 1 to Contract 56-09 (K9-057), Safety Building-EIFS Cladding Project, Camosy, Inc., contractor, as submitted, be approved that will provide a time extension until May 1, 2010 to complete this contract.

Fiscal Note: There will be no change in contract price as a result of this change order.

Sponsors: Gregory Holding

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

**Res.09-1702**

Change Order No. 2 to Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, AZAR LLC., be approved

Resolved, that Change Order No. 2 to Contract 51-09 (K9-052), 2009 Sidewalk Replacement, Phase II, AZAR LLC, contractor, as submitted, be approved that will provide a time extension until November 13, 2009 to complete this contract.

Fiscal Note: There will be no change in contract price as a result of this change order.

Sponsors: Gregory Holding

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

**Res.09-1703**

Amendment No. 3 to Contract 10-08 (K8-011), Professional Services-Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, be approved

Resolved, that Amendment No. 3 to Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., consultant, as submitted, be approved in the amount of \$3,200.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 988.220.5030, CHP-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.09-1704**

Amendment No. 1 to State Project ID: 2350-13-00/70 - State of Wisconsin DOT and Graef, Inc., for professional services for reconstructing Douglas Avenue to Three Mile Road be approved

Resolved, that Amendment No. 1 to State Contract ID: 2350-13-00/70, Douglas Avenue (Hwy. 32), Goold Street to Three Mile Road, Graef, Inc., consultant, be approved in the amount of \$208,004.91, with the City's share being \$52,001.23 and the State's share being \$156,003.68.

Further resolved, that funding to defray the cost of the City's share of these professional services be appropriated from Account 989.908.5110, Douglas Avenue - Goold to Three Mile.

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.09-1705**

Mayor and City Clerk be authorized to enter into a 2-party agreement with Wisconsin DOT for Construction of Streetscape Elements on State Street

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for Construction of Streetscape Elements on State Street (STH 38) from N. Memorial Drive to LaSalle Street, State Project ID: 2290-12-71, be approved in the amount of \$500,000.00 with the City's share being 20%, or \$100,000.00 and the State's share being 80%, or \$400,000.00.

Further resolved, that funding to defray the City's share of this project will be provided in the 2010 Capital Improvement Program.

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.09-1706**

Mayor and City Clerk be authorized to enter into a 2-party agreement with Wisconsin DOT for Construction of Streetscape Elements on Seventh Street

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for Construction of Streetscape Elements on Seventh Street (STH 20) from Marquette Street to Main Street, State Project ID: 2440-07-71, be approved in the amount of \$625,000.00 with the City's share being 20%, or \$125,000.00 and the State's share being 80%, or \$500,000.00.

Further resolved, that funding to defray the City's share of this project will be provided in the 2010 Capital Improvement Program.

**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.09-1707**

Permission be granted to waive the fee for the use of Dr. Bryant Center for Wisconsin Thunder Wheelchair Basketball Team

Resolved, that permission be granted to waive the fee for the use of Dr. Bryant Community Center three or four times between November 2009 and February 2010 to Wisconsin Thunder Wheelchair Basketball Team, and to work with the Park & Recreation Department for the use of other facilities as well.

**Fiscal Note:** The rental fee for the Dr. John Bryant Center is \$64.00 per hour (weekend fee).

**Sponsors:** James T. Spangenberg

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

**Res.09-1708**

Mayor and City Clerk be authorized to sign the modified Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement

Resolved, that the Mayor and City Clerk be authorized and directed to sign the modified Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement following Racine Wastewater Commission approval.

Fiscal Note: N/A

Sponsors: James T. Spangenberg

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

**Res.09-1709**

Permission granted to Police Chief to apply for and accept a three year 2010 Beat Patrol Grant

Resolved, that permission be granted to the Chief of Police to apply for and accept a three-year 2010 Beat Patrol Grant (Grant Control No. 2009-074). The first year (2010) grant is for \$134,927 to be used for two uniformed officers whose primary duty is beat patrol.

Fiscal Note: A hard match of \$33,976 is required.

