



# City of Racine

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

## Meeting Agenda - Final Common Council

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

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Tuesday, July 6, 2010

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**

[Ord.12-10](#) Ordinance No. 12-10

To amend Secs. 114-1, 114-328(1), 114-408(13), 114-428(4), 114-447(b), 114-448(9), 114-467(b), and Sec. 114-488 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning.

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

Part 1:

Sec. 114-1 of the Municipal Code of the City of Racine is hereby amended by inserting the following definitions after the definition "*Coin-operated amusement device:*"

*""Commercial-type and Non-commercial-type uses.*

(1) *Commercial-type uses* means those which primarily do involve the sale of goods or services, usually intended for a wide spectrum of the consumers. These uses are typically open to the patrons for business transactions at least six days per week, at least six consecutive hours each day between the hours of 6:00 a.m. and 2:00 a.m., the following day. Examples of commercial-type uses include a bakery with walk-in retail sales, bank, bookstore, clothing store, grocery store, barber shop, night club, hotel, hardware store, movie theatre, restaurant, auto repair, or other similar uses.

(2) *Non-commercial-type uses* means those which primarily do not involve the sale of goods or services to a wide spectrum of the consumers. These uses typically offer limited hours where employees, patrons, members or guests are present at the premises, during very specific or limited hours either by design of the service being offered, or by blocks of time reserved for the use of employees, patrons, members or guests. Examples of non-commercial type uses may include a private club, meeting hall, place of worship, instructional or counseling facility.

Non-commercial-type uses may be permitted in the B-1 through B-5 zoning districts as a Class 1 or Class 2 non-commercial-type use as follows:

- a. Class 1 Non-Commercial-type use are those having operational components that meet the definition of a commercial-type use, and may be permitted on the ground floor street level only by conditional use permit.
- b. Class 2 Non-commercial-type uses are those having operational components that do not meet the definition of a commercial type use, and may only be permitted by right at levels above the ground floor street level.”

Part 2:

Sections 114-328(1), 114-408(13), 114-428(4) and 114-448(9) of the Municipal Code of the City of Racine are hereby amended by deleting the “.” at the end of the sentence and inserting the following after the word “center” or “centers” in each section:

“in compliance with the following standards:

- a. The subject location shall not be located closer than 250 feet to a signalized intersection, or at the intersection of major streets.
- b. All facilities such as offices, kitchens, playgrounds, activity areas, classrooms and parking shall be located on the same or directly adjacent property or zoning lot.
- c. All client drop-off and pick-up activities shall be conducted on the same or directly adjacent property or zoning lot.
- d. No other group daycare facility should be located within 1,000 feet of the main entrance of another group daycare facility.”

Part 3:

Sec. 114-447(b) of the Municipal Code of the City of Racine is hereby amended by inserting the following at the end of the section:

"(45) Class 2 Non-Commercial-type uses as defined in Sec. 114-1."

Part 4:

Sec. 114-448 of the Municipal Code of the City of Racine is hereby amended by inserting the following at the end of the section:

"(17) Class 1 Non-commercial type uses as defined in Sec. 114-1."

Part 5:

Sec. 114-467(b) of the Municipal Code of the City of Racine is hereby amended by deleting "(10), (27), (46) and (49)" and by renumbering the section:

"(48) Class 2 Non-commercial-type uses as defined in Sec. 114-1."

Part 6:

Sec. 114-488 of the Municipal Code of the City of Racine is hereby amended by deleting "(15)" and renumbering the remainder of the section.

Part 7:

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

Passed by the Common Council:

\_\_\_\_\_

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

\_\_\_\_\_  
Mayor

Attests:

\_\_\_\_\_  
City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

## E. Public Comments

## F. Communications

**Refer to Finance and Personnel Committee, by Ald. Spangenberg**

[10-5297](#)

**Subject:** Communication from Police Chief requesting to apply for 2010 SPA-NTOA Trijicon Grant (grant control #2010-025).

(Also refer to Public Safety & Licensing Committee).

- [10-5302](#)      **Subject:** Communication from Greater St. Luke's Baptist Church requesting waiver of fees for North Beach Park for their Belle City Backyard BBQ event on August 14 & 15, 2010.
- [10-5318](#)      **Subject:** Communication from the Public Health Administrator requesting to accept funding in the amount of \$7,948 from the State of Wisconsin, Department of Natural Resources for beach monitoring. (Grant Control #2010-026)
- [10-5331](#)      **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting to apply for the Focus on Energy LED Streetlight Retrofit grant.
- [10-5335](#)      **Subject:** Request that the City provide financial assistance to Human Capital Development Corporation/First Choice Pre-Apprenticeship Training for the purchase of property.

