



City of Racine

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

Meeting Agenda - Final Common Council

*Mayor John T. Dickert, President, Alderman Terry McCarthy
Alderman Dennis Wiser, Alderman Jim Kaplan
Alderman Q.A. Shakoor, II, Alderman Ronald D. Hart, Alderman
Sandy Weidner
Alderman Krystyna Sarrazin, Alderman Jeff Coe, Alderman
Michael Shields
Alderman Melissa Kaprelian-Becker, Alderman Raymond
DeHahn,
Alderman Gregory Holding, Alderman James Morgenroth
Alderman Edward E. Diehl, Alderman Henry Perez*

Tuesday, October 15, 2013

7:00 PM

Room 205, City Hall

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

[Res.13-0292](#) Vacate Most Easterly 32.4 feet of the East-West Alley Abutting the Racine Railroad Depot West Platform

Resolved, that the following parcel of land, more particularly described as follows, is hereby vacated and discontinued:

The most easterly 32.4 feet of the east-west alley bounded by State Street, Liberty Street, the Union Pacific Railroad right-of-way, and N. Memorial Drive.

Fiscal Note: Not applicable.

Sponsors: Sandy Weidner

[Ord.15-13](#) Ordinance 15-13

To reinstate Section 114-1078. - Signs permitted in the B2 District of the Municipal Code of the City of Racine, Wisconsin and make amendments to same.

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

Part 1: Reinstate Section 114-1078. - Signs permitted in the B2 District of the Municipal Code of the City of Racine, Wisconsin as follows:

"Sec. 114-1078. - Signs permitted in the B2 District

Illuminated, non-flashing identification, and business signs are permitted in the B2 community shopping district, subject to the following conditions:

(1) *General application.*

a. *Area.* The gross area in square feet of all signs on a zoning lot shall not exceed two square feet for each lineal foot of building frontage or one square foot for each lineal foot of lot frontage, whichever results in the larger sign area; however, the maximum total area of all permitted signs for any establishment shall not exceed 300 square feet. Where more than four signs are located on any zoning lot, the fifth such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by 20 percent.

b. *Projection.* One projecting sign per building, to project no more than five feet horizontally from the building; and such sign must have a minimum clearance of eight feet above a public sidewalk and 15 feet above driveways or alleys.

c. *Height.* No sign shall project higher than 25 feet above curb level.

d. Reserved.

(2) *Shopping centers.* For shopping centers in single ownership or under unified control, or individual uses with a minimum frontage of 150 feet, one additional sign on each street frontage, other than those regulated in subsection (1) of this section, shall be permitted, subject to the following:

a. *Content.* Such sign shall advertise only the name and location of such center or individual use and/or the name and type of business of each occupant of the center.

b. *Area.* The gross area in square feet permitted for the additional sign on a zoning lot shall not exceed one-half square foot for each lineal foot of frontage of such zoning lot.

c. *Setback.* Such sign shall be set back a minimum of 25 feet from the front lot line of such center or individual use.

d. *Height.* No such sign shall project higher than 15 feet above curb level.”

Part 2: Amend the first paragraph of Sec. 114-1078. - Signs permitted in the B2 District by repealing the “,” after the word identification and repealing the words “and advertising signs.”

Part 3: Amend subsection (1) (c) of Sec. 114-1078 - Signs permitted in the B2 District by repealing the number “25” and replacing it with “15.”

Part 4: Amend subsection (2) (d) of Sec. 114-1078 - Signs permitted in the B2 District by repealing the number “25” and replacing it with “15.”

Part 5: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Dennis Wiser

E. Public Comments

F. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[13-9429](#)

Subject: communication from the City Attorney submitting the claim of Derrick Conley for consideration.

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

[13-9411](#)

Subject: Communication from the Race Director of the Ragnar Relay

Chicago 2013 race requesting permission to use city right-of-way on Saturday, June 7, 2014.

[13-9460](#)

Subject: Communication from the Downtown Racine Corporation for the use right of way for The "Big Chill" snow and ice carving event on January 11-13, 2013.

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

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

[13-9450](#)

Subject: Communication requesting Change of Agent for Vero's LLC, (dba Vero's) 211 Sixth Street - Anthony Wooden, Agent, "Class B" Fermented Malt Beverage and Intoxicating Liquor license (1st District).

[13-9451](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting authorization of final payment for Contract 62-12 (K2-073), Bryant Center Replacement Lighting.

[13-9452](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting authorization for payment of Change Order #1 for Contract 23-13 (K3-023) Johnson Park Tee & Green Rehab.