Sponsors: James T. Spangenberg

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

**Res.09-1710**

Permission granted for the Director of Parks to apply for a grant from Wisconsin Coastal Management

Resolved, that permission be granted for the Director of Parks, Recreation & Cultural Services to apply for a grant in the amount of \$21,825.00 from Wisconsin Coastal Management (City Grant Control # 2009-072) for Improving Public Access to Lake Michigan - North Beach Mats.

Fiscal Note: There will be a \$26,675 match on the part of the City.

Sponsors: James T. Spangenberg

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

**Res.09-1711**

Case No. 08-CV-1599, Clara Bridgeman v City of Racine, et al., be settled

Resolved, that the negotiated settlement in the amount of \$33,000 in Case No. 08-CV-1599, Clara Bridgeman v. City of Racine, et al., be approved.

Fiscal Note: There are sufficient funds in Account 101.990.5910, Judgments and Claims, for settlement.

Sponsors: James T. Spangenberg

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

**Res.09-1712**

Permission granted to Grants Facilitator to apply for Brownfields Job Training Grant

Resolved, that permission be granted for the Grants Facilitator to apply for the Brownfields Job Training Grant (Grant Control No. 2009-066) through the Environmental Protection Agency. The grant is in the amount of \$200,000 over a two year period.

Fiscal Note: No hard match is required, however a soft match is recommended.

Sponsors: James T. Spangenberg

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

**Res.09-1713**

Permission granted to Grants Facilitator to apply for U.S. Dept. of Housing and Urban Development 2009 Healthy Home Demonstration Program Grant

Resolved, that permission be granted for the Grants Facilitator to apply for the U.S. Department of Housing and Urban Development 2009 Healthy Homes Demonstration Program (Grant Control No. 2009-065). The grant is in the amount of \$875,000 with a project period of three years.

Fiscal Note: No match required on the part of the City.

Sponsors: James T. Spangenberg

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

**Res.09-1714**

2010 Operating Plan for Business Improvement District No. 1 - Downtown Racine, be approved

Resolved, that the Business Improvement District No. 1 - Downtown Racine proposed 2010 Operating Plan and special assessments, as presented, be approved.

Fiscal Note: The \$208,801 in special assessments will be placed on the 2009 property tax bills.

Sponsors: James T. Spangenberg

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

**Res.09-1715**

Approve the Neighborhood Stabilization Program (NSP) Budget

Resolved, that the Neighborhood Stabilization Program (NSP) budget as presented, be approved.

Fiscal Note: The budget total remains the same with changes between line items for new construction and rehabilitation.



**Sponsors:** James T. Spangenberg

**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:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

## I. Resolutions

**Res.09-1689** 2010 Proposed Budgets be approved

Resolved, that the 2010 Proposed General Fund, Special Revenue Funds, Capital Projects Funds and Five Year Plan, Debt Service, Enterprise Funds and Internal Funds be amended and adopted as amended.

**Fiscal Note:** The adopted operating budget results in a tax levy of \$45,048,267 and a tax rate of \$10.8693 based on a total assessed value of taxable general property of \$4,144,525,000. The 2010 General Obligation Debt portion of the Five Year Capital Improvement Plan calls for borrowing to provide \$8,267,487 in funding for budgeted Capital Projects. Copies of these budgets, the Capital Improvement Plan and supporting documentation are on file in the Office of the Finance Director.

**Sponsors:** Q.A. Shakoor, II

**Adopted as Amended**

**AYES:** 11 - Anderson, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**NOES:** 3 - Coe, Shields and Weidner

**EXCUSED:** 1 - Stein

**Res.09-1690** 2010 Wastewater Utility Operation and Maintenance Budget and the 2010-2014 Capital Improvements Budget be approved

Resolved, that the 2010 Wastewater Utility Operation & Maintenance Budget and the 2010-2014 Capital Improvements Budget be adopted.

**Fiscal Note:** Copies of the 2010 Water Utility Operation & Maintenance Budget and the 2010-2014 Capital Improvements Budget, along with their supporting exhibits, are on file in the Office of the Finance Director.

**Sponsors:** Q.A. Shakoor, II

**A motion was made by Alderman Shakoor, II that this Resolution be Adopted.  
The motion was APPROVED by the following vote:**

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

**Res.09-1691** 2010 Water Utility Operation & Maintenance Budget and the 2010-2014 Capital Improvements Budget be approved

Resolved, that the 2010 Water Utility Operation & Maintenance Budget and the 2010-2014 Capital Improvements Budget be adopted.