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

- [10-5266](#)      **Subject:** Communication from Emmaus Evangelical Lutheran Church requesting to close the 1900 block of Summit Avenue on July 24-25, 2010 for a festival.
- [10-5283](#)      **Subject:** Communication from Real Racine requesting permission to use city right-of-way for the Ironman Racine 70.3 triathlon on Sunday, July 18, 2010.
- [10-5326](#)      **Subject:** Communication from Kenny's on Main requesting to close Hubbard Street from Main to Wisconsin on July 31, 2010 for a bike show/bike wash to benefit the Wounded Warriors Project.
- [10-5339](#)      **Subject:** Communication from Kailey Husby, Milwaukee Wave requesting to use North Beach and the auxiliary parking lot, located on the south end of the beach for a Beach Soccer Match on August 7, 2010.

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

- [10-5341](#)      **Subject:** Communication from Alderman Spangenberg requesting Council approval to waive requirements of Section 82-125(a) and (b) of the Code of Ordinance in order to allow curb cuts in front of eight properties in Rubberville to remain where they haven been historically.

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

- [10-5340](#)      **Subject:** Communication from the Alderman of the 6th District requesting to extend the No Parking restriction 40 feet or so east on the north side of the 2500 block of Prospect Street.

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

- [10-5293](#)      **Subject:** Communication from Mary Newbold requesting a review of the bus transfer issue at Regency Mall during the Saturday bus route schedule.
- [10-5325](#)      **Subject:** Communication from the Assistant Finance Director requesting to execute the 2010 Section Urban Mass Transit Operating Assistance Contracts between the Wisconsin Department of Transportation and the City of Racine.
- [10-5332](#)      **Subject:** Communication from the General Manager of PTMR submitting the financial and operating report for June 2010.
- [10-5333](#)      **Subject:** Communication from the General Manager of PTMR, requesting the Transit and Parking Commission to review the document, "City of Racine Belle Urban System Policies and Procedures No. 1 (Belle Urban System (B.U.S.) Revenue Generating Display Advertising, Concessions and Merchandise)." Commission established and approved this document on 06/25/97.

**Refer to Community Development Committee, by Ald. Coe,**

- [10-5327](#)      **Subject:** Approval of the 2010-2014 Consolidated Plan.

**Refer to Committee of the Whole, by Ald. Coe,**

- [10-5338](#)      **Subject:** communication from the 15th District Alderman requesting to change the yearly system of repaving non-critical streets.

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

- [10-5259](#)      **Subject:** Communication from the Director of Parks, Recreation & Cultural Services to amend Ordinance 70-90, Animals Prohibited, to allow for dogs on leash on the Lake Michigan and Root River pathways.
- [10-5295](#)      **Subject:** Communication from the Director of Parks, Recreation and Cultural Services to meet with the Public Safety & Licensing Committee

to request final payment for Contract 50-09 (K9-051) Parks and Parking System Improvements Project (R1), by O&M Excavation and Grading, Inc. of Union Grove.

**10-5300**

**Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to accept a \$3,000.00 grant from the DNR (City Grant Control # 2010-011) for Aquatic Invasive Species Removal.

**10-5321**

**Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to enter into an agreement with the Downtown Racine Corporation to provide supervision and related services of the Laurel Clark Memorial Fountain/Splash Pad.

## G. Committee Reports

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

**10-4657**

**Subject:** (Ord.27-09) An ordinance to identify, protect, enhance, perpetuate and use artifacts that reflect special aspects of the City of Racine's historical, architectural, cultural or aesthetic heritage.

**Recommendation of the Landmarks Preservation Commission on 1-04-10:** That the ordinance be adopted.

**Recommendation of the Finance & Personnel Committee on 02-08-10:** The item to be deferred to enable the Attorney's Office to refine the language of the ordinance with various City Departments and to report back when appropriate.

**Fiscal Note:** N/A

**Recommendation of the Finance & Personnel Committee on 05-24-10:** The item be deferred until such time as the Commissioner of Public Works, Director of Parks, Recreation & C.S., Director of City Development and the Fire Chief have an opportunity to meet and give their input on this ordinance and come to an agreement.

**Fiscal Note:** N/A

**Recommendation of the Finance & Personnel Committee on 06-21-10:** That the ordinance be adopted with an amendment that the Commissioner of Public Works, the General Manager of Water/Wastewater, the Director of Parks, Recreation & Cultural Services, the Director of City Development, the Police Chief and the Fire Chief be added to the notification group.

**Fiscal Note:** N/A

[10-5281](#)

**Subject:** (Direct Referral) Communication from the Deputy City Attorney and the Human Resources Manager requesting to meet in closed session pursuant to sec. 19.85(1)(c), to discuss strategy regarding upcoming contract negotiations with the City's labor unions.

**Recommendation of the Finance & Personnel Committee on 06-21-10:** To Receive and File.

**Fiscal Note:** N/A

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

[10-5129](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 34-10 (K0-042), City Hall and Memorial Hall Restoration (R1).

**Recommendation of the Public Works and Services Committee on 6-29-10:** That the bids be received and filed.

Further recommends that the Commissioner of Public Works/City Engineer be authorized and directed to re-advertise for bids for this project.

**Fiscal Note:** Not applicable.

[10-5215](#)

**Subject:** Communication from the Alderman of the 7th District requesting to discuss the reconstruction of Three Mile Road from Erie Street to LaSalle Street. (Res.10-2092)

**Recommendation of the Public Works and Services Committee on 6-29-10:** That a preliminary resolution be introduced for paving Three Mile Road, from N. Main Street to Douglas Avenue, with portland cement concrete paving.

**Fiscal Note:** Not applicable at this time.

[10-5230](#)

**Subject:** Communication from Cory Gulan requesting the use of the City lot adjacent to Gateway Technical College for a motorcycle stunt exhibition on July 24, 2010 from 12 p.m to 4:00 p.m. (Res.10-2094)

**Recommendation of the Public Works and Services Committee on 6-29-10:** That permission be granted to Cory Gulan to utilize the Gateway parking lot for a motorcycle stunt exhibition on July 24, 2010

from 12:00 p.m. to 4:00 p.m., with the following stipulations:

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

**Fiscal Note:** N/A

**10-5240**

**Subject:** Communication from Racine County submitting bid results for salt for ice control for the 2010-2011 winter season. (Res.10-2096)

**Recommendation of the Public Works and Services Committee on 6-29-10:** The bid of Cargill, Inc. for the purchase of 6,000 tons (more or less) of salt for ice control for the 2010-2011 year be accepted at their bid price of \$58.14 per ton delivered, they being the lowest responsible bidder.

Further recommends that funds to defray the cost of this purchase be appropriated from Account 101.549.5250, Snow and Ice Control, Work Supplies.

**Fiscal Note:** The City of Racine's allotment of salt will be based upon 6,000 tons, and funds to make these purchases are budgeted in Account 101.540.5250, Snow and Ice Control, Work Supplies.

**10-5244**

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 30-09 (K9-031), PS - 2009 Information Technology Consulting, AECOM. (Res.10-2097)

**Recommendation of the Public Works and Services Committee on 6-29-10:** That the professional services provided by AECOM Technical Services, Inc., under Contract 30-09 (K9-031), Professional Services - 2009 Information Technology Consulting, be accepted and final payment authorized for a total contract amount of \$39,932.66.

**Fiscal Note:** Contract was authorized under Resolution No. 09-1269, dated March 3, 2009.

**10-5247**

**Subject:** Communication from Breakthrough Outreach Ministries, requesting permission to close Villa Street from 9th Street to 13th Street, on July 3, 2010, from 12:00 p.m. to 5:00 p.m. for a family and friends event.

**Recommendation of the Public Works and Services Committee on 6-29-10:** The communication be received and filed.



**Fiscal Note:** N/A

[10-5260](#)

**Subject:** Communication from Fourth Fest of Greater Racine, Inc. requesting permission to use the Walker Site parking lot on Monday, July 5, 2010. (Res.10-2095)

**Recommendation of the Public Works and Services Committee on 6-29-10:** Permission be granted to Fourth Fest of Greater Racine, Inc. to use the Walker Site on Monday, July 5, 2010, with a rain date of Tuesday, July 6, 2010, for parking of vehicles in conjunction with the Fourth of July fireworks display.

**Fiscal Note:** N/A

[10-5267](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 1 on WISDOT State Project ID: 2440-07-00/70 (STH20/7th Street) Marquette Street to Main Street. (Res.10-2102)

**Recommendation:** That Amendment No. 1 to State Contract ID: 2440-07-00/70 (STH20/7th Street) Marquette Street to Main Street, be approved in the amount of \$123,115.74, with the City's share being \$24,623.15.

Further recommend that funding to defray the cost of the City's share of these professional services be provided in the 2011 CIP.

**Fiscal Note:** Funds are available as herein delineated.

[10-5278](#)

**Subject:** Resolution 10-2087, of June 15, 2010, relating to street improvements:

**PORTLAND CEMENT CONCRETE PAVING**

**Chatham Street** from Barker Street to Kewaunee Street  
**Chatham Street** from William Street to Melvin Avenue  
**Orchard Street** from Nineteenth Street to Twentieth Street  
**Orchard Street** from Durand Avenue to Pierce Boulevard  
**Perry Avenue** from Byrd Avenue to Sixteenth Street

**SEWER AND WATER LATERALS**

**Chatham Street** from Barker Street to Kewaunee Street  
**Orchard Street** from Nineteenth Street to Twentieth Street  
**Orchard Street** from Durand Avenue to Pierce Boulevard

**SIDEWALK**

**West Boulevard** from Fifteenth Street to Wright Avenue

**Recommendation of the Public Works and Services Committee on 6-29-10:** That Resolution No. 10-2087, of June 15, 2010, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

Orchard Street from Nineteenth Street to Twentieth Street

SEWER AND WATER LATERALS

Orchard Street from Nineteenth Street to Twentieth Street

SIDEWALK

West Boulevard from Fifteenth Street to Wright Avenue.

and, as amended , Resolution No. 10-2087, of June 15, 2010, be adopted.

**Fiscal Note:** Funds will be appropriated in the 2011 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

[10-5282](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering requesting that formal bidding be waived for LED street lights and authorizing the purchasing agent to negotiate directly with Beta-Kramer, Racine, WI. (Res.10-2103)

**Recommendation of the Public Works and Services Committee on 6-29-10:** The Common Council waive formal bidding procedures for the purchase of LED Street Lights, for the purposes of inventory management and ease of maintenance benefits, in the best interest of the taxpayers.

Further recommends that the Purchasing Agent be authorized and directed to negotiate with Beta-Kramer for the purchase of all future LED light fixtures.

**Fiscal Note:** The estimated cost of the street lighting equipment is \$60,000.00 with funding available in Account 256.000.6010, Focus on Energy Rebates.

[10-5285](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 4 to Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc.,

consultant. (Res.10-2100)

**Recommendation of the Public Works and Services Committee on 6-29-10:** That Amendment No. 4 to Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., consultant, as submitted, be approved in the amount of \$800.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 989.220.5030, CHP-Structural Repairs.

**Fiscal Note:** Funds are available as herein delineated.

[10-5286](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 64-09 (K9-065), 2009 LED Building Lights EECEBG, Beta Lighting, contractor. (Res.10-2099)

**Recommendation of the Public Works and Services Committee on 6-29-10:** That the work done by Beta Lighting under Contract 64-09 (K9-065), 2009 LED Building Lights, EECEBG, be accepted and final payment authorized for a total contract amount of \$245,717.50.

**Fiscal Note:** Contract was authorized under Resolution No. 09-1730, dated December 1, 2009.

[10-5294](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 56-09 (K9-057), Safety Building - EIFS Cladding Project, Camosy, Inc., contractor. (Res.10-2098)

**Recommendation of the Public Works and Services Committee on 6-29-10:** That the work done by Camosy, Inc. under Contract 56-09 (K9-057), Safety Building - EIFS Cladding Project, be accepted and final payment authorized for a total contract amount of \$28,700.00.

**Fiscal Note:** Contract was authorized under Resolution No. 09-1595, dated September 15, 2009.

[10-5303](#)

**Subject:** Resolution 10-2067, of June 15, 2010, being a preliminary resolution relating to alley improvements.

**PORTLAND CEMENT CONCRETE PAVING**

**Alley bounded by 8th Ave to 9th Ave. and South St. to Shoreland Ave.  
Alley bounded by Carmel Ave. to Mohr Ave. and Graham St. to Chicago**

St.

Alley bounded by Goold St. to Jones Ave. and Geneva St. to LaSalle St.

Alley bounded by Goold St. to Walton Ave. and LaSalle St. to Superior St.

Alley bounded by Jerome Blvd. to 20th St. and Taylor Ave. to Kearney Ave.

Alley bounded by Jones Ave. to Walton Ave. and Charles St. to Geneva St.

Alley bounded by Lindermann Ave. to Kinzie Ave. and Hayes Ave. to Grove Ave.

Alley bounded by Slauson Ave. to Washington Ave. and Taylor Ave. to Phillips Ave.

Alley bounded by Walton Ave. to Romaine Ave. and Green St. to St. Clair St.

Alley bounded by Washington Ave. to Lindermann Ave. and Arthur Ave. to Blaine Ave.

Alley bounded by Washington Ave. to Lindermann Ave. and Hayes Ave. to Grove Ave.

Alley bounded by Wright Ave. to Washington Ave. and Quincy Ave. to Thurston Ave.

Alley bounded by 13th St. to 12th St and Terrace Ave. to Memorial Dr.

Alley bounded by 15th St. to Washington Ave. and Grange Ave. to Flett Ave.

Alley bounded by 16th St. to Slauson Ave. and Taylor Ave. to Phillips Ave.

Alley bounded by 17th St. to 16th St. and Packard Ave. to Memorial Dr.

Alley bounded by 19th St. to 18th St. and Flett Ave. to Holmes Ave.

Alley bounded by 20th St. to Meachem St. and Taylor Ave. to Kearney Ave.

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

**6-29-10:** That Resolution 10-2067, of June 15, 2010, being the following list of alleys to be considered for public hearings in 2011 for reconstruction with portland cement concrete paving for the 2012 construction season, be adopted.

#### PORTLAND CEMENT CONCRETE PAVING

Alley bounded by 8th Ave to 9th Ave. and South St. to Shoreland Ave.

Alley bounded by Carmel Ave. to Mohr Ave. and Graham St. to Chicago St.

Alley bounded by Goold St. to Jones Ave. and Geneva St. to LaSalle St.

Alley bounded by Goold St. to Walton Ave. and LaSalle St. to Superior St.

Alley bounded by Jerome Blvd. to 20th St. and Taylor Ave. to Kearney Ave.

Alley bounded by Jones Ave. to Walton Ave. and Charles St. to Geneva St.

Alley bounded by Lindermann Ave. to Kinzie Ave. and Hayes Ave. to Grove Ave.

Alley bounded by Slauson Ave. to Washington Ave. and Taylor Ave. to Phillips Ave.

Alley bounded by Walton Ave. to Romaine Ave. and Green St. to St. Clair St.

Alley bounded by Washington Ave. to Lindermann Ave. and Arthur Ave. to Blaine Ave.

Alley bounded by Washington Ave. to Lindermann Ave. and Hayes Ave. to

Grove Ave.

Alley bounded by Wright Ave. to Washington Ave. and Quincy Ave. to Thurston Ave.

Alley bounded by 13th St. to 12th St and Terrace Ave. to Memorial Dr.

Alley bounded by 15th St. to Washington Ave. and Grange Ave. to Flett Ave.

Alley bounded by 16th St. to Slauson Ave. and Taylor Ave. to Phillips Ave.

Alley bounded by 17th St. to 16th St. and Packard Ave. to Memorial Dr.

Alley bounded by 19th St. to 18th St. and Flett Ave. to Holmes Ave.

Alley bounded by 20th St. to Meachem St. and Taylor Ave. to Kearney Ave.

**Fiscal Note:** Unknown at this time.

**10-5304**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 3 to Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, Seater Construction Co., Inc., contractor. (Res.10-2101)

**Recommendation of the Public Works and Services Committee on 6-29-10:** That Change Order No. 3 on Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, Seater Construction Co., Inc., contractor, be approved in the amount of \$7,971.50.

Further recommends that funding to defray the cost of this change order be appropriated from Account 989.220.5030, CHP-Structural Repairs.

**Fiscal Note:** Funds are available as herein delineated.

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

**10-5236**

**Subject:** (New) Application of Taqueria Nuevo Vallarta, Mario Espinoza, for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 3700 Durand Avenue (11th District)

**Recommendation of the Public Safety and Licensing Committee on 6-21-10:** That the Application of Taqueria Nuevo Vallarta, Mario Espinoza, for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 3700 Durand Avenue be approved.

**Fiscal Note:** N/A

**10-5245**

**Subject:** (Direct Referral) Communication from the Purchasing Agent submitting the report of bids received on the sale of abandoned vehicles 06-09-2010.

**Recommendation of the Public Safety and Licensing Committee on 6-21-10:** To receive and file the sale of abandoned vehicles.

**Fiscal Note:** This will generate \$3155.01 in revenue

[10-5246](#)

**Subject:** The following renewal application(s) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2010-2011:

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

**Recommendation of the Public Safety and Licensing Committee on 6-21-10:** That the application as listed be approved.

**Fiscal Note:** N/A

[10-5279](#)

**Subject:** (Direct Referral) The 2009-2010 "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for Park 6, 500 6th Street, and the 2009-2010 "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for AD Petroleum, 1917 Sixteenth be extended pending the outcome of the Due Process hearing.

**Recommendation of the Public Safety and Licensing Committee 6-21-10:** To extend the licensing for the 2009-2010 "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for Park 6, 500 6th Street, and the 2009-2010 "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for AD Petroleum, 1917 Sixteenth be extended pending the outcome of the Due Process hearing.

**Fiscal Note:** N/A

### Traffic Commission Report, by Ald. Holding

[10-5095](#)

**Subject:** Communication from Tonya Chester (1902 Hamilton Street) requesting No Parking signs be placed on Hamilton Street.

**Recommendation of the Traffic Commission on 06-21-10:** Receive and file.

**Fiscal Note:** N/A

### Transit and Parking Commission Report, by Ald. DeHahn

[10-5242](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/Operations submitting a contract from Image Management to manage the City of Racine BUS advertising. (Res.10-2091)

**Recommendation of the Transit and Parking Commission on 06-30-10:** Approve the agreement as modified and authorize the Mayor and City Clerk to enter into an agreement with Image Management.

**Fiscal Note:** Estimated monthly revenue is \$3,600.00.

[10-5280](#)

**Subject:** (Direct Referral) Communication from the General Manager of PTMR submitting the financial and operating report for May 2010.

**Recommendation of the Transit and Parking Commission on 06-30-10:** Receive and file.

**Fiscal Note:** N/A

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

[10-5233](#)

**Subject:** (Direct Referral) Request by Michael's Signs to replace an existing pole sign with a new pole sign having high resolution messages at Bucket's Pub, 2031 Lathrop Avenue. (Res.10-2090)

**Recommendation of the City Plan Commission on 6-30-10:** That the item be approved subject to recommendations.

**Fiscal Note:** N/A

[10-5323](#)

**Subject:** (Res. 10-2078) A Resolution regarding the vacation of the sidewalk adjacent to 2716 Northwestern Avenue.

**Recommendation of the City Plan Commission on 6-30-10:** That the vacation is not in conflict with City plans and programs; recommend adoption of the resolution and that a public hearing be scheduled.

**Fiscal Note:** N/A

[10-5324](#)

**Subject:** (Ord.12-10) An Ordinance amending Chapter 114 of the Racine Municipal Code addressing non-commercial uses in commercial districts.

**Recommendation of the City Plan Commission on 6-30-10:** That the ordinance be adopted as amended.

**Fiscal Note:** N/A

#### **Standing Joint Review Board Report, by Ald. Coe**

**10-5145**

**Subject:** (Direct Referral) Amendment to the Project Plan of Tax Incremental Districts No. 2, City of Racine.

**Recommendation of the Standing Joint Review Board at 6-22-10:**

Reports, pursuant to sec. 66.1105 (4m) (b), Wisconsin Statutes, that the Joint Review Board met on June 22, 2010 and approved the amendment to the Project Plan of Tax Incremental District No. 2 as described in your Resolution 10-2064, and

Recommends that this item be received and filed.

**Fiscal Note:** This amendment extends the life of TID-2 and shares its tax increment with TID-14, an overlapping TID.

**10-5146**

**Subject:** (Direct Referral) Amendment to the Project Plan of Tax Incremental District No. 14, City of Racine.

**Recommendation of the Standing Joint Review Board on 6-22-10:**

Reports, pursuant to sec.66-1105 (4m)(b), Wisconsin Statutes, that the Joint Review Board met on June 22, 2010 and approved the amendment to the Project Plan of Tax Incremental District No. 14 as described in your Resolution 10-2063, and

Recommends that this item be received and filed.

**Fiscal Note:** This amendment revises the TID plan and budget so the city can undertake pre-development planning, engineering and improvements within the district, which includes the former Walker property. The cost of the pre-development work will be covered by the shared increment from TID-2.

## H. Consent Agenda - Resolutions

**Res.10-2090** Approval of Sign Plan for 2031 Lathrop Avenue subject to conditions

Resolved, that the plans submitted by Michael's Signs for a Sign Plan review at 2031 Lathrop Avenue (Buckets Pub), be approved by the City Plan Commission, subject to the following conditions:

- a. That the sign and landscape plans dates May 26, 2010, and presented to the Plan Commission on June 9th and June 30th, 2010, be approved subject to the conditions contained herein.
- b. That Michael's Signs and the owners of Buckets Pub will cooperate with the City and the mall in the removal of the pylon sign to the south, and further that the sign shall be removed within thirty (30) days of final approval by the Common Council.



- c. That the building sign and awnings be removed prior to issuance of a Building Permit.
- d. That the sign shall meet all criteria as set forth in Ordinance No. 05-10, Section 114-1033(c): High Resolution Electronic Signage, unless otherwise noted herein.
- e. That the sign height may be allowed at 18' in height, and that the High Definition portion of the sign may be allowed at 32 square feet.
- f. That all applicable building permits are applied for and received prior to installation.
- g. That all signs be made and installed professionally.
- h. That there be no banners or similar types of temporary signage hung on the pole sign or the building frontage.
- i. That all requirements of the Building and Zoning code be complied with.
- j. That this conditional use permit is subject to review by the Plan Commission for compliance to the listed conditions.
- k. That no minor changes be made to the conditions of approval without the review and approval of the Plan Commission, and that no major changes be made without the approval of the Common Council.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.10-2091** Mayor and City Clerk be authorized to enter into an agreement with Image Management for City of Racine BUS Advertising

Resolved, that the Agreement as submitted by Image Management for City of Racine BUS Advertising be approved, and that the Mayor and City Clerk be authorized and directed to enter into the agreement with Image Management for City of Racine BUS Advertising.

Fiscal Note: Estimated monthly revenue is \$3,600.00.

Sponsors: Raymond DeHahn

**Res.10-2092** Preliminary - Ten (10) Year Benefits and Damages

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

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

All property fronting upon both sides:

**PORTLAND CEMENT CONCRETE PAVING**

**Three Mile Road** from N. Main Street to Douglas Avenue

2. Said public improvement shall consist of **PORTLAND CEMENT CONCRETE PAVING, CURB AND GUTTER, SEWER AND WATER LATERALS, SANITARY SEWER AND ALLEYS.**
3. The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall not be greater than the benefits accruing thereto from said improvements.
4. The assessments against any parcel may be paid in cash or in ten (10) annual installments.
5. The Commissioner of Public Works is directed to prepare a report consisting of:
  - a. Preliminary or final plans and specifications for said improvement.
  - b. An estimate of the entire cost of the proposed work or improvement.
  - c. An estimate, as to each parcel of property within the assessment district, of:
    - (1) The assessment of benefits to be levied.
    - (2) The damages to be awarded for property taken or damaged.
    - (3) The net amount of such benefits over damages or the net amount of such damages over benefits.

Upon completing such report, the Commissioner of Public Works is directed to file a copy thereof on the City Clerk's Office for public inspection.

6. Upon receiving the report of the Commissioner of Public Works, the City Clerk is directed to give a Class 1 notice of a public hearing on such report as specified in §. 66.60(7), Wisconsin Statutes.

The hearing shall be held at the Council Chambers in the City Hall at a time set by the Clerk in accordance with §. 66.0703 (7)(a), Wisconsin Statutes.

**Sponsors:** Gregory Holding

**Res.10-2094** Permission granted to Cory Gulan to use City lot adjacent to Gateway Technical College for a motorcycle stunt exhibition, contingent on

stipulations, on July 24, 2010

Resolved, that permission be granted to Cory Gulan to utilize the Gateway parking lot for a motorcycle stunt exhibition on July 24, 2010 from 12:00 p.m. to 4:00 p.m., with the following stipulations:

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

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.10-2095** Permission granted to Fourth Fest of Greater Racine, Inc., to use the Walker Site on July 5, 2010 for parking vehicles in conjunction with Fourth of July fireworks display

Resolved, that permission be granted to Fourth Fest of Greater Racine, Inc., to use the Walker Site on Monday, July 5, 2010, with a rain date of Tuesday, July 6, 2010, for parking of vehicles in conjunction with the Fourth of July fireworks display.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.10-2096** Bid of Cargill, Inc., for the purchase of 6,000 tons (more or less) of salt for ice control for the 2010-2011 year, be accepted

Resolved, that the bid of Cargill, Inc., for the purchase of 6,000 tons (more or less) of salt for ice control for the 2010-2011 year be accepted at its bid price of \$58.14 per ton delivered, it being the lowest responsible bidder.

Further resolved, that funds to defray the cost of this purchase be appropriated from Account 101.549.5250, Snow and Ice Control, Work Supplies.

Fiscal Note: The City of Racine's allotment of salt will be based upon 6,000 tons, and funds to make these purchases are budgeted in Account 101.540.5250, Snow and Ice Control, Work Supplies.

Sponsors: Gregory Holding

**Res.10-2097** Professional Services provided by AECOM Technical Services, Inc., under Contract 30-09 (K9-031), 2009 Information Technology Consulting, be accepted and final payment authorized

Resolved, that the professional services provided by AECOM Technical Services, Inc., under Contract 30-09 (K9-031), Professional Services - 2009 Information Technology Consulting, be accepted and final payment

authorized for a total contract amount of \$39,932.66.

Fiscal Note: Contract was authorized under Resolution No. 09-1269, dated March 3, 2009.

Sponsors: Gregory Holding

**Res.10-2098** Work done by Camosy, Inc., under Contract 56-09 (K9-057), Safety Building - EIFS Cladding Project, be accepted and final payment authorized

Resolved, that the work done by Camosy, Inc., under Contract 56-09 (K9-057), Safety Building - EIFS Cladding Project, be accepted and final payment authorized for a total contract amount of \$28,700.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1595, dated September 15, 2009.

Sponsors: Gregory Holding

**Res.10-2099** Work done by Beta Lighting under Contract 64-09 (K9-065), 2009 LED Building Lights, EECBG, be accepted and final payment authorized

Resolved, that the work done by Beta Lighting under Contract 64-09 (K9-065), 2009 LED Building Lights, EECBG, be accepted and final payment authorized, for a total contract amount of \$245,717.50.

Fiscal Note: Contract was authorized under Resolution No. 09-1730, dated December 1, 2009.

Sponsors: Gregory Holding

**Res.10-2100** Amendment No. 4 to Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., consultant, be approved as submitted

Resolved, that Amendment No. 4 to Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., consultant, as submitted, be approved in the amount of \$800.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 989.220.5030, CHP-Structural Repairs.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.10-2101** Change Order No. 3 to Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, Seater Construction Co., Inc., contractor, be approved

Resolved, that Change Order No. 3 on Contract 2-10 (K0-002), Incinerator

Building Structural Slab Repair, Seater Construction Co., Inc., contractor, be approved in the amount of \$7,971.50.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 989.220.5030, CHP-Structural Repairs.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-2102 Amendment No. 1 to State Contract ID: 2440-07-00/70 (STH20/7th Street), Marquette Street to Main Street, be approved

Resolved, that Amendment No. 1 to State Contract ID: 2440-07-00/70 (STH20/7th Street) Marquette Street to Main Street, be approved in the amount of \$123,115.74, with the City's share being \$24,623.15.