[13-9453](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting authorization of final payment for professional golf course architectural services by Lohmann Golf Designs.

Refer to Committee of the Whole, by Ald. McCarthy

[13-9457](#)

Subject: Communication from William Brown asking the Common Council to reconsider the recent decision made concerning the sale of land in Mound Cemetery.

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

[13-9446](#)

Subject: Communication from AT&T Wisconsin, Debauche Communications, requesting to secure an exclusive utility easement for a fee to place cabinets to upgrade/replace an antiquated X-Box and to place dual VRAD cabinets for U-Verse service to the parcel of land on the west side of Kinzie Ave. abutting the Holy Communion Lutheran Church east property line.

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor

[13-9395](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to apply for the \$25,000.00 Urban Forestry Grant from the Wisconsin Department of Natural Resources for Ash tree removal/EAB plan implementation. Match required. Grant Control # 2013-029. (Res. No. 13-0401)

Recommendation of the Finance & Personnel Committee on

10-7-13: Permission be granted for the Director of Parks, Recreation & Cultural Services to apply for the \$25,000.00 Urban Forestry Grant from the Wisconsin Department of Natural Resources for Ash tree removal/EAB plan implementation. (Grant Control # 2013-029).

Fiscal Note: There is a City Match of \$44,052.00 available through the 2014 CIP Emerald Ash Bore Tree Treatment Project.

[13-9400](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to apply and accept \$3,100.00 in grant funds from SC Johnson to support the Fresh Cut Collective Youth Arts Program. Grant Control #2013-030. (Res. No. 13-0402)

Recommendation of the Finance & Personnel Committee on

10-7-13: Permission be granted to the Director of Parks, Recreation & Cultural Services to apply for and accept \$3,100.00 in grant funds from SC Johnson to support the Fresh Cut Collective Youth Arts Program. (Grant Control #2013-030).

Fiscal Note: There is no City match required.

[13-9401](#)

Subject: Communication from the City Attorney requesting authorization to represent certain City employees in the civil action of Adams Outdoor Advertising, Inc. v City of Racine, et al., Racine County Case No. 13-CV-1925. (Res. No. 13-0404)

Staff Recommendation to the Finance & Personnel Committee on

10-7-13: Authorization be granted to the City Attorney to represent certain City employees in the civil action of Adams Outdoor Advertising, Inc. v City of Racine, et al., Racine County Case No. 13-CV-1925.

Fiscal Note: N/A

[13-9427](#)

Subject: (Direct Referral) Communication from the Human Resource

Manager and Deputy City Attorney requesting to appear before the Finance & Personnel Committee to discuss the renewal of the City's Stop Loss Insurance plan for 2014. (Res. No. 13-0403)

Recommendation of the Finance & Personnel Committee on

10-7-13: The Mayor and City Clerk be authorized and directed to enter into an agreement under the terms of the City's 2014 Health Insurance Stop Loss Coverage with QBE/SLG through the Horton Group with a 0% increase from 2013.

Fiscal Note: 0% increase from 2013

13-9428

Subject: (Direct Referral) Communication from the City Attorney desiring to confer with the Finance and Personnel Committee concerning strategy to be adopted with respect to litigation in which it is involved, specifically City of Racine v. Regency West, Racine County Case No. 13 CV 1546.

Recommendation of the Finance & Personnel Committee on

10-7-13: To receive and file.

Fiscal Note: N/A

Public Works and Services Committee Report, by Ald. Weidner

13-9402

Subject: Communication from Charlie Manning, Commodore, Racine Yacht Club, requesting permission to use the Rooney Recreational Area open space on a temporary basis in case a portion of the space is needed to facilitate the upcoming dredging operation. (Res. No. 13-0406)

Recommendation of the Public Works and Services Committee on

10-8-13: That the current License to Use Real Estate Agreement with the Racine Yacht Club for the Walker Site be extended by 45 days to accommodate the Department of Natural Resources approval to utilize the dredging material removed at the Samuel Meyers Park Beach Area.

Fiscal Note: Not applicable.

13-9403

Subject: Communication from the Assistant Commissioner of Public Works/Operations requesting to accept the donation of LED lights from Cree Inc. (Res. No. 13-0408)

Recommendation of the Public Works and Services Committee on

10-8-13: That the offer of Cree Lighting to donate 25 LED lighting fixtures for use in the Lake Avenue Parking Ramp be accepted.

Further recommends that the Mayor send a letter of gratitude acknowledging this donation.

