



# City of Racine

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

## Meeting Agenda - Final Common Council

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

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Tuesday, June 19, 2012

7:00 PM

Room 205, City Hall

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- A. Call To Order**
- B. Pledge of Allegiance To The Flag**
- C. Approval of Journal of Council Proceedings (Minutes)**
- D. Public Hearings**

[ZOrd.001-12](#)

Zoning Ordinance 1-12

Ordinance adopting the document "RootWorks-Revitalizing Racine's Urban River Corridor: Root River Corridor Redevelopment Plan" for the City of Racine, Wisconsin

The Common Council of the City of Racine 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 the document "RootWorks-Revitalizing Racine's Urban River Corridor: Root River Corridor Redevelopment Plan" (the Plan), as an amendment to the City's comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; and

SECTION 2: The Root River Council, with the assistance of the firm of Vandewalle & Associates, Inc., and in consultation with the River Alliance of Wisconsin and the City of Racine, in September of 2011 began preparation of the Plan that serves to assist in promoting and guiding development within the study area by: understanding the context within the city and the region, stimulating economic growth, allowing for public access and interaction with the river, improving water quality, and recommending implementation strategies; and

SECTION 3: The Root River Council (RRC) conducted stakeholders' interviews and public informational meetings to solicit opinion and educate the public on the Plan, and upon approval on April 20, 2012 the RRC forwarded a recommendation for adoption to the Plan

Commission; and

**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 "RootWorks-Revitalizing Racine's Urban River Corridor: Root River Corridor Redevelopment Plan"; and

**SECTION 5:** The Common Council has duly noticed and conducted a public hearing on the 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 "RootWorks-Revitalizing Racine's Urban River Corridor: Root River Corridor Redevelopment Plan" pursuant to Section 62.23 and Section 66.1001(4)(c) of the Wisconsin Statutes.

**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

REFER TO CITY PLAN COMMISSION

Sponsors: Aron Wisneski

## E. Public Comments

## F. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[12-7817](#)

**Subject:** Communication from the Grants Facilitator requesting permission to apply for and accept a grant award from the Wisconsin Office of Justice Assistance to support initiatives provided by Racine Vocational Ministry, Racine Unified School District, Racine County Human Services and Why Gangs. (Grant Control #2012-020)

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

- [12-7794](#)      **Subject:** Communication from Pentecost Lutheran Church requesting permission to close Jerome Boulevard, from Coolidge Avenue to Case Avenue, on Saturday, July 28, 2012, for a church block party.
- [12-7828](#)      **Subject:** Communication from George Stergiadis requesting permission to buy and sell 1920 and 2020 William Street in Young Industrial Park.
- [12-7832](#)      **Subject:** Communication from the Chief Building Inspector, on behalf of the Alderman of the 15th District, requesting the creation of an ordinance to allow green houses, known as Hoop Houses, for the purpose of growing food.

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

- [12-7820](#)      **Subject:** Communication from Carolyn Chaplin, Co-Chairman for the Starving Artists Outdoor Fair, requesting the use of "Temporary No Parking" signs to be used on the east side of South Main Street, between 10th St. and 11th St. with restriction for the hours of 9:00 AM - 4:00 PM for Sunday, August 5, 2012; also requesting the "No Parking At Any Time" restrictions on 10th St. and 11 St. east of S. Main Street be waived for daylight hours prior to 9:00 AM and for a period not to exceed one hour from 4:00 PM - 5:00 PM on Sunday, August 5, 2012.

**Refer to City Plan Commission, by Ald. Wisner**

- [12-7816](#)      **Subject:** Communication from the Root River Council requesting amendment to the Access Corridor and Downtown Area Design Guidelines.

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

- [12-7792](#)      **Subject:** Communication from the Greater Racine Kennel Club requesting to reserve Pershing Park and to control parking on a portion of the lakefront for the American Kennel Club All Breed Dog Shows scheduled for Sunday, August 12, 2012 and Monday, August 13, 2012.
- [12-7793](#)      **Subject:** Communication from Alderman Jim Kaplan and Alderman Raymond DeHahn and the members of the Affirmative Action Human Relations Commission recommending the renaming of Marquette Street Park to William Dyess Park.

**G. Committee Reports**

**Public Works and Services Committee Report, by Ald. Weidner**[12-7756](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 1 to Contract 9-12 (K2-009), Professional Services - Police Department Office Improvements, ARC Architectural Group LLC, consultant. (Res. 12-3195)

**Recommendation of the Public Works and Services Committee on 5-29-12:** Defer

**Recommendation of the Public Works and Services Committee on 6-12-12:** That Amendment No. 1 to Contract 9-12 (K2-009), Professional Services-Police Department Office Improvements, ARC Architectural Group LLC, as submitted, be approved in the not-to-exceed amount of \$9,400.00.

**Fiscal Note:** Funding to defray the cost of these professional services be appropriated from Account 991.210.5040, Safety Building - Building Updates.

[12-7767](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting Amendment No. 1 to Contract 5-11 (K1-005), PS - 2011 Pavement Inspection & Planning, AECOM, consultant. (Res. 12-3196)

**Recommendation of the Public Works and Services Committee on 6-12-12:** That Amendment No. 1 to Contract 5-11 (K1-005), Professional Services-2011 Pavement Inspection & Planning, AECOM Technical Services, Inc., consultant, as submitted, be approved in the not-to-exceed amount of \$7,000.00.

**Fiscal Note:** Funding to defray the cost of these professional services be appropriated from Account 992.9908.5040, 7th St.-Marquette to Main.

[12-7768](#)

**Subject:** Communication from Fourth Fest of Greater Racine, Inc. requesting permission to use the Walker site to park cars on Wednesday night, July 4, 2012, for the annual fireworks show. (Res. 12-3189)

**Recommendation of the Public Works and Services Committee on 6-12-12:** That permission be granted to Fourth Fest of Greater Racine, Inc. to use the Walker Site on Wednesday, July 4, 2012, with a rain date of Thursday, July 5, 2012, for parking of vehicles in conjunction with the

Fourth of July fireworks display.

**Fiscal Note:** N/A

[12-7769](#)

**Subject:** Communication from Real Racine requesting to use city right-of-way for the International Cycling Classic on Friday, July 13, 2012. (Res. 12-3188)

**Recommendation of the Public Works and Services Committee on 6-12-12:** That Real Racine be granted permission to hold the International Cycling Classic bicycle race contingent upon providing an acceptable route and firm date by June 15, 2012, with the following stipulations:

- A. A hold harmless agreement be executed and a \$62.50 processing fee paid;
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. Sponsor shall be responsible for supplying a map of the detour route and the signing of the necessary detours for the State Highway route.
- F. The sponsor shall pay a special event fee to be determined upon approval of the route.

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

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

[12-7772](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 46-11 (K1-049), Fire Station No. 2 - Window Replacement, Softer Lite Window Company, contractor. (Res. 12-3191)

**Recommendation of the Public Works and Services Committee on 6-12-12:** That Change Order No. 1 on Contract 46-11 (K1-049), Fire Station No. 2 - Window Replacement, Softer Lite Window Company, contractor, be approved in the amount of \$180.00.

**Fiscal Note:** Funding to defray the cost of this change order be appropriated from Account 991.300.5050, Fire Station 2 Windows.

[12-7773](#)

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

Public Works submitting a request for final payment on Contract 46-11 (K1-049), Fire Station No. 2 - Window Replacement, Softer Lite Window Company, contractor. (Res. 12-3192)

**Recommendation of the Public Works and Services Committee on 6-12-12:** That the work done by Softer Lite Window Company under Contract 46-11 (K1-049), Fire Station No. 2 - Window Replacement, be accepted and final payment authorized for a total contract amount of \$18,380.00.

**Fiscal Note:** Contract was authorized under Resolution No. 11-2678, dated August 1, 2011.

[12-7787](#)

**Subject:** Communication from Downtown Racine Corporation requesting permission to place artistically decorated trunks on the public sidewalks along Main Street from State Street to 6th Street from Main Street to Grand Avenue for the 11th Annual Public Art Project. (Res. 12-3190)

**Recommendation of the Public Works and Services Committee on 6-12-12:** That an agreement be executed, in accordance with Wisconsin State Statute 66.0425, Privileges in Streets, to grant permission to Downtown Racine Corporation, to place decorated trunks on the sidewalks of Main Street from State Street to 7th Street, 6th Street from Main Street to Grand Avenue, from May 1, 2012 to October 1, 2012, with the stipulation that a minimum of a 5' sidewalk must be maintained at all times and that any damage to the sidewalk be repaired so as to not present a hazard to pedestrians.