Further resolved, that funding to defray the cost of the City's share of these professional services be provided in the 2011 CIP.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-2103 Formal bidding procedures be waived for purchase of LED street lights, and the Purchasing Agent be authorized to negotiate with Beta-Kramer, Racine, WI for the purchase of all future LED light fixtures

Resolved, that formal bidding procedures be waived, for the purchase of LED Street Lights, for the purpose of inventory management and ease of maintenance benefits, in the best interest of the taxpayers.

Further resolved, that the Purchasing Agent be authorized and directed to negotiate with Beta-Kramer, Racine, WI for the purchase of all future LED light fixtures.

Fiscal Note: The estimated cost of the street lighting equipment is \$60,000.00 with funding available in Account 256.000.6010, Focus on Energy Rebates.

Sponsors: Gregory Holding

## I. Resolutions

Res.10-2088 RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$3,995,000 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 February 15, 2002, maturing in

the years 2013 through 2021 (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; and 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; and 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 ("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 NINE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$3,995,000) 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 NINE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$3,995,000) 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 \$3,995,000; shall be dated July 27, 2010; 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, 2010. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on December 1, 2019 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on December 1, 2018 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms

of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2010 through 2020 for the payments due in the years 2010 through 2021 in the amounts set forth on the Schedule. The amount of tax levied in the year 2010 shall be the total amount of debt service due on the Bonds in the years 2010 and 2011; 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 2010.

(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 principal of and interest on the Bonds coming due on December 1, 2010 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 \$3,995,000 General Obligation Refunding Bonds, dated July 27, 2010" (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 18 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 their ownership, management and use 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. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. 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 12. 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 13. 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 14. 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 15. 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 16. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the

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

Section 17. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

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

Section 18. 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, other than any premium not used for the Refunding and accrued interest which shall be deposited in the Debt Service Fund Account created above, 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 19. SLGS Subscriptions. The Escrow Agent and Robert W. Baird & Co. Incorporated 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 20. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on December 1, 2012 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 21. 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 22. 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 23. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Sponsors: James T. Spangenberg

**Res.10-2089**

RESOLUTION AUTHORIZING THE ISSUANCE OF \$9,650,000 GENERAL OBLIGATION PROMISSORY NOTES AND THE ISSUANCE AND SALE OF \$9,650,000 NOTE ANTICIPATION NOTES IN ANTICIPATION THEREOF

WHEREAS, the City of Racine, Racine County, Wisconsin (the "City") is presently in need of the sum of \$9,650,000 for the public purpose of financing capital improvement projects and acquisitions set forth in the City's 2010 Capital Improvement Plan (the "Project"); and

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; and WHEREAS, cities are authorized by the provisions of Chapter 67, Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purpose; 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 covenant to issue general obligation promissory notes (the "Securities") to provide permanent financing for the Project; and

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

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; 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 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 NINE MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS (\$9,650,000) 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 NINE MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS (\$9,650,000) 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 \$9,650,000; shall be dated July 27, 2010; 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 December 17, 2010 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 not be subject to optional 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 \$9,650,000 Note Anticipation Notes, dated July 27, 2010" (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 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; (iii) proceeds of the Securities (or other obligations of the City issued to pay principal of or interest on the Notes); (iv) 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 (v) 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 \$9,650,000 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, except for accrued interest and premium, if any, 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 Project financed by the Notes and their ownership, management and use 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. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 13. 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 14. 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 15. 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 16. Record Date. The fifteenth calendar day before the 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 17. 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 18. 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 19. 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") 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).

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 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 Notes in the Record Book.

Section 21. 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 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.

Fiscal Note: 2010 Capital Projects are budgeted at \$8,267,487; anticipated borrowing for recycling carts approximates \$1,430,000; refunding TIF #9 bonds will save approximately \$114,000 over the next 10 years due to lower interests rates now available.

Sponsors: James T. Spangenberg

**Res.10-2093**

Focus on Community be granted permission to use City right-of-way for a run/walk on October 2, 2010, with stipulations. in conjunction with Party on the Pavement

Resolved, that Focus on Community be granted permission to use City right-of-way for a run/walk on Saturday, October 2, 2010, from 8:30 a.m. to 10:00 a.m., in conjunction with Party on the Pavement.

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

- A. A hold harmless agreement be executed.
- B. Proof of liability insurance be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72)

hours in advance of this event.

E. The sponsor shall pay any costs associated with bagging of parking meters.

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: Gregory Holding

## J. Ordinances

### Ord.13-10

Ord.13-10

To amend Chapter 50, Sec. 50-66(b) of the Municipal Code of the City of Racine, Wisconsin relating to Fire Prevention Code.

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

#### Part 1:

Chapter 50, Sec. 50-66(b) of the Municipal Code of the City of Racine, Wisconsin is hereby amended by deleting in the first sentence "66.601(16)" and inserting "66.0627(2)" in its place.

#### Part 2:

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

Passed by the Common Council:

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

Mayor

Attest:

\_\_\_\_\_  
City Clerk

Fiscal Note: N/A

Sponsors: Aron Wisneski

## K. 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.**