Fiscal Note: The estimated value of these lights is \$7,500.00.

[13-9404](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 53-13 (K3-058), HVAC Upgrade-IS Server Room. (Res. No. 13-0409)

Recommendation of the Public Works and Services Committee on 10-8-13: That Contract 53-13 (K3-058), HVAC Upgrade-IS Server Room, be awarded to Grunau Co., Inc., Oak Creek, WI, at their bid price of \$63,500.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 993.100.5030, HVAC-IS Server Room.

[13-9410](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting final payment on Contract 13-13 (K3-013) - 2013 Sidewalk Replacement, Phase I, RAZA, LLC., Contractor. (Res. No. 13-0410)

Recommendation of the Public Works and Services Committee on 10-8-13: That the work done by RAZA LLC under Contract 13-13 (K3-013), 2013 Sidewalk Replacement, Phase I, be accepted and final payment authorized for a total contract amount of \$263,060.99.

Fiscal Note: Contract was authorized under Resolution No. 13-0132, dated March 19, 2013.

[13-9419](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 55-13 (K3-060), Repair HVAC Equipment at Safety Building and City Hall, Johnson Controls, Inc., contractor. (Res. No. 13-0413)

Recommendation of the Public Works and Services Committee on 10-8-13: That Change Order No. 1 on Contract 55-13 (K3-060), Repair HVAC Equipment at Safety Building and City Hall Annex, Johnson Controls, Inc., contractor, be approved in the amount of \$6,850.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 401.000.5670, Building Complex-Building Maintenance and Repairs.

[13-9420](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 3 to Contract 55-12 (K2-066), HVAC Upgrades at Library, Johnson Controls, Inc., contractor. (Res. No. 13-0412)

Recommendation of the Public Works and Services Committee on 10-8-13: That Change Order No. 3 on Contract 55-12 (K3-066), HVAC Upgrades at Library, Johnson Controls, Inc., contractor, be approved in the amount of \$5,730.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 255.992.5010, Library HVAC Replacement.

[13-9430](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting the assessment rates established for 2014 Public Hearings for 2015 construction of Portland Cement Concrete Paving and Curb and Gutter. (Res. No. 13-0414)

Recommendation of the Public Works and Services Committee on 10-8-13: The proposed special assessment rates for public hearings in 2014 (2015 construction) for portland cement concrete paving and curb and gutter be as follows:

Portland Cement Concrete Paving

Residential Paving (7 inch) - 26' Flange to Flange	\$57.00/Front Foot
Residential Paving (7 inch) - 30' Flange to Flange	\$62.00/Front Foot
Residential Paving (7 inch) - 32' Flange to Flange	\$65.00/Front Foot
Commercial Paving (8 inch) - 32' Flange to Flange	\$75.00/Front Foot
Industrial Paving (9 inch) - 32' Flange to Flange	\$85.00/Front Foot
Industrial Paving (9 inch) - 42' Flange to Flange	\$100.00/Front Foot
Industrial Paving (9 inch doweled)-44' Flange to Flange	\$115.00/Front Foot
Industrial Paving (10 inch doweled)-44' Flange to Flange	\$125.00/Front Foot

Portland Cement Concrete Curb and Gutter (30 inch)

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

Sewer and Water Services

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

Alley Paving

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

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

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

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

13-9431

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 4 to Contract 32-13 (K3-035), Professional Services - Design City Hall Chiller Replacement, Angus Young Associates, consultant. (Res. No. 13-0411)

Recommendation of the Public Works and Services Committee on 10-8-13: That Amendment No. 4 to Contract 32-13 (K3-035), Professional Services-Design City Hall Chiller Replacement, Angus Young Associates, consultant, as submitted, be approved in the not-to-exceed amount of \$19,200.00.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 993.100.5040, City Hall Chiller Replacement.

13-9343

Subject: (Direct Referral) Communication from the Assistant City Attorney requesting that Resolution 13-0129, of March 19, 2013, relating to river frontage at the terminus of Superior Street, be repealed. (Res. No. 13-0407)

Recommendation of the Public Works and Services Committee on 9-10-13: Defer

Recommendation of the Public Works and Services Committee on

10-8-13: That Resolution 13-0129, of March 19, 2103, be rescinded.

Further recommend that the City Attorney negotiate a lease agreement with the Racine Yacht Club for use of 60 lineal feet of river frontage at the terminus of Superior Street at the Root River, including the right-of-way to the south line of Liberty Street excepting that portion which is utilized by CNH, Inc. as a driveway entrance.