Fiscal Note: Copies of the 2010 Water Utility Operation & Maintenance Budget and the 2010-2014 Capital Improvements Budget, along with their supporting exhibits, are on file in the Office of the Finance Director.

Sponsors: Q.A. Shakoor, II

**A motion was made by Alderman Shakoor, II that this Resolution be Adopted.  
The motion was APPROVED by the following vote:**

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

Bradley D. Viegut from Robert W. Baird & Co. gave committee members and update on the bonds.

**Res.09-1716** RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$2,760,000 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; and

WHEREAS, under the provisions of Section 66.0621 of the Wisconsin Statutes any municipality may, by action of its governing body, provide funds for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating and managing a public utility or to refund obligations issued for such purposes 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; and

WHEREAS, the Municipality has outstanding its Waterworks System Mortgage Revenue Refunding Bonds, dated April 15, 2001 (the "April 2001 Bonds"), its Waterworks System Mortgage Revenue Bonds, dated October 1, 2001 (the "October 2001 Bonds"), its Waterworks System Mortgage

Revenue Bonds, dated November 1, 2004 (the "November 2004 Bonds") and its Waterworks System Mortgage Revenue Bonds, dated April 2, 2007 (the "2007 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"); and

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 supplementing ordinances adopted on April 4, 2001, October 2, 2001 and October 5, 2004 (collectively, the "Ordinance") and by a Resolution adopted by the Governing Body on March 6, 2007 (the "2007 Resolution"); and

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"); and

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

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; and

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 Resolution and the Prior Resolutions have been or will be complied with prior to the issuance of the Bonds authorized by this Resolution; and

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 various extension, replacement, repair and improvement projects throughout the water treatment and distribution system and acquiring equipment (the "Project"); and WHEREAS, for the purpose of paying costs of the Project (including paying legal, financing, engineering and other professional fees in connection therewith) and adding funds to the Reserve Account, 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; and WHEREAS, as set forth herein, the revenue bonds will mature commencing not later than 3 years after the date of the issuance thereof in such amounts that the requirement each year to pay both principal and interest thereon (the latter being payable not less than annually from the date of issuance of the revenue bonds) will, it is hereby found by this Governing Body, be reasonable in accordance with prudent municipal utility management

practices; and

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 \$2,760,000 Waterworks System Mortgage Revenue Bonds of the Municipality dated December 8, 2009, 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;

"NRMSIR" means the Nationally Recognized Municipal Securities Information Repositories as recognized from time to time by the Securities and Exchange Commission for the purposes referred to in SEC Rule 15c2-12;

"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 financing various extension, replacement, repair and improvement projects throughout the water treatment and distribution system and acquiring equipment. 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 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, 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) and the cost of funding a reserve account, there shall be borrowed on the credit of the income and revenue of the System the sum of TWO MILLION SEVEN HUNDRED SIXTY THOUSAND DOLLARS (\$2,760,000), 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 December 8, 2009; 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 and shall mature on September 1 of each year, in the years and principal amounts as set forth on the schedule attached hereto as Exhibit B and incorporated herein by this reference (the "Schedule").

Interest on the Bonds shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2010.

It is hereby determined and declared that:

(a) the above schedule of maturities of the Bonds 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, 2020 and thereafter shall be subject to redemption prior to maturity on September 1, 2019 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 Resolution, 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 Resolution 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 Resolution 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 and any premium. 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, any premium, 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, any premium, 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

**Sponsors:** James T. Spangenberg

**Adopted as Amended**

**AYES:** 13 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

**NON VOTING:** 1 - Shakoor, II

The Mayor was excused for a few minutes and President Shakoor presided over the meeting at that time.

**Res.09-1717**

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$7,760,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS (BUILD AMERICA BONDS-DIRECT PAYMENT)

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 refinancing capital expenditures that were financed originally with short-term financing, specifically, the City's Note Anticipation Notes, dated July 27, 2009 (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 capital expenditures 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;

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").