**Fiscal Note:** N/A

[12-7788](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 19-11 (K1-019), Professional Services - Design Roof Specifications for Street Maintenance Garage, Industrial Roofing Services, Inc., consultant. (Res. 12-3193)

**Recommendation of the Public Works and Services Committee on 6-12-12:** That the professional services provided by Industrial Roofing Services, Inc. under Contract 19-11 (K1-019), Professional Services - Design Roof Specifications for Street Maintenance Garage, be accepted and final payment authorized for a total contract amount of \$10,000.00.

**Fiscal Note:** Contract was authorized under Resolution No. 11-2371, dated January 18, 2011.

[12-7789](#)

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

Public Works submitting a request for final payment on Contract 37-11 (K1-039), Roof Replacement at Street Maintenance Garage, A-1 Duran Roofing & Insulating, Inc., contractor. (Res. 12-3194)

**Recommendation of the Public Works and Services Committee on 6-12-12:** That the work done by A-1 Duran Roofing & Insulating, Inc. under Contract 37-11 (K1-039), Roof Replacement at Street Maintenance Garage, be accepted and final payment authorized for a total contract amount of \$99,501.00.

**Fiscal Note:** Contract was authorized under Resolution No. 11-2594, dated June 7, 2011.

[12-7795](#)

**Subject:** Resolution 12-3161, created June 4, 2012, being a final resolution relating to street improvements on:

**PORTLAND CEMENT CONCRETE PAVING**

North Wisconsin Street - Carlton Drive to the Cul-de-sac - North English Street - North Main Street to Chatham Street  
English Street - Chatham Street to Michigan Boulevard  
Alley - Charles St to Geneva St; Walton Ave to Layard Ave (E-W)  
Alley - Charles St to Geneva St; Walton Ave to Layard Ave (N-S)  
Alley - Charles St to Geneva St; Layard Ave to Romaine Ave (E-W)  
Alley - Charles St to Geneva St; Layard Ave to Romaine Ave (N-S)  
Alley - English St to Yout St; LaSalle St to Marquette St  
Alley - Goold St to Walton Ave; Green St to St. Clair St

**CURB & GUTTER**

North Wisconsin Street - Carlton Drive to the Cul-de-sac - North

**SEWER & WATER LATERALS**

English Street - North Main Street to Chatham Street  
English Street - Chatham Street to Michigan Boulevard

**SIDEWALK**

North Wisconsin Street - Carlton Drive to the Cul-de-sac - North

**Recommendation of the Public Works and Services Committee on 6-12-12:** That Resolution No. 12-3161, created June 4, 2012, be amended to delete:

**PORTLAND CEMENT CONCRETE PAVING**

Alley - Charles St. to Geneva St.; Walton Ave. to Layard Ave. (N-S)  
Alley - Charles St. to Geneva St.; Layard Ave. to Romaine Ave. (E-W)  
Alley - English St. to Yout St.; LaSalle St. to Marquette St.

**SIDEWALK**

North Wisconsin St. - Carlton Dr. to the Cul-de-sac - North

and, as amended, Resolution No. 12-3161, created June 4, 2012 be adopted.

**Fiscal Note:** Funds will be appropriated in the 2013 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

[12-7805](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works requesting to review color options for the Festival Hall roof.

**Recommendation of the Public Works and Services Committee on 6-12-12:** That the Festival Hall roof color be converted to the Classic Copper color during the 2012 Festival Hall Roof Replacement project.

**Fiscal Note:** N/A

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

[12-7719](#)

**Subject:** Communication from Interim Director, Tom Molbeck, requesting authorization for final payment of Contract 43-11 (K1-045) PRCS Asphalt Improvements. (Res. 12-3199)

**Recommendation of the Public Safety and Licensing Committee on 6-12-12:** That the final payment of Contract 43-11 (K1-045) PRCS Asphalt Improvements be approved.

**Fiscal Note:** Final payment of \$172,688.24 is available in account 991.700.5020 - 10 Year Paving Plan.

[12-7786](#)

**Subject:** Communication from the Purchasing Agent requesting to accept the bid with MJJ, Inc., for Official Notice #8 Community Center Custodial & Cleaning Services. (Res. 12-3198)

**Recommendation of the Public Safety and Licensing Committee on 6-12-12:** That the Purchasing Agent accept the bid with MJJ, Inc., for Official Notice #8, Community Center Custodial & Cleaning Services.

**Fiscal Note:** Contract cost is \$347,040.00 for three years. Funds are available from account 991-700-5020 10 Year Paving Plan.

[12-7476](#)

**Subject:** Ordinance No. 2-12

To repeal and recreate Sec. 66-1001, repeal and recreate Sec. 66-1002



and create Sec. 66-1004 of the Municipal Code of the City of Racine, Wisconsin relating to Nuisance properties.

**Recommendation of the Public Safety and Licensing Committee on 3-12-12:** That the item be deferred until the next meeting.

**Recommendation of the Public Safety and Licensing Committee on 3-26-12:** That the item be deferred until the next meeting.

**Recommendation of the Public Safety and Licensing Committee on 04-09-12:** That the draft Ordinance be submitted to Chief Howell and the item be deferred until the review is complete.

**Recommendation of the Public Safety and Licensing Committee on 05-7-12:** That the suggested changes be made and the item be deferred until the next meeting.

**Recommendation of the Public Safety and Licensing Committee on 5-21-12:** That Ordinance 2-12 be adopted as amended.

**Recommendation of the Public Safety and Licensing Committee on 6-12-12:** That Ordinance 2-12 be adopted as amended.

**Fiscal Note:** N/A

[12-7688](#)

**Subject:** Communication from the City Attorney submitting Ordinance No. 6-12 regarding Fireworks for consideration

**Recommendation of the Public Safety and Licensing Committee on 5-21-12:** The Committee recommended the Ordinance Change be made to Ordinance 6-12 regarding Fireworks be approved.

**Recommendation of the Public Safety and Licensing Committee on 6-12-12:** The communication from the City Attorney submitting Ordinance No. 6-12 regarding Fireworks for consideration be approved as presented.

**Fiscal Note:** N/A

[12-7784](#)

**Subject: (New)** Application of Peg & Lou's, LLC, Randall Larson, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 835 Washington Avenue. (1st District) - Establishment is currently licensed, this is new owner.

**Recommendation of the Public Safety and Licensing Committee on 6-12-12:** That the Application of Peg & Lou's, LLC, Randall Larson, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor

License for 835 Washington Avenue be approved.

**Fiscal Note:** N/A

**12-7710**

**Subject:** The following renewal application(s) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2012-2013:

Restaurant of Racine, Inc.                      207 Gaslight Drive  
(Tradenname) Chancery Pub & Restaurant  
Brian K. Grabher, Agent

Mike Williams                                      1403 Superior Street  
(Tradenname) Winner's Circle

Ice Box, LLC                                        2328 Douglas Avenue  
(Tradenname) Ice Box  
Ronald Stankovic, Agent

Kenny's on Main LLC                              1300 N. Main Street  
(Tradenname) Kenny's on Main  
Kenneth R. Meyer, Agent

Corey Szaryc & Jaimie D. Utlej                      611 Wisconsin Avenue  
(Tradenname) Toad Hall  
Corey Szaryc, Agent

Laura Tomasek & Lisa Caffery                      920 Erie Street  
(Tradenname) Yardarm  
Laura Tomasek, Agent

Jose E. Sanchez                                      1318 Douglas Avenue  
(Tradenname) Mi Jacalito Restaurant

LJF Corporation                                      3012 Rapids Drive  
(Tradenname) Stone Corral  
Luciano Flores, Agent

Joey's on 6th LLC                                      910 Sixth Street  
(Tradenname) Joey's on 6th  
Joseph G. Legath, Agent

Joey's on Taylor, LTD.                              1863 Taylor Avenue  
(Tradenname) Joey's on Taylor  
Joseph G. Legath, Agent

Joey's on Lathrop LLC                              2054 Lathrop Avenue

(Tradename) Joey's on Lathrop  
Joseph G. Legath, Agent

Racine Labor Hall, Inc. 2100 Layard Avenue  
(Tradename) Racine Labor Center  
Richard K. Fought, Agent

Anchor Inn & Bowling Corporation 3701 Durand Avenue  
(Tradename) Plaza Bowling Center  
John Landerman, Agent

TTDH, Inc. 2100 Douglas Avenue  
(Tradename) Gus's Gyro's & Better Day BP  
Constantin Tousis, Agent

Vero's LLC 211 Sixth Street  
(Tradename) Vero's  
Nicole Cannon, Agent

Char-Grill, Inc. 3839 Douglas Avenue  
(Tradename) Charcoal Grill  
Jeff Marsh, Agent

Shogun of Racine Inc. 518 College Avenue  
(Tradename) Shogun Japanese Restaurant  
Kwangseok Youn, Agent

Rojo's Pub, LLC. 1317 Yout Street  
(Tradename) Rojo's Pub  
Joseph A. Vlasak, Agent

GMRI, Inc. 6000 Durand Avenue  
(Tradename) Olive Garden  
David A. Good, Agent

Bucket's Pub 2031 Lathrop Avenue  
(Tradename) Bucket's Pub  
Charles F. Brandt, Agent

David J. Russell 600 High Street  
(Tradename) The Cornerstone

Racine Art Museum Assoc., Inc. 441 Main Street  
(Tradename) Racine Art Museum  
Laura D'Amato, Agent

Infusino Pizzeria & Restaurant 3225 Rapids Drive

(Tradename) Infusino's Restaurant  
Emilio Infusino, Agent

Infusino's Pizzeria & Banque Hall                      3201 Rapids Drive  
(Tradename) Infusino's Italian Village  
Emilio Infusino, Agent

Rhino Bar, LLC    1659 N. Main Street  
(Tradename) Rhino Bar

Ell Cotorreo, Inc.                                        1224 Sixteenth Street  
(Tradename) El Cotorreo  
Jong Pong Chang, Agent

Hi-O Inc.    1816 Seventeenth Street  
(Tradename) Hi-O Headquarters  
Michael A. Henes, Agent

R&K Kong LLC    618 Sixth Street  
(Tradename) Pepi's Pub & Grill  
Joe Madison, Agent

Derango, LTD    3840 Douglas Avenue  
(Tradename) Derango's Pizza Palace  
Benedetto F. Derango, Agent

Hammes Tavern, LLC                                    2005 Taylor Avenue  
(Tradename) Hammes Tavern  
Michael J. Hammes, Agent

T.B. Hansens, Inc.                                      501 Goold Street  
(Tradename) Hansen's Tap  
Thomas R. Hansen, Agent

Coasters Inc.    1301 N. Main Street  
(Tradename) Coasters  
Charles Beth, Agent

Slobodan Lazarevic                                      2002 Erie Street  
(Tradename) Neighborhood Bar of Racine, LLC  
Slobodan Lazarevic, Agent

American Legion Post #546                            1234 Douglas Avenue  
(Tradename) American Legion Post  
James Price, Agent

2 Sheets to the Wind Pub & Grill, LLC            3316 Douglas Avenue

(Tradenname) 2 Sheets to the Wind Pub & Grill  
Sheila R. Sheets, Agent

Racine Theatre Guild, Inc. 2519 Northwestern Avenue  
(Tradenname) Racine Theatre Guild  
Douglas Instenes, Agent

Avarice Enterprises, LLC 1300 Michigan Blvd.  
(Tradenname) Michigan Pub  
**CHANGE OF AGENT**  
Gregory S. Allan, **NEW AGENT**

George's Tavern of Racine, WI Inc. 1201 N. Main Street  
(Tradenname) George's Tavern  
David Popoff, Agent

WLS Wild Bill, Inc. 1641 Douglas Avenue  
(Tradenname) Chief's  
William Sorenson, Agent

Buona Vita Corporation 3701 Durand Avenue  
(Tradenname) Buona Vita Pizzeria Restaurant  
Achille Cortese, Agent

Taqueria Aranda's LLC 1501 Prospect Street  
(Tradenname) Taqueria Arandas Restaurant

CBI of Racine, Inc. 1446 Dr. M.L. King Jr. Dr.  
(Tradenname) Tropical Paradise  
Carl Stewart, Agent

DeMark's Bar and Restaurant, Inc. 1600 Albert Street  
(Tradenname) DeMark's Tavern  
Sharon A. Burman, Agent

Salute, Incorporated 314 Main Street  
(Tradenname) Salute Italian Restaurant  
Gemma De Bartolo-Wells, Agent

Russ's Tap 2203 DeKoven Avenue  
(Tradenname) Russ's Tap  
Robert J. Kohel

Infusino's All Sports, LLC 3458 Rapids Drive  
(Tradenname) Infusino's All Sports  
Egidio Infusino, Agent

Redline Tavern Corp. (Tradenname) Redline Tavern Connie M. Nau, Agent	1200 N. Wisconsin St.
Teezers of Racine, Inc. (Tradenname) Teezers Erin E. Anstett, Agent	1936 Lathrop Ave.
Natalie R. Salinas LLC (Tradenname) Old Madrid Natalie Salinas, Agent	418 Sixth St.
Veteran's Club, Inc. (Tradenname) Vet's Club Alan E. Winter, Agent	820 Main Street
Harbor Lite Yacht Club, Inc. (Tradenname) Harbor Lite Yacht Club John Whaley, Agent	559 State St.
Coy & Diane Investments, Inc. (Tradenname) The Boiler Room Coy Peterson, Agent	5200 Washington Ave.
Mari Davalos & Ivan Davalos (Tradenname) El Rodeo Mexican Restaurant	1743 State St.
Mr. Kool's Sports Bar, LLC (Tradenname) Mr. Kool's Sports Bar James O. Oliver Sr, Agent	1330 Washington Ave.
James J. Graves (Tradenname) Radison Inn Harbourwalk	223 Gaslight Circle
Dennis Pias (Tradenname) Pias Pizzeria	1756 Taylor Avenue
Fraternal Order of Eagles Aerie 281, Inc. (Tradenname) Eagles Club Richard C. Fortier, Agent	319 Hamilton St.
Lush Life, LLC (Tradenname) Out of the Pan Roberta Schulz, Agent	550 State St.
Ricky's Place, Inc.	236 Main St.

(Tradename) Ricky's Place  
Richard Smetana, Agent

Donna Daams 209 Dodge Street  
(Tradename) Chartroom "Charlies"  
Donna L. Daams, Agent

Roberts Roost LLC 600 Sixth St.  
(Tradename) Roberts Roost, LLC  
Edward Scharding, Agent

John Patrick McAuliffe 3700 Meachem Road  
(Tradename) McAuliffe's Pub

DAR.L. Inc. 1100 Douglas Avenue  
(Tradename) Still Country  
Darlene Louise, Agent

Dynamite Enterprise 1501 Washington Avenue  
(Tradename) Gerald's Smokehouse  
Gerald Bester, Agent

Randall L. Larson 1436 Junction Avenue  
(Tradename) The Brass Monkey

Peg & Lou's Bar and Grill LLC 3113 Douglas Avenue  
(Tradename) Pet & Lou's  
Peggy L. Larson, Agent

Asiana, LLC 423 Sixth Street  
(Tradename) Asiana Restaurant  
Kyo Soon Yoon, Agent

6100 West, Inc. 231 Main Street  
(Tradename) The Ivanhoe Pub & Eatery  
Douglas Nicholson, Agent

6200 West, Inc. 316 Main Street  
(Tradename) Envi  
Douglas Nicholson, Agent

6200 West, Inc. 1012 Main Street  
(Tradename) Hiram's Place  
Douglas Nicholson, Agent

Max Mueckler 3101 Douglas Avenue  
(Tradename) The Max

SDJJ, LLC 213 Sixth Street  
(Tradename) McAuliffe's On the Square  
John McAuliffe, Agent

Roger's Place, Inc. 1843 N. Wisconsin St.  
(Tradename) Roger's  
Roger Springsteen, Agent

John Dunk 303 Dodge Street  
(Tradename) John's Dock

Jack J. Moreno 3620 Northwestern Ave.  
(Tradename) Cackle Jacks'

Roma Associates of Racine, Inc. 3701 Durand Ave.  
(Tradename) Vintage Rock Cafe  
Anthony J. Marino, Agent

Oakland Food Service Mgt. Inc. 555 Main Street  
(Tradename) The Red Onion Cafe  
Joseph D. Oakland, Agent

The Soup LLC 309 Main Street  
(The Soup)

Hillside Lanes, Inc. 1400 Thirteenth St.  
(Tradename) Hillside Lanes  
Richard Wonders, Agent

Brucker LTD 1921 DeKoven Avenue  
(Tradename) Tommy's  
Justin Coe, Agent

Quitze's Little Oasis, LLC 5748 Durand Avenue  
(Tradename) Quitze's Mexican Grill  
Jesus Andres Dadillo Tejada, Agent

The Corner House, Inc. 1521 Washington Avenue  
(Tradename) Corner House  
John G. Kopulos, Agent

O. Keith Fair 509 Sixth Street  
(Tradename) The Place on 6th

**PAID PUBLICATION FEE ONLY**



Waves Pub & Grill 107 Fourth Street  
(Tradename) Waves Grill & Pub

3EMINEE, LLC 501 Sixth Street  
(Tradename) Henry & Wanda's  
Michael McDermont, Agent

DeRose Bar & Restaurant, LLC 1444 Blake Avenue  
(Tradename) DeRose Bar & Restaurant  
Sandra J. Barz, Agent

Javier's Restaurant Inc. 2815 Durand Avenue  
(Tradename) Javier's Restaurant Inc.  
Yecenia M. Ortega, Agent

Bourbon Street Blues & Jazz Bar LLC 1111 Washington Avenue  
(Tradename) Bourbon Street Blues & Jazz Bar  
Joe Harris, Agent

Rika, LLC 2 Christopher Columbus Causeway  
(Tradename) Spinnaker's  
Richard Shawhan, Agent

Liquid Productions 961 Dr. M.L. King Jr. Dr.  
(Tradename) The Drink  
Michael Mlsna, Agent  
**PAID PUBLICATION FEE ONLY**

Uncorkt LLC. 240A Main Street  
(Tradename) Uncorkt  
Cheryl A. Etes, Agent

Blue Rock Lounge, LLC. 306 Sixth Street  
(Tradename) The Blue Rock Lounge & Eatery  
Mark A. Thomas, Agent

Lee Allen Gaither 1300 Sixteenth Street  
(Tradename) The Old School Way

Club Main, Inc. 331 Main Street  
(Tradename) Evelyn's Club Main  
Catherine R. Kett, Agent

Mary's Diamond Corporation 1221 Douglas Avenue  
(Tradename) CINCO DE MAYO MEXICAN RESTAURANT  
Marilu Perez, Agent

Casablanca de Mexico, Inc. 230 Main Street  
(Tradenname) Casablanca de Mexico  
Blanca Webers, Agent

Bar 525, LLC 525 Wisconsin Street  
(Tradenname) Bar 525  
Jim Dipasquale, Agent

TBG'S, Inc. 1814 Taylor Avenue  
(Tradenname) TBG'S  
Chad E. Londre, Agent

Dynasty Restaurant, LLC 2427 Lathrop Avenue  
(Tradenname) Dynasty Restaurant  
Stanley Ginkowski, Agent

Daniel Z. Takerian, Inc. 2322 Lathrop Avenue  
(Tradenname) Mario's Italian Sports Bar  
Mario Passarelli, Agent

The Bowen's Inc. 2037 Lathrop Avenue  
(Tradenname) Break and Run Billiards  
Greg Bowen, Agent

Morakot Khampane 337 S. Main Street  
(Tradenname) Sticky Rice  
Morakot Khampane, Agent

The Spot on Douglas, LLC 1307 Douglas Avenue  
(Tradenname) The Spot on Douglas  
Pamela Baker, Agent

2 Christopher Columbus, LLC 2 Christopher Columbus  
Causeway  
(Tradenname) Ayra's on the Lake  
Ketan Patel, Agent (DIRECT REFERRAL TO COMMITTEE)

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

**6-12-12:** Chairman Holding requested separate consideration for the "Class B" renewal application for O. Keith Fair, Agent 509 Sixth Street (Tradenname) "The Place on 6th", Alderman Wisnesk made a motion, seconded by Alderman Kaprelian-Becker that the "Class B" renewal application for "The Place on 6th" 509 Sixth Street O Keith Fair, Agent be deferred on the advice of legal council. Motion carried with a voice vote.

Alderman Wisneski made a motion, seconded by Alderman Kaprelian-Becker that the change of agent for Avarice Enterprises, LLC 1300 Michigan Blvd. (Tradenname) Michigan Pub to Gregory S. Allan, be approved. Motion carried

Alderman Wisneski made a motion, seconded by Alderman Kaprelian-Becker that the balance of the renewal application(s) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2012-2013 be approved. Motion carried

**Fiscal Note:** N/A

**12-7711**

**Subject:** The following renewal application(s) for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2012-2013:

Aldi, Inc. 3110 Douglas Avenue  
(Tradenname) Aldi #28  
Lorelei Rasch, Agent

2418 Douglas Avenue 2418 Douglas Avenue  
(Tradenname) X-Press Food Mart  
Narendra Shah, Agent

Sam Ali 3326 Sixteenth Street  
(Tradenname) Westown Foods

Mega Marts, LLC 2210 Rapids Street  
(Tradenname) Pick n Save  
Charles L. Neu, Agent

Erie Gas & Food, LLC 3945 Erie Street  
(Tradenname) Erie Gas & Food  
Fahim Ajmeri, Agent

Nagra Pump & Pantry, LLC 1826 Douglas Avenue  
(Tradenname) Nagra Pump & Pantry  
Sukhwkndar S. Nagra, Agent

DJK Foods, LLC 3900 Erie Street  
(Tradenname) Piggly Wiggly  
David J. Koenig, Agent

Kamaljit K. & Deepinder Dhaliwal 1917 Sixteenth St.  
(Tradenname) AD United Petroleum

Jesus S. & Yolanda Maldonado 518 High Street  
(Tradename) Santa Fe Liquor

C&D Peterson Investments, Inc. 3900 Durand Ave.  
(Tradename) Durand Avenue Mart  
Coy Peterson, Agent

Champion Liquor and Foods, LLC 1629 Douglas Ave.  
(Tradename) Champion Liquor and Food  
Jarnail Singh, Agent

The Argo Group, Inc. 3710 Meachem Road  
(Georgetown Market)  
Samuel D. Lidester, Agent

Maria C. Davalos 1336 State Street  
(Tradename) Super Carniceria La Mexicana

Karen Kong 817 Main Street  
(Tradename) Open Pantry DBA Oddfellows

Ali Fade 1949 Racine Street  
(Tradename) The Market

Iyad M. Alabed 1711 N. Main Street  
(Tradename) One Stop Food & Liquor

**Recommendation of the Public Safety and Licensing Committee on 6-12-12:** That the renewal application(s) for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2012-2013 be approved.

**Fiscal Note:** N/A

[12-7712](#)

**Subject:** The following renewal application(s) for a "Class C" & Class "B" Wine and Retail Fermented Malt Beverage License for 2012-2013:

Park Inn LLC 2312 Douglas Avenue  
(Tradename) Park Inn  
Ronald Stankovic, Agent

Whey Chai Chinese Restaurant, LLC 400 Main Street  
(Tradename) Whey Chai Chinese

Willing & Willing Inc. 1238 Lathrop Avenue  
(Tradename) Bernie's Pizzeria  
Bernard Willing II, Agent

The Bowen's Inc. 2037 Lathrop Avenue  
(Tradenname) Break and Run Billiards  
Greg Bowen, Agent

**Recommendation of the Public Safety and Licensing Committee on 6-12-12:** That the following renewal application(s) for a "Class C" & Class "B" Wine and Retail Fermented Malt Beverage License for 2012-2013 be approved.

**Fiscal Note:** N/A

12-7713

**Subject:** The following renewal application(s) for a Class "A" Retail Fermented Malt Beverage License for 2012-2013:

Speedway LLC 2110 S. Green Bay Road  
(Tradenname) Speedway #4451  
Shirley Colter, Agent

Gerardo E. Flores 1775 State Street  
(Tradenname) Lincoln Supermarket

E& K Durand, LLC 2731 Durand Avenue  
(Tradenname) Open Pantry Food Marts  
James Schutz, Agent

Priya Corporation 3818 Durand Avenue  
(Tradenname) Andy's on Durand  
Kavita Khullar, Agent

Abdallah Batyneh 1600 Dr. M.L. King, Jr. Dr.  
(Tradenname) Quick Stop Foods

1819 Durand, Inc. 1819 Durand Avenue  
(Tradenname) Fine Fare Foods  
Narendra V. Shah

Lauro Davalos 1951 Mead Street  
(Tradenname) La Tapatia

3 Mile Station LLC 600 3 Mile Road  
(Tradenname) Kwik Pantry Food Mart

State Street BP Inc. 1975 State Street  
(Tradenname) BP  
Satish Bhardwaj, Agent

Iyad M. Alabed 1559 Taylor Avenue  
(Tradenname) Sunshine Supermarket

Jalil Mian 1100 Sixth Street  
(Tradenname) MJ Petroleum

Dipsha Inc. 2056 Taylor Avenue  
(Tradenname) Pantry Plus  
Tushar Patel, Agent

Rapids Drive Convenience LLC 3502 Rapids Drive  
(Tradenname) Rapids Drive Convenience  
Stephen Grebe, Agent

Gursimr, LLC 5302 Washington Avenue  
(Tradenname) Washington Avenue Citgo  
Kuldip S. Ahuja, Agent

Taylor Mart, Inc. 1813 Taylor Avenue  
(Tradenname) Taylor Mart  
Harbans S. Daliwal, Agent

V S Gill LLC 2240 Northwestern Avenue  
(Tradenname) Northwestern Citgo  
Virinder S. Gill, Agent

Lieungh's on Lathrop, LLC 1933 Lathrop Ave.  
(Tradenname) Lieungh's on Lathrop  
Andrea L. Lieungh, Agent

High Cone, Inc. 704 High Street  
(Tradenname) High Street Food Mart  
Usha A. Shah, Agent

Douglas Petro, LLC. 3357 Douglas Avenue  
(Tradenname) Douglas Petro, LLC  
Surinder Singh, Agent

Balwinder Dhillon 1530 Douglas Avenue  
(Tradenname) Queensway Food Mart

MJ Gas & Food Mart, Inc. 1720 Douglas Ave.  
(Tradenname) MJ Gas & Food  
Jagjit S. Verdi, Agent

S & S Racine Business Enterprises, LLC 3700 Spring St.  
(Tradenname) Spring Street Mobile

Chandra Sekhar R. Pula, Agent

Mangat Inc. 2100 N. Main St.  
(Tradename) Mangat Inc.  
Jatinder Singh Mangat, Agent

Robert M. Ruditys 3441 Spring St.  
(Tradename) Spring Street Station  
Robert M. Ruditys, Agent

Mohinder Singh 1627 Washington Avenue  
(Tradename) U.S. Pantry

Midtown Market/Simone Enterprises LLC 1229 Eleventh St.  
(Tradename) Midtown Market  
Harinder Kaur, Agent

Vincent Esqueda 1105 N. Memorial Drive  
(Tradename) Super Mercado Gran Morelos

Aziz Abdul 1347 Lathrop Avenue  
(Tradename) SF Food Mart  
Aziz Abdul, Agent

**Recommendation of the Public Safety and Licensing Committee on 6-12-12:** That the renewal applications for a Class "A" Retail Fermented Malt Beverage License for 2012-2013 be approved.

**Fiscal Note:**N/A

[12-7720](#)

**Subject:** The following renewal application(s) for a Class "B" Retail Fermented Malt Beverage License for 2012-2013:

PH Hospitality Group LLC 5000 Washington Ave.  
(Tradename) Pizza Hut  
Sanel Bajramovic, Agent

Clifford Wolosek 301 Hamilton Street  
(Tradename) Cliff's Boathouse Cafe

The Sausage Kitchen 1706 Rapids Drive  
(Tradename) Sausage Kitchen  
David W. Miller, Agent

Cornelio Mora 1950 Racine Street  
(Tradename) Jaliswco & Michoacan

Edward L. Bilotto 235 Main Street  
(Tradenname) DePizza Chef

Tacos El Rey, Inc. 2207 Lathrop Avenue  
(Tradenname) Tacos El Rey  
Sonia Harris, Agent

Public Golf Associates, LTD 2801 Twelfth Street  
(Tradenname) Washington Park Golf Course  
Scott A. Schuit, Agent

Beachside Oasis 100 Kewaunee St.  
(Tradenname) Beachside Oasis  
Gregory Allan, Agent

Dragan Sekuloski 605 Sixth Street  
(Tradenname) The Balkan Restaurant

Saint John Nepomuk Church 1923 Green Street  
(Tradenname) St. John Nepomuk Church  
Terry A. Killberg, Agent

Smok'd on the Water 3 Fifth Street  
(Tradenname) Smok'd on the Water  
Caleb Robinson, Agent

**Recommendation of the Public Safety and Licensing Committee on 6-12-12:** That The following renewal application(s) for a Class "B" Retail Fermented Malt Beverage License for 2012-2013 be approved.

**Fiscal Note:** N/A

**12-7744**

**Subject:** The following renewal application(s) for a "Class B" Club Retail Fermented Malt Beverage and Intoxicating Liquor License for 2012-2013:

Racine Yacht Club, Inc. 1 Barker Street  
(Tradenname) Racine Yacht Club  
Joseph R. McGauran, Agent

Deutscher Maenner Verein 701 Villa Street  
(Tradenname) Germans Men's Club  
Robert J. Hill, Agent

Somerset Club, Inc. 201 Sixth Street  
(Tradenname) Somerset Club  
David M. Perkins, Agent



Racine Country Club 2801 Northwestern Ave.  
(Tradename) Racine Country Club  
Lance Cotton, Agent

Fifth Street Yacht Club of Racine, Inc. 761 Marquette St.  
(Tradename) Fifth Street Yacht Club  
Jeffrey Raffini, Agent

**Recommendation of the Public Safety and Licensing Committee on 6-12-12:** That the renewal application(s) for a "Class B" Club Retail Fermented Malt Beverage and Intoxicating Liquor License for 2012-2013 be approved.

**Fiscal Note:** N/A

12-7783

**Subject:** The following renewal application(s) for a Class "B" Public Facility Retail Fermented Malt Beverage License for 2012-2013:

Public Golf Associates LTD. 6200 Northwestern Avenue  
(Tradename) Johnson Park Clubhouse  
Scott A. Schuit, Agent

Venu Works of Racine LLC 5 Fifth Street  
(Tradename) Festival Hall  
Richard Edgar, Agent

Venu Works of Racine LLC 72 Seventh Street  
(Tradename) Memorial Hall  
Richard Edgar, Agent

Racine Zoological Society 200 Goold Street  
(Tradename) Racine Zoo  
Jay Christie, Agent

**Recommendation of the Public Safety and Licensing Committee on 6-12-12:** That the following renewal application(s) for a Class "B" Public Facility Retail Fermented Malt Beverage License for 2012-2013 be approved.

**Fiscal Note:** N/A

12-7755

**Subject:** (Direct Referral) Sale of Abandoned Vehicles 5-23-2012

**Recommendation of the Public Safety and Licensing Committee on 6-12-12:** That the item be received and filed.

**Fiscal Note:** This will generated \$18,623.02 in revenue

**Redevelopment Authority of the City of Racine Report, by Ald. Shakoor.**

[12-7779](#)

**Subject:** (Direct Referral) Communication from Jessica Servantez submitting a proposal for the Redevelopment Authority owned property at 1418 Washington Avenue. (Res. 12-3200)

**Recommendation of the Redevelopment Authority on 6-4-12:** That the Common Council approve the action of the Authority granting a three-month option with conditions to allow Ms. Servantez the opportunity to refine cost estimates and obtain financing.

**Fiscal Note:** 1418 Washington Avenue was offered through a Request for Proposals (RFP) for one dollar (\$1.00) contingent on the purchaser having a redevelopment plan consistent with the Uptown Plan and sufficient financing to renovate the building. The option will allow Ms. Servantez to negotiate financing from lenders. She has paid the \$1,000.00 option fee.

[12-7780](#)

**Subject:** (Direct Referral) Communication from the Executive Director requesting authorization to enter into a contract for small business development services with the Community Economic Development Corporation (CEDCO) and to fund the contract with intergovernmental revenue sharing funds.

**Recommendation of the Redevelopment Authority on 6-4-12:** That the Authority supports the use of \$55,000.00 from the intergovernmental sewer revenue sharing fund for minority business development services through CEDCO.

Further recommends that this item be referred to the Finance and Personnel Committee for its review and approval.

**Fiscal Note:** In the past, CEDCO has provided advising and training services to small start-up minority business enterprises, including operation of a micro-loan fund. CEDCO has been operating with volunteers and without paid staff. The \$55,000 is funding principally for a staff person to provide counseling for minority entrepreneurs. The funding would also help with restructuring CEDCO operations regarding the loan fund. Funds are available in the Intergovernmental Revenue Sharing (919) Account.

[12-7781](#)

**Subject:** (Direct Referral) Communication from the Executive Director requesting authorization to provide matching funds for a VISTA volunteer for the Launch Box initiative from intergovernmental revenue sharing funds.

**Recommendation of the Redevelopment Authority on 6-4-12:** That the Authority supports the use of \$22,000.00 from the intergovernmental sewer revenue sharing fund for matching funds for VISTA volunteers for business development programs.

Further recommends that this item be referred to the Finance and Personnel Committee for its review and approval.

**Fiscal Note:** The Grant Facilitator has identified an opportunity for the city to obtain VISTA volunteers for two initiatives, the Launch Box business development initiative and Sustainable Edible Economic Development (SEED) (<http://www.rkcaa.org/RKCAA/SEED.htm>). The VISTA program requires a local match/stipend of \$11,000.00 per volunteer. Funds are available in the Intergovernmental Revenue Sharing (919) Account.

#### **Office of the Mayor Report, by Ald. Kaplan**

[12-7819](#)

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

Reappoint David Lange 2910 Michigan Blvd Racine, 53402 to the Redevelopment Authority for a 5 year term, expiring April 1, 2016

Reappoint Geoffrey Schiveley 6230 Berkshire Lane Racine, 53406 to the Racine Library Board for a 3 year term, expiring April 1, 2015

Reappoint Sandra Riekoff 2400 Tammy Lane Racine, 53402 to the Racine Library Board for a 3 year term, expiring April 1, 2015

#### **Board of Parks, Recreation, and Cultural Services Report, by Ald. McCarthy**

[12-7749](#)

**Subject:** Communication from the owner of Nelson's Concessions requesting permission to operate their hot dog/concession business in Island Park, Humble Park, Lincoln Park, Crosswalk Park, and any other recommended parks or locations. (Res. 12-3201)

**Recommendation of the Board of Parks, Recreation & Cultural Services 6-13-12:** To assign Caleb Robinson's (Top Dog Hot Dog) existing contract with his permission to Nelson Concession's until the expiration of this contract.

**Fiscal Note:** N/A

[12-7791](#)

**Subject:** (Direct Referral) Communication from the owner and operator

of Smok'd on the Water seeking permission to erect a tent in the Pershing Park Boat Launch parking lot for the Days of Salmon-A-Rama July 13, 2012 through July 22, 2012. (Res. 12-3202)

**Recommendation of the Board of Parks, Recreation & Cultural Services 6-13-12:** To approve the request from the owner and operator of Smok'd on the Water, to erect a tent in the Pershing Park Boat Launch parking lot for the days of Salmon-A-Rama July 13, 2012 through July 22, 2012 with proper permits.

**Fiscal Note:** Permit fees will apply.

## I. Consent Agenda-Resolutions

**Res.12-3200** 1418 Washington Avenue

Resolved, That pursuant to section 66.1333(9) (a) 1. d., Wisconsin Statutes, the Common Council approves the report of the Redevelopment Authority granting a three-month option on the property at 1418 Washington Avenue (parcel no. 09185000) to Jessica Servantez.

Fiscal Note: NA

**Res.12-3198** Community Center Custodial & Cleaning Services

Resolved, that the Purchasing Agent accept the bid with MJJ, Inc., for Official Notice #8, Community Center Custodial & Cleaning Services.

Fiscal Note: Contract cost is \$347,040.00 for three years. Funds are available from account 991-700-5020 10 Year Paving Plan.

Sponsors: Gregory Holding

**Res.12-3199** Final payment of Contract 43-11 (K1-045)

Resolved, that the final payment of Contract 43-11 (K1-045) PRCS Asphalt Improvements is approved.

Fiscal Note: Final payment of \$172,688.24 is available in account 991.700.5020 - 10 Year Paving Plan.

Sponsors: Gregory Holding

**Res.12-3188** International Cycling Classic

Resolved, that Real Racine is granted permission to hold the International Cycling Classic bicycle race contingent upon providing an

acceptable route and firm date by June 15, 2012, with the following stipulations:

- A. A hold harmless agreement be executed and a \$62.50 processing fee paid;
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. Sponsor shall be responsible for supplying a map of the detour route and the signing of the necessary detours for the State Highway route.
- F. The sponsor shall pay a special event fee to be determined upon approval of the route.

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

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

Sponsors: Sandy Weidner

**Res.12-3189** Fourth Fest of Greater Racine

Resolved, that permission is granted to Fourth Fest of Greater Racine, Inc. to use the Walker Site on Wednesday, July 4, 2012, with a rain date of Thursday, July 5, 2012, for parking of vehicles in conjunction with the Fourth of July fireworks display.

Fiscal Note: N/A

Sponsors: Sandy Weidner

**Res.12-3190** 11th Annual Public Art Project.

Resolved, that an agreement be executed, in accordance with Wisconsin State Statute 66.0425, Privileges in Streets, to grant permission to the Downtown Racine Corporation, to place decorated trunks on the sidewalks of Main Street from State Street to 7th Street, and 6th Street from Main Street to Grand Avenue, from May 1, 2012 to October 1, 2012, with the stipulation that a minimum of a 5' sidewalk must be maintained at all times and that any damage to the sidewalk be repaired so as to not present a hazard to pedestrians.

Fiscal Note: N/A

Sponsors: Sandy Weidner

**Res.12-3191** Change Order No. 1 to Contract 46-11 (K1-049)

Resolved, that Change Order No. 1 on Contract 46-11 (K1-049), Fire Station No. 2 - Window Replacement, Softer Lite Window Company, contractor, is approved in the amount of \$180.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 991.300.5050, Fire Station 2 Windows.

Sponsors: Sandy Weidner

**Res.12-3192** Final payment on Contract 46-11 (K1-049)

Resolved, that the work done by Softer Lite Window Company under Contract 46-11 (K1-049), Fire Station No. 2 - Window Replacement, is accepted and final payment authorized for a total contract amount of \$18,380.00.

Fiscal Note: Contract was authorized under Resolution No. 11-2678, dated August 1, 2011.

Sponsors: Sandy Weidner

**Res.12-3193** Final payment on Contract 19-11 (K1-019)

Resolved, that the professional services provided by Industrial Roofing Services, Inc. under Contract 19-11 (K1-019), Professional Services - Design Roof Specifications for Street Maintenance Garage, is accepted and final payment authorized for a total contract amount of \$10,000.00.

Fiscal Note: Contract was authorized under Resolution No. 11-2371, dated January 18, 2011.

Sponsors: Sandy Weidner

**Res.12-3194** Final payment on Contract 37-11 (K1-039)

Resolved, that the work done by A-1 Duran Roofing & Insulating, Inc. under Contract 37-11 (K1-039), Roof Replacement at Street Maintenance Garage, is accepted and final payment authorized for a total contract amount of \$99,501.00.

Fiscal Note: Contract was authorized under Resolution No. 11-2594, dated June 7, 2011.

Sponsors: Sandy Weidner

**Res.12-3195** Amendment No. 1 to Contract 9-12 (K2-009)

Resolved, that Amendment No. 1 to Contract 9-12 (K2-009), Professional Services-Police Department Office Improvements, ARC Architectural Group LLC, as submitted, is approved in the not-to-exceed amount of \$9,400.00.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 991.210.5040, Safety Building - Building Updates

Sponsors: Sandy Weidner

**Res.12-3196** Amendment No. 1 to Contract 5-11 (K1-005)

Resolved, that Amendment No. 1 to Contract 5-11 (K1-005), Professional Services-2011 Pavement Inspection & Planning, AECOM Technical Services, Inc., consultant, as submitted, is approved in the not-to-exceed amount of \$7,000.00.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 992.9908.5040, 7th St.-Marquette to Main.

Sponsors: Sandy Weidner

**Res.12-3201** Hot dog/concession business in Island Park, Humble Park, Lincoln Park, Crosswalk Park, and any other recommended parks or locations.

Resolved, to assign Caleb Robinson's (Top Dog Hot Dog) existing contract with his permission to Nelson Concession's until the expiration of this contract.

Fiscal Note: N/A

Sponsors: Terry McCarthy

**Res.12-3202** Salmon-A-Rama

Resolved, to approve the request from the owner and operator of Smok'd on the Water, to erect a tent in the Pershing Park Boat Launch parking lot for the days of Salmon-A-Rama July 13, 2012 through July 22, 2012 with proper permits.

Fiscal Note: Permit fees will apply.

Sponsors: Terry McCarthy

## H. Resolutions

**Res.12-3197** FINAL RESOLUTION - STREET PAVING

Final - Ten (10) Year  
Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 12th day of June, 2012 for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

### **PORTLAND CEMENT CONCRETE PAVING**

Emstan Hills Road - Duchess Drive to Oakwood Drive  
Cleveland Avenue - Durand Avenue to Pierce Boulevard  
Kentucky Street - Shadow Lane to the Cul-de-sac (South)  
Spring Valley Drive - Spring Street to Harrington Drive  
Victorian Drive - Emstan Hills Road to Maryland Avenue  
Vista Drive - Spring Valley Drive to Harrington Drive  
Alley - Kinzie Avenue to Haven Avenue; Arthur Avenue to Blaine Avenue

### **CURB & GUTTER**

Emstan Hills Road - Duchess Drive to Oakwood Drive  
Victorian Drive - Emstan Hills Road to Maryland Avenue

### **SEWER AND WATER**

Cleveland Avenue - Durand Avenue to Pierce Boulevard  
Spring Valley Drive - Spring Street to Harrington Drive

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Racine as follows:

1. That the report of the Commissioner of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.
2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner of Public Works.



3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.
4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.
5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.
6. That the assessments may be paid in cash or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per annum.
7. The City Clerk is directed to publish this resolution in the official newspaper of the City of Racine as a Class I notice in the assessment district.
8. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll, whose post office address is known or can with reasonable diligence be ascertained.

Dated

Signed

Mayor

Published

Attest

City Clerk

Sponsors: Sandy Weidner

[Res.12-3184](#)

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
\$7,360,000 GENERAL OBLIGATION REFUNDING BONDS

WHEREAS, the Common Council of the City of Racine, Racine County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of refunding obligations of the City, including interest on them, specifically, the 2014 through 2017 maturities of the General Obligation Refunding Bonds, dated November 1, 2003 (the "Refunded 2003 Bonds") and the 2015 through 2019 maturities of the General Obligation Refunding Bonds, dated November 1, 2004 (the "Refunded 2004 Bonds") (collectively, the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service cost savings;

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

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

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

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of SEVEN MILLION THREE HUNDRED SIXTY THOUSAND DOLLARS (\$7,360,000) 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 THREE HUNDRED SIXTY THOUSAND DOLLARS (\$7,360,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$7,360,000; shall be dated July 10, 2012; 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 December 1, 2012. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds shall not be subject to optional redemption.

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2012 through 2018 for the payments due in the years 2012 through 2019 in the amounts set forth on the Schedule. The amount of tax levied in the year 2012 shall be the total amount of debt service due on the Bonds in the years 2012 and 2013; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Bonds in the year 2012.

(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.

(D) Appropriation. The City hereby appropriates from amounts levied to pay debt service on the Refunded Obligations or other funds of the City on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the interest on the Bonds coming due on December 1, 2012 as set forth on the Schedule.

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 \$7,360,000 General Obligation Refunding Bonds, dated July 10, 2012" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

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

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund.

The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. In order to accomplish the purpose for which the Bonds are issued, proceeds of the Bonds shall be transferred to the Escrow Account, as provided in Section 17 hereof. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Execution of the Bonds; Closing; Professional Services.

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

Section 11. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit D and incorporated herein by this reference.

Section 12. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or

sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 13. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

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

Section 16. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to

comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

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

Section 17. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the City, for the purpose of ensuring the payment of the principal of and interest on the Refunded Obligations (the "Escrow Agent").

The Mayor and City Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit E (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of such agreement by said officers to constitute full approval of the Common Council of any such modifications), with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

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

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

Section 18. SLGS Subscriptions. The Escrow Agent and the Purchaser are authorized to submit subscriptions for United States Treasury Securities - State and Local Government Series and to purchase other U.S. government securities on behalf of the City in such amount as is necessary in order to carry out the Refunding.

Section 19. Redemption of the Refunded Obligations. The Refunded 2003 Bonds are hereby called for prior payment and redemption on December 1, 2013 at a price of par plus accrued interest to the date of redemption, and the Refunded 2004 Bonds are hereby called for prior payment on December 1, 2014 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the Escrow Agent appointed above to cause timely notice of redemption, in substantially the forms attached to the Escrow



Agreement (the "Notices"), to be provided at the times, to the parties and in the manner set forth on the Notices.

Section 20. 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 21. 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 22. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded June 19, 2012.

\_\_\_\_\_  
John Dickert  
Mayor

ATTEST:

\_\_\_\_\_  
Janice M. Johnson-Martin  
City Clerk (SEAL)

Sponsors: Q.A. Shakoor, II

**Res.12-3185** RESOLUTION AUTHORIZING THE ISSUANCE OF \$10,760,000 general obligation promissory notes AND THE ISSUANCE AND SALE OF \$10,760,000 note anticipation notes in ANTICIPATION thereOF

WHEREAS, the City of Racine, Racine County, Wisconsin (the "City") is presently in need of the sum of \$10,760,000 for public purposes, including paying the cost of various capital improvement and acquisition projects set forth in the City's Capital Improvement Plan and constructing and equipping an

animal control facility (the "Project");

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

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

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

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

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

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

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

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

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

Section 2. Authorization and Sale of the Notes. In anticipation of the sale of the Securities, for the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of TEN MILLION SEVEN HUNDRED SIXTY THOUSAND DOLLARS (\$10,760,000) 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 Notes aggregating the principal amount of TEN

MILLION SEVEN HUNDRED SIXTY THOUSAND DOLLARS (\$10,760,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 3. Terms of the Notes. The Notes shall be designated "Note Anticipation Notes"; shall be issued in the aggregate principal amount of \$10,760,000; shall be dated July 10, 2012; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rate and mature on July 1, 2013 as set forth on the schedule attached hereto as Exhibit B and incorporated herein by this reference (the "Schedule"). Interest is payable at maturity. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 4. Redemption Provisions. The Notes shall be subject to redemption prior to maturity, at the option of the City, on December 3, 2012 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

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

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

Section 7. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City a separate and distinct fund account designated as the "Debt Service Fund Account for \$10,760,000 Note Anticipation Notes, dated July 10, 2012" (the "Debt Service Fund Account"), and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at

the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) any proceeds of the Notes representing capitalized interest on the Notes or other funds appropriated by the City for payment of interest on the Notes, as needed to pay the interest on the Notes when due; (iv) proceeds of the Securities (or other obligations of the City issued to pay principal of or interest on the Notes); (v) such other sums, including tax monies, as may be necessary at any time to pay principal of and interest on the Notes when due and which are appropriated by the Common Council for that purpose; and (vi) surplus monies in the Borrowed Money Fund as specified in Section 9 hereof.

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

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

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

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

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

(C) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness and the \$10,760,000 authorized for the issuance of the Securities shall at no time exceed its constitutional debt limit.

Section 9. Proceeds of the Notes; Segregated Borrowed Money Fund. All monies received by the City upon the delivery of the Notes to the Purchaser thereof (other than any premium and accrued interest which must be paid at the

time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited by the City Clerk into a special fund (the "Borrowed Money Fund") which shall be maintained separate and distinct from all other funds of the City and shall be used for no purpose other than the purposes for which the Notes are issued. 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 purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes, shall be deposited in the Debt Service Fund Account created herein.

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

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

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 12. Execution of the Notes; Closing; Professional Services.

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

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

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

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

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

Section 16. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

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

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

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

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

Section 20. Bond Insurance. If the Purchaser of the Notes determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional

provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded June 19, 2012.

\_\_\_\_\_  
John Dickert  
Mayor

Attest:

\_\_\_\_\_  
Janice M. Johnson-Martin  
City Clerk

(SEAL)

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

**Res.12-3186** RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
\$3,775,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS

WHEREAS, the Common Council of the City of Racine, Racine County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of refunding obligations of the City, including interest on them, specifically, the Taxable General Obligation Refunding Bonds, dated July 15, 2003, maturing in the years 2014 through 2018 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service cost savings;

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

WHEREAS, due to certain provisions contained in the Internal Revenue



Code of 1986, as amended, it is necessary to issue such bonds on a taxable rather than tax-exempt basis; and

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

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

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of THREE MILLION SEVEN HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$3,775,000) 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 THREE MILLION SEVEN HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$3,775,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$3,775,000; shall be dated July 10, 2012; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rate per annum and mature on 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 December 1, 2012. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds shall not be subject to optional redemption.

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the

full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2012 through 2017 for the payments due in the years 2012 through 2018 in the amounts set forth on the Schedule. The amount of tax levied in the year 2012 shall be the total amount of debt service due on the Bonds in the years 2012 and 2013; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Bonds in the year 2012.

(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.

(D) Appropriation. The City hereby appropriates from amounts levied to pay debt service on the Refunded Obligations or other funds of the City on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the interest on the Bonds coming due on December 1, 2012 as set forth on the Schedule.

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 \$3,775,000 Taxable General Obligation Refunding Bonds, dated July 10, 2012" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii)

all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account.

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

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. In order to accomplish the purpose for which the Bonds are issued, proceeds of the Bonds shall be transferred to the Escrow Account, as provided in Section 15 hereof. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8 Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the

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

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

Section 10. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel

any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 11. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 13. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 14. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

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

Section 15. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the City, for the purpose of ensuring the

payment of the principal of and interest on the Refunded Obligations (the "Escrow Agent").

The Mayor and City Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit E (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of such agreement by said officers to constitute full approval of the Common Council of any such modifications), with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

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

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

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

Section 17. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on December 1, 2013 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the Escrow Agent appointed above to cause timely notice of redemption, in substantially the form attached to the Escrow Agreement (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice.

Section 18. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 19. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond

insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 20. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded June 19, 2012.

\_\_\_\_\_  
John Dickert  
Mayor

ATTEST:

\_\_\_\_\_  
Janice M. Johnson-Martin  
City Clerk (SEAL)

Sponsors: Q.A. Shakoor, II

**Res.12-3187** RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$14,140,000 Waterworks System Mortgage Revenue REFUNDING 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" or the "City") owns and operates a Waterworks System (the "System") which is operated for a public purpose as a public utility by the Municipality;

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

WHEREAS, the Municipality has outstanding its Waterworks System Mortgage Revenue Bonds, dated November 1, 2004 (the "November 2004 Bonds"), its Waterworks System Mortgage Revenue Bonds, dated April 2, 2007 (the "2007 Bonds"), its Waterworks System Mortgage Revenue Bonds, dated December 8, 2009 (the "2009 Bonds"), its Waterworks System Mortgage

Revenue Refunding Bonds, dated June 28, 2011 (the "June 2011 Bonds") and its Waterworks System Mortgage Revenue Bonds, dated October 25, 2011 (the "October 2011 Bonds"), which bonds are payable from the income and revenues of the System and are additionally secured by a mortgage lien on the System (collectively, the "Prior Bonds");

WHEREAS, the Prior Bonds were issued pursuant to an Ordinance adopted by the Common Council of the Municipality (the "Governing Body") on April 17, 1978, as supplemented by a supplementing ordinance adopted on October 5, 2004 (the "Ordinance") and by Resolutions adopted by the Governing Body on March 6, 2007, November 17, 2009, June 7, 2011 and October 4, 2011 (collectively, the "Resolutions");

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

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

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

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

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

WHEREAS, the Municipality has determined that it is necessary and desirable to refund the November 2004 Bonds maturing in the years 2015 through 2024 (the "Refunded Obligations") for the purpose of achieving debt service cost savings (the "Refunding");

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

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



are now outstanding.

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

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

"Act" means Section 66.0621 of the Wisconsin Statutes;

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

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

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

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

"Bonds" means \$14,140,000 Waterworks System Mortgage Revenue Refunding Bonds of the Municipality dated July 10, 2012, 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" or "City" means the City of Racine, Racine County, Wisconsin;

"Net Revenues" means Gross Revenues of the System after deduction of Current Expenses;

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

Milwaukee, Wisconsin;

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

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

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

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

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

Section 2. Authorization of the Bonds. For the purpose of paying costs of the Refunding (including legal, fiscal and other expenses), there shall be borrowed on the credit of the income and revenue of the System the sum of FOURTEEN MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$14,140,000), 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 Refunding Bonds" (the "Bonds"); shall be dated July 10, 2012; 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 set forth in the Proposal and shall mature on September 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 on the Bonds shall be payable semi-annually on March 1 and September 1 of each year commencing on September 1, 2012. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Book.

The schedule of principal and interest payments due on the Bonds is set

forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

It is hereby determined and declared that:

(a) the above Schedule is such that the requirement each year to pay both the principal of and interest on the Bonds is reasonable in accordance with prudent municipal utility management practices;

(b) the aggregate amount of Bonds, which shall encompass sums sufficient to provide for the costs hereinabove set forth, is necessary; and

(c) the refunding of the Refunded Obligation is advantageous and necessary to the Municipality.

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

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 Prior Resolutions, are issued on a parity with the Prior Bonds and are secured by an equal lien and claim to the revenues and properties of the System and the monies on deposit in the Special Redemption Fund as set forth in the Ordinance, the Prior Resolutions, and this Resolution. In addition, the Bonds and any Parity Bonds are secured by a mortgage lien upon the System on a parity with the mortgage lien granted to the Prior Bonds.

The Bonds shall also be "additional senior bonds" within the meaning of Section 11 of the Safe Drinking Water Bond 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 Prior Resolutions and are hereby continued to be used solely for the following respective purposes:

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

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

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

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

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

(ii) There shall be deposited into the Reserve Account an amount sufficient to make the amount on deposit therein equal to the Reserve Requirement. The Reserve Account shall be used solely for the purpose of paying principal of or interest on the Prior Bonds, the Bonds or any Parity Bonds at any time when there shall be insufficient money in the Interest and Principal Account. The Reserve Account shall be funded and replenished in the manner specified in Section 7 hereof. The Safe

Drinking Water Bonds are not secured by the Reserve Account.

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

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

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

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

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

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

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

(b) to the Special Redemption Fund, for monthly transfer to the Interest and Principal Account thereof, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds coming due on the next succeeding principal payment date (after giving effect to available amounts

in said account from accrued interest, investment earnings or any other source). It is the express intent of the Governing Body that at all times the Interest and Principal Account constitute a "bona fide debt service account" and, be depleted (except for a reasonable carryover as defined in the Regulations) at least once a year. Prior to each interest and principal payment date, the Municipality shall transfer from the Interest and Principal Account to the Bond Registrar the amounts required for the payment of the interest and principal coming due on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds;

(c) to the Special Redemption Fund, for monthly transfer to the Reserve Account thereof, an amount equal to one-twelfth of the Reserve Requirement until the amount accumulated in the Reserve Account (after giving effect to amounts deposited in the Reserve Account from Bond Proceeds pursuant to Section 12 hereof, from any investment earnings or any other source) equals the Reserve Requirement. It is the intent of the Municipality that at all times the Reserve Account constitutes a "reasonably required reserve fund" under Section 148 of the Code and any applicable Regulations;

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

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

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

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

Section 7A. Mortgage Lien. For the further protection of the holders of the Bonds, a mortgage lien is granted and created by Section 66.0621 of the Wisconsin Statutes and this Resolution, which lien is hereby recognized as valid

and binding upon the Municipality and as a valid and binding first lien upon the System and any additions and improvements to be made thereto, on a parity with the mortgage granted to the owners of the Prior Bonds. In accordance with the provisions of Section 66.0621(4)(b) of the Wisconsin Statutes, such lien shall be perfected by recording this Resolution in the records of the Municipality.

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

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

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

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

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

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

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

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

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

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

Section 10. Covenants Regarding Operation of the System; Books and Accounts; and Insurance. The Municipality hereby covenants and agrees with each and every holder of the Bonds and any Parity Bonds as follows:

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

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

(c) The Municipality will 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;

(d) 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;

(e) 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

(f) So long as any of the Bonds or Parity Bonds are outstanding, the Municipality will carry, for the benefit of the holders of the Bonds and any Parity Bonds, insurance of a kind and in such amounts as would usually be carried by private companies or other public bodies engaged in operating a similar waterworks system. All money received for losses under any of such insurance policies, except public liability, shall be used in repairing the damage or in replacing the property destroyed, but in the event that the Governing Body shall find it inadvisable to repair such damage or replace such property, and that the operation of the System shall not have been impaired thereby, such money may be deposited in the Revenue Fund, but shall not reduce the amount otherwise required to be paid into said Revenue Fund.

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

Section 12. Application of Bond Proceeds. The Bond Proceeds (including any premium and accrued interest from their date to the date of

delivery) shall be deposited and applied as follows:

(a) to the Interest and Principal Account of the Special Redemption Fund, the amount of any accrued interest;

(b) to the Reserve Account of the Special Redemption Fund an amount sufficient to make the amount on deposit therein equal to the Reserve Requirement; and

(c) to the refunding escrow account established by the Escrow Agreement (defined below) an amount of Bond Proceeds sufficient to provide for the payment of the Refunded Obligations. Any balance, less the expenses incurred in authorizing, issuing and delivering the Bonds, remain

Sponsors: Q.A. Shakoor, II

## **I. CEMETERY BOARD APPOINTMENT**

## **J. Adjourn**

Office of The City Clerk

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