Further recommend that once an agreement is reached, the City Attorney and Mayor be authorized and directed to enter into such agreement.

Fiscal Note: Unknown at this time.

Public Safety and Licensing Committee Report, by Ald. Holding

[13-9398](#)

Subject: (New) Application of Mei Li (Uptown China LLC) for a Class "B" & "Class C" Retail Fermented Malt Beverage and Wine License for 1530 Washington Avenue. (3rd District)

Recommendation of the Public Safety and Licensing Committee on 10-07-13 : That the (New) Application of Mei Li (Uptown China LLC) for a Class "B" & "Class C" Retail Fermented Malt Beverage and Wine License for 1530 Washington Avenue be approved.

Fiscal Note: N/A

City Plan Commission Report, by Ald. Wisner

[13-9276](#)

Subject: (Res. 13-0292) A Resolution vacating most easterly 32.4 feet of the East-West alley abutting the Racine Railroad Depot West Platform.

Recommendation of the City Plan Commission on 8-14-13: That the vacation of the most easterly 32.4 feet of the east-west alley abutting the Racine railroad depot west platform is not in conflict with existing City plans and programs.

Further, that Resolution 13-0292 be adopted.

Fiscal Note: N/A

[13-9444](#)

Subject: (Direct Referral) A request from Dustan Balkcom, representing Living Light Community Center at 740 College Avenue, for a conditional use amendment to allow for the use of the main meeting room and café area as a rental hall. (Res. No. 13-0415)

Recommendation of the City Plan Commission on 10-9-13: That the item be approved subject to conditions.

Fiscal Note: N/A

[13-9445](#)

Subject: (Direct Referral) A request from John Kleinschmidt for a conditional use to operate a maintenance and repair facility for semi trucks and trailers at 1913 Melvin Avenue. (Res. No. 13-0416)

Recommendation of the City Plan Commission on 10-9-13: That the item be approved subject to conditions.

Fiscal Note: N/A

[13-9456](#)

Subject: (Ord.15-13) An ordinance reinstating Section 114-1078 - Signs permitted in the B2 District of the Municipal Code of the City of Racine, Wisconsin and make amendments to the same.

Recommendation of the City Plan Commission on 10-9-13: That the ordinance be adopted.

Fiscal Note: N/A

Redevelopment Authority of the City of Racine Report, by Ald. Holding

[13-9434](#)

Subject: (Direct Referral) Authorization to apply for and accept a \$400,000 US-EPA Site Assessment Grant for eligible projects, City-wide. (Res. No. 13-0417)

Recommendation of the Redevelopment Authority on 10-7-13: That the Authority requests funds and assistance available from the EPA Site Assessment Grant and comply with rules for the program.

Further, that the Assistant Executive Director act on the behalf of the Authority and submit an application for an EPA Brownfield Site Assessment Grant for \$400,000 to aid in the investigation of brownfield properties, sign documents, and take necessary action to undertake, direct, and complete approved grant activities.

Fiscal Note: No local match is required for this grant.

[13-9435](#)

Subject: (Direct Referral) Authorization to apply for and accept a \$200,000 US-EPA Clean Up Grant for 1425 North Memorial Drive, former Racine Steel Castings. (Res. No. 13-0418)

Recommendation of the Redevelopment Authority on 10-7-13: That the Authority requests funds and assistance available from the EPA

under the brownfield cleanup grant and comply with rules for the program.

Further, that the Assistant Executive Director act on behalf of the Authority and submit applications for two EPA Brownfield Cleanup Grants, \$200,000 each, to aid in the continuation of site cleanup of 1425 North Memorial Drive (aka the Racine Steel Castings property), sign documents, and take necessary action to undertake, direct, and complete approved grant activities.

Fiscal Note: Two grants will be applied for, each being for \$200,000. A 20% local match is required for each grant for a total of \$80,000. Funds are available in the Intergovernmental Shared Revenue Account and from the City of Racine US EPA Brownfield Cleanup Revolving Loan Fund.

13-9436

Subject: (Direct Referral) Request by the Assistant Executive Director seeking approval to borrow funds from the City of Racine US EPA Brownfield Clean Up Revolving Loan Fund to assist in the environmental remediation of 1129 Michigan Boulevard, Harborside (Walker) Property. (Res. No. 13-0419)

Recommendation of the Redevelopment Authority on 10-7-13: That the Authority borrows funds from the City of Racine US EPA Brownfield Cleanup Revolving Loan Fund.

Further, the Director of City Development, or his designee, act on behalf of the Authority to submit a loan application for \$150,000 to aid in the site cleanup of 1129 Michigan Boulevard (aka the Harborside property), sign all necessary forms and documents (including loan application, borrowing resolution, closing documents), pay all closing and legal fees, and take necessary action to undertake, direct, and complete approved loan activities.

Fiscal Note: The loan will be from the City BC-RLF for \$150,000 at 0% interest until expiration of Tax Increment District 14 (2031), or the sale of the property, whichever comes first. There are sufficient funds in the capital budget for legal fees and closing costs.

Committee of the Whole Report by Ald. McCarthy

13-9040

Subject: Communication from the Alderman of the 8th District directing the City Attorney's Office generate a proposed ordinance to make language changes in the public comments section of our ordinance.

Recommendation of the Committee of the Whole on 07-29-2013: to Defer the Item.

Recommendation of the Committee of the Whole on 09-16-2013: to Approve changing the policy by adding the following sentence to paragraph 3 : "Speakers and members of the audience should refrain from profane remarks, disruptive outbursts or other conduct which interferes with the orderly conduct of the meeting." and by creating paragraph 5 : "The Mayor or presiding officer at his/her discretion may refer the individuals to staff for follow-up on any information presented. Speakers seeking an answer to a specific question should submit a written request to the Common Council by way of the City Clerk or their alderman."

Fiscal Note: N/A

Office of the Mayor Report, by Ald. McCarthy

[13-9425](#)

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

Appoint Heather Godley 2801 W. High St Racine, 53404 to the Racine Sister City Planning Council for a 3 year term expiring December 31, 2016

Appoint Victor Frasher 414 Augusta St. Racine, 53402 to the Community Development Committee for a 3 year term expiring May 1, 2016

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

[13-9307](#)

Subject: Communication from Sandy Christensen regarding the allowance of a dog at Johnson Park Golf Course. (Res. No. 13-0420)

Recommendation of the Board of Parks, Recreation & Cultural Services on 10-9-13: To allow PRCS staff to work with Johnson Golf Course Staff to regulate the dog at Johnson Golf Course during the daylight hours over the course of the winter months.

Fiscal Note: N/A

[13-9388](#)

Subject: Communication from Julie Ogren requesting placement of a plaque in memory of Terry L Kammi Sr. at Humble Park. (Res. No. 13-0421)

Recommendation of the Board of Parks, Recreation & Cultural Services on 10-9-13: To allow Julie Ogren to work in conjunction with

PRCS staff to place a plaque in memory of Terry L Kammiem Sr. at Humble Park.

Fiscal Note: N/A

H. Consent Agenda - Resolutions

Res.13-0292 Vacate Most Easterly 32.4 feet of the East-West Alley Abutting the Racine Railroad Depot West Platform

Resolved, that the following parcel of land, more particularly described as follows, is hereby vacated and discontinued:

The most easterly 32.4 feet of the east-west alley bounded by State Street, Liberty Street, the Union Pacific Railroad right-of-way, and N. Memorial Drive.

Fiscal Note: Not applicable.

Sponsors: Sandy Weidner

Res.13-0401 Ash Tree Removal / EAB Plan Implementation

Resolved, that permission is granted for the Director of Parks, Recreation & Cultural Services to apply for the \$25,000.00 Urban Forestry Grant from the Wisconsin Department of Natural Resources for Ash tree removal / EAB plan implementation. Match required. (Grant Control # 2013-029).

Fiscal Note: There is a City Match of \$44,052.00 available through the 2014 CIP Emerald Ash Bore Tree Treatment Project.

Sponsors: Q.A. Shakoor, II

Res.13-0402 Fresh Cut Collective Youth Arts Program

Resolved, that permission is granted to the Director of Parks, Recreation & Cultural Services to apply for and accept \$3,100.00 in grant funds from SC Johnson to support the Fresh Cut Collective Youth Arts Program. (Grant Control #2013-030).

Fiscal Note: There is no City match required.

Sponsors: Q.A. Shakoor, II

Res.13-0403 Stop Loss Insurance Plan for 2014

Resolved, that the Mayor and City Clerk are authorized and directed to enter into an agreement under the terms of the City's 2014 Health

Insurance Stop Loss Coverage with QBE/SLG through the Horton Group with a 0% increase from 2013.

Fiscal Note: 0% increase from 2013

Sponsors: Q.A. Shakoor, II

Res.13-0404 *Adams Outdoor Advertising, Inc. v. City of Racine, et al*

Resolved, that authorization is granted to the City Attorney to represent certain City employees in the civil action of *Adams Outdoor Advertising, Inc. v. City of Racine, et al.*, Racine County Case No. 13-CV-1925.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

Res.13-0406 Department of Natural Resources Utilization of Dredging Material at Samuel Meyers Park Beach Area

Resolved, that the current License to Use Real Estate Agreement with the Racine Yacht Club for the Walker Site is extended by 45 days to accommodate the Department of Natural Resources approval to utilize the dredging material removed at the Samuel Meyers Park Beach Area.

Further resolved, that Racine Yacht Club's request for permission to use the Rooney Recreational Area open space on a temporary basis in case a portion of the space is needed to facilitate the upcoming dredging operation is approved.

Fiscal Note: Not applicable

Sponsors: Sandy Weidner

Res.13-0407 Use of River Frontage at the Terminus of Superior Street at the Root River

Resolved, that the City Attorney negotiate a lease agreement with Fifth Street Yacht Club for use of 60 lineal feet of river frontage at the terminus of Superior Street at the Root River, including the right-of-way to the south line of Liberty Street excepting that portion which is utilized by CNH, Inc. as a driveway entrance.

Further resolved, that once an agreement is reached, the Mayor and City Clerk are authorized and directed to enter into such agreement.

Fiscal Note: Unknown at this time.

Sponsors: Sandy Weidner

Res.13-0408 Donation of LED Lights from Cree, Inc.

Resolved, that the offer of Cree, Inc. to donate 25 LED lighting fixtures for use in the Lake Avenue Parking Ramp is accepted.

Further resolved, that the Mayor send a letter of gratitude acknowledging this donation.

Fiscal Note: The estimated value of these lights is \$7,500.00.

Sponsors: Sandy Weidner

Res.13-0409 Contract 53-13 (K3-058), HVAC Upgrade-IS Server Room

Resolved, that Contract 53-13 (K3-058), HVAC Upgrade-IS Server Room, is awarded to Grunau Co., Inc., Oak Creek, WI, at their bid price of \$63,500.00, it being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 993.100.5030, HVAC-IS Server Room.

Sponsors: Sandy Weidner

Res.13-0410 Final Payment on Contract 13-13 (K3-013) - 2013 Sidewalk Replacement, Phase I

Resolved, that the work done by RAZA, LLC under Contract 13-13 (K3-013), 2013 Sidewalk Replacement, Phase I, is accepted and final payment authorized for a total contract amount of \$263,060.99.

Fiscal Note: Contract was authorized under Resolution No. 13-0132, dated March 19, 2013.

Sponsors: Sandy Weidner

Res.13-0411 Amendment No. 4 to Contract 32-13 (K3-035), Professional Services - Design City Hall Chiller Replacement

Resolved, that Amendment No. 4 to Contract 32-13 (K3-035), Professional Services - Design City Hall Chiller Replacement, Angus Young Associates, consultant, as submitted, is approved in the not-to-exceed amount of \$19,200.00.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 993.100.5040, City Hall Chiller Replacement.

Sponsors: Sandy Weidner

Res.13-0412 Change Order No. 3 to Contract 55-12 (K2-066), HVAC Upgrades at Library

Resolved, that Change Order No. 3 on Contract 55-12 (K3-066), HVAC

Upgrades at Library, Johnson Controls, Inc., contractor, is approved in the amount of \$5,730.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 255.992.5010, Library HVAC Replacement.

Sponsors: Sandy Weidner

Res.13-0413 Change Order No. 1 to Contract 55-13 (K3-060), Repair HVAC Equipment at Safety Building and City Hall

Resolved, that Change Order No. 1 on Contract 55-13 (K3-060), Repair HVAC Equipment at Safety Building and City Hall Annex, Johnson Controls, Inc., contractor, is approved in the amount of \$6,850.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 401.000.5670, Building Complex-Building Maintenance and Repairs.

Sponsors: Sandy Weidner

Res.13-0414 Assessment Rates Established for 2014 Public Hearings for 2015 Construction of Portland Cement Concrete Paving and Curb and Gutter

Resolved, that the proposed special assessment rates for public hearings in 2014 (2015 construction) for portland cement concrete paving and curb and gutter is approved as follows:

Portland Cement Concrete Paving

Residential Paving (7 inch) \$57.00/Front Foot	-	26' Flange to Flange
Residential Paving (7 inch) \$62.00/Front Foot	-	30' Flange to Flange
Residential Paving (7 inch) \$65.00/Front Foot	-	32' Flange to Flange
Commercial Paving (8 inch) \$75.00/Front Foot	-	32' Flange to Flange
Industrial Paving (9 inch) \$85.00/Front Foot	-	32' Flange to Flange
Industrial Paving (9 inch) \$100.00/Front Foot	-	42' Flange to Flange
Industrial Paving (9" doweled) \$115.00/Front Foot	-	44' Flange to Flange
Industrial Paving (10" doweled) \$125.00/Front Foot	-	44' Flange to Flange

Portland Cement Concrete Curb and Gutter (30 inch)

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

Sewer and Water Services

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

Alley Paving

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

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

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

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

Sponsors: Sandy Weidner

Res.13-0415 Living Light Community Center - 740 College Avenue

Resolved, that the request from Dustan Balkcom, representing Living Light Community Center, to operate a rental hall out of the building at 740 College Avenue is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on October 9, 2013 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Department prior to utilization as a hall.
- c. That all health department inspections and permits be obtained prior to utilization as a hall.
- d. That the hours of operation for the Community Center shall be from 12:00 p.m. - 12:00 a.m., Monday through Saturday, and 12:00 p.m. - 8:00 p.m. on Sundays.

e. That all activities scheduled at this location shall take place indoors in the areas identified on the floor plan. The applicant may utilize the space as a rental hall for activities including weddings, receptions, conferences, meetings, dance or other artistic recitals or shows, or similar uses. Utilization of the space for any use not stated specifically in these conditions and for which the applicant desires to use the premises, the applicant shall contact the Department of City Development for review and authorization of said use prior to the event taking place.

f. That the applicant shall be responsible for the orderly dispersal of patrons at closing time and shall not allow loitering of individuals within or around the building or parking lots.

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

h. That any activity including the consumption of alcoholic beverages within the building shall be under the jurisdiction of the City Clerk's Office, and subject to all applicable laws and ordinances for required licenses, if so granted.

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

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

Fiscal Note: N/A

Sponsors: Dennis Wiser

Res.13-0416 Repair Facility at 1913 Melvin Avenue

Resolved, that the request from John Kleinschmidt to operate a repair facility for semi-trucks and trailers at 1913 Melvin Avenue is approved, subject to the following conditions:

a. That plans presented to the Plan Commission on October 9, 2013 shall be approved subject to the conditions contained herein.

b. That all applicable building and occupancy permits be obtained from the Building Inspection department.

c. That review and approval of the proposal shall be obtained from the Young Industrial Park Board prior to issuance of an occupancy permit.

d. That there be no more than 11 semi-truck and trailers on-site at any one time based on parking and repair bay spaces available. No semi-trucks, trailers, or personal automobiles may be parked on the street at any time.

e. That the eastern most entrance along Melvin Avenue be a maximum of 40 feet in width, unless otherwise authorized by the City Engineering department.

f. That all aspects of repair shall be contained indoors, including the storage of any parts or equipment.

g. That the asphalt will be re-sealed prior to occupancy permit.

h. That the hours of operation be Monday - Friday from 7:00 a.m. - 5:00 p.m., and Saturdays from 8:00 a.m. - 12:00 p.m.

i. That no vehicle sales shall be conducted at this location.

j. That the applicant shall submit a landscape plan, subject to review and approval by the Department of City Development, prior to occupancy permit.

k. That the speaker box located at the entrance into the property be removed.

l. That a dumpster be provided and appropriate screening in place prior to occupancy.

m. If any of the improvements listed cannot be completed prior to the request for an occupancy permit, that the applicant/owner shall provide the City with a letter of credit, bond, or other acceptable financial security, equal in value to the required improvements, subject to the following:

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

2. The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by the

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

3. By operating under this conditional use, the applicant/owner give permission to the City to enter upon the property for purpose hereby described.

n. That no minor changes be made from the conditions of this approval without the approval of the Director of City Development, and no major changes be made from the conditions of this permit without the approval of the Plan Commission.

Fiscal Note: N/A

Sponsors: Dennis Wiser

Res.13-0417 US-EPA Site Assessment Grant

Resolved, that the Authority's request for funds and assistance available from the EPA Site Assessment Grant is approved and rules for the program will be complied with.

Further resolved, that the Assistant Executive Director act on the behalf of the Authority and submit an application for an EPA Brownfield Site Assessment Grant for \$400,000.00 to aid in the investigation of brownfield properties, sign documents, and take necessary action to undertake, direct and complete approved grant activities.

Fiscal Note: No local match is required for this grant.

Sponsors: Q.A. Shakoor, II

Res.13-0418 US-EPA Clean-Up Grant for 1425 North Memorial Drive

Resolved, that the Authority's request for funds and assistance available from the EPA under the brownfield clean-up grant is approved and rules for the program will be complied with.

Further resolved, that the Assistant Executive Director act on behalf of the Authority and submit applications for two EPA Brownfield Clean-up Grants, \$200,000.00 each, to aid in the continuation of site clean-up of 1425 North Memorial Drive (aka the Racine Steel Castings property), sign documents and take necessary action to undertake, direct, and complete approved grant activities.

Fiscal Note: Two grants will be applied for, each being \$200,000.00. A 20% local match is required for each grant for a total of \$80,000.00.

Funds are available in the Intergovernmental Shared Revenue Account and from the City of Racine US-EPA Brownfield Clean-up Revolving Loan Fund.

Sponsors: Q.A. Shakoor, II

Res.13-0419 US-EPA Brownfield Clean-up Revolving Loan Fund - Environmental Remediation of 1129 Michigan Boulevard

Resolved, that the request of the Authority to borrow funds from the City of Racine US-EPA Brownfield Clean-up Revolving Loan Fund is approved.

Further resolved, that the Director of City Development, or his designee, act on behalf of the Authority to submit a loan application for \$150,000.00 to aid in the site clean-up of 1129 Michigan Boulevard (aka the Harborside property), sign all necessary forms and documents (including loan application, borrowing resolution and closing documents), pay all closing and legal fees, and take necessary action to undertake, direct and complete approved loan activities.

Fiscal Note: The loan will be from the City BC-RLF for \$150,000.00 at 0% interest until expiration of Tax Increment District 14 (2031), or the sale of the property, whichever comes first. There are sufficient funds in the capital budget for legal fees and closing costs.

Sponsors: Q.A. Shakoor, II

Res.13-0420 Allowance of Dog at Johnson Park Golf Course

Resolved, that PRCS staff is approved to work with Johnson Golf Course staff to regulate the dog at Johnson Golf Course during the daylight hours over the course of the winter months.

Fiscal Note: N/A

Sponsors: Melissa Kaprelian-Becker and Terry McCarthy

Res.13-0421 Placement of Plaque in Memory of Terry L Kammien Sr. at Humble Park

Resolved, that Julie Ogren is approved to work in conjunction with PRCS staff to place a plaque in memory of Terry L Kammien Sr. at Humble Park.

Fiscal Note: N/A

Sponsors: Melissa Kaprelian-Becker and Terry McCarthy

I. Resolutions

Res.13-0405 RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF

\$26,930,000 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 General Obligation Refunding Bonds, dated July 15, 2003, maturing in the years 2014 through 2018 (the "2003 Bonds"), and the Note Anticipation Notes, dated July 9, 2013 (the "2013 Notes") (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 2003 Bonds for the purpose of achieving debt service cost savings and to provide permanent financing for the projects financed by the 2013 Notes;

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 TWENTY-SIX MILLION NINE HUNDRED THIRTY THOUSAND DOLLARS (\$26,930,000) 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 TWENTY-SIX MILLION NINE HUNDRED THIRTY THOUSAND DOLLARS (\$26,930,000) 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 \$26,930,000; shall be dated November 6, 2013; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on the dates and in the principal amounts as set

forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2014. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 2A. Designation of Maturities. For purposes of State law, the Bonds are designated as being issued to refund the debts evidenced by Refunded Obligations in the order in which those debts were incurred, so that the Bonds of the earliest maturities are considered to refund the debts which were incurred first.

Section 3. Redemption Provisions. The Bonds maturing on December 1, 2024 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on December 1, 2023 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2013 through 2026 for the payments due in the years 2014 through 2027 in the amounts set forth on the Schedule.

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

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

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$26,930,000 General Obligation Refunding Bonds, dated November 6, 2013" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

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

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money

remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

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

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

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

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

provisions of the Code and Regulations.

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

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

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

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

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

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

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

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

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

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

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

specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

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

Section 17. Redemption of the Refunded Obligations. The 2013 Notes are hereby called for prior payment and redemption on November 15, 2013, and the 2003 Bonds are hereby called for prior payment and redemption on December 1, 2013, all at a price of par plus accrued interest to the date of redemption.

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

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 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 October 15, 2013.

John Dickert
Mayor
ATTEST:

Janice M. Johnson-Martin
City Clerk

Sponsors: Q.A. Shakoor, II

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.