WHEREAS, it is the finding of the Common Council that it is desirable and in

the best interest of the City to take the steps necessary to irrevocably designate the Bonds to be qualified "Build America Bonds" within the meaning of Subsection 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations promulgated thereunder by the U.S. Department of Treasury (the "Regulations") so that the City may claim refundable credits with respect to each interest payment on the Bonds, payable to the City by the Secretary of the United States Department of the Treasury ("Treasury"); and

WHEREAS, because the Common Council will designate the Bonds to be qualified Build America Bonds, the interest on the Bonds will be includible in gross income for federal income tax purposes under Subsection 54AA(f)(1) of the Code.

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 SEVEN MILLION SEVEN HUNDRED SIXTY THOUSAND DOLLARS (\$7,760,000) 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 SEVEN MILLION SEVEN HUNDRED SIXTY THOUSAND DOLLARS (\$7,760,000) 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 (Build America Bonds-Direct Payment)"; shall be issued in the aggregate principal amount of \$7,760,000; shall be dated December 8, 2009; 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, 2010. 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 maturing on December 1, 2020 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on December 1, 2019 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an

attachment hereto as Exhibit MRP and incorporated herein by this reference. 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 2009 through 2022 for the payments due in the years 2010 through 2023 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 \$7,760,000 Taxable General Obligation Refunding Bonds (Build America Bonds-Direct Payment), dated December 8, 2009" (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 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; (vi) all Direct Payments (defined below) received by the City; and (vii) 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 Code and any applicable 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 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. Qualified Build America Bond Designation; Irrevocable Election; Compliance with Federal Tax Laws. (a) The Bonds are hereby irrevocably designated qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code, and the City hereby irrevocably elects to apply Subsection 54AA(g) of the Code to the Bonds. The City represents that all Bond Proceeds, less costs of issuance financed with such Bond Proceeds (which costs shall be in an amount not to exceed 2% of such Bond Proceeds) plus all income from temporary Permitted Investments with respect to such Bond Proceeds ("Available Project Proceeds") shall be used only for capital expenditures. The City acknowledges that among the requirements for the Bonds to qualify and continue to qualify as qualified Build America Bonds is that the Bonds, but for their qualified Build America Bond designation, would be tax-exempt for federal income tax purposes, and hence that the requirements of the Code and Regulations regarding tax-exempt obligations apply to the Bonds. The City hereby covenants to comply with such requirements.

(b) The City thus further represents and covenants that the projects financed by the Bonds and their ownership, management and use will not cause the Bonds 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 qualified Build America Bond status of 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 the Bonds to lose their status as qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code and the Regulations. 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.

(c) 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.

(d) 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. Qualified Build America Bonds - Application for Direct Payments to the City. The City shall claim available refundable credits from the Treasury with respect to each interest payment on the Bonds as provided under Subsection 54AA(g)(1) of the Code ("Direct Payments"). The Fiscal Agent (defined below) is hereby authorized and directed to take all necessary actions on behalf of the City to apply for the receipt by the City of such Direct Payments, including the timely filing of necessary Internal Revenue Service forms and information returns for that purpose and/or submitting requests electronically if and as the Treasury establishes an electronic platform in connection with its direct payment procedures. All Direct Payments received by the City shall be promptly deposited in the Debt Service Fund and used for no other purpose than as provided in Section 6 of this Resolution.

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. Payment of Refunded Obligations. The Bonds are being issued to refund the Refunded Obligations on their December 15, 2009 maturity date. Proceeds of the Bonds shall be applied to payment of the Refunded Obligations on that date.

Section 16. 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 17. 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 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.

Sponsors: James T. Spangenberg

**Adopted as Amended**

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Mozol

**EXCUSED:** 1 - Stein

**J. Ordinances**

Ord.21-09

Ordinance No. 21-09

To amend Section 2-176 of the Municipal Code of the City of Racine, Wisconsin relating to Boards, Committees, Commissions - Board of Health; Created, appointments, terms of members; secretary.

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

Part 1:

Section 2-176 of the Municipal Code of the City of Racine is hereby amended by changing in the first line, the word "eight" to read "nine."

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: Robert Mozol

**Referred to Board of Health**

**K. Miscellaneous Business**

*None.*

**L. Adjourn**

*The meeting was adjourned at 9:25p.m. by Alderman Shakoor. The next scheduled meeting of the Council is December 1, 2009.*

ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK