



# 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*

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Tuesday, December 3, 2013

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**

**Res.13-0475** A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF RACINE, WISCONSIN APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF BONDS ON BEHALF OF WHPC - SOUTHERN BOND POOL I, LLC

WHEREAS, WHPC-Southern Bond Pool I, LLC (the "Borrower"), has requested that the Public Finance Authority (the "Authority") issue bonds (the "Bonds") in an amount not to exceed \$36,000,000, a portion of which, in the approximate amount of \$11,687,000, will be used to finance the costs of the acquisition, renovation and equipping of residential rental facilities for individuals and families of low and moderate income including a 108-unit facility known as Albert House Apartments, located at 4000 and 4100 Maryland Avenue, Racine, Wisconsin 53403 and a 50-unit facility known as Woodside Village Apartments, located at 2800 and 2854 Crossridge Drive, Racine, Wisconsin 53403 (the "Projects"); and

WHEREAS, the Projects will initially be owned and operated by the Borrower; and

WHEREAS, the Bonds or a portion thereof will be "private activity

bonds” for purposes of the Internal Revenue Code of 1986 (the “Code”); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the “applicable elected representative” of a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this Common Council (the “Governing Body”) of the City of Racine, Wisconsin (the “City”) are the applicable elected representatives of the City; and

WHEREAS, the Borrower has requested that the Governing Body approve the financing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the “Joint Exercise Agreement”) and Section 66.0304(11)(a) of the Wisconsin Statutes; and

WHEREAS, pursuant to Section 147(f) of the Code, the Governing Body or its designee has, following notice duly given in the form attached hereto as Exhibit A (the “TEFRA Notice”), held a public hearing regarding the financing of the Projects and the issuance of the Bonds, and now desires to approve the financing and the issuance of the Bonds; and

NOW, THEREFORE, BE IT RESOLVED BY THE ABOVE-NAMED GOVERNING BODY AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The form and publication of the TEFRA Notice is approved.

Section 3. The Governing Body hereby approves the issuance of the Bonds by the Authority for financing the Projects. It is the purpose and intent of the Governing Body that this resolution constitute approval of the issuance of the Bonds by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Projects are located, in accordance with Section 147(f) of the Code and Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

Section 4. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this

resolution and the financing approved hereby.

Section 5. The approval of the issuance of the bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Projects or the Borrower. THE BONDS DO NOT CONSTITUTE A DEBT OF THE STATE OF WISCONSIN OR ANY POLITICAL SUBDIVISION OR ANY AGENCY THEREOF, INCLUDING THE CITY OF RACINE, OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF WISCONSIN OR ANY POLITICAL SUBDIVISION OR ANY SUCH AGENCY, INCLUDING THE CITY OF RACINE.

ADOPTED by the \_\_\_\_\_ of the City at a regular meeting of said body held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by a majority vote:

By:

Name:

Title:

Fiscal Note: The bonds do not constitute a debt of the State of Wisconsin or any political subdivision or any agency thereof, including the City of Racine, or a pledge of the faith and credit of the State of Wisconsin or any political subdivision or any such agency, including the City of Racine

Sponsors: Q.A. Shakoor, II

## E. Public Comments

## F. Communications

### Refer to Finance and Personnel Committee, by Ald. Shakoor

[13-9583](#)

**Subject:** communication from the City Attorney submitting the claim of LaRon Franklin for consideration.

[13-9584](#)

**Subject:** Communication from the Fire Chief requesting the Mayor and City Clerk be authorized to sign Fire and EMS protection contracts with Wind Point, North Bay and Elmwood Park.

Fiscal Note: Contracts will generate approximately \$351,000 in fire department revenue for 2014 and \$358,000 for 2015.

[13-9585](#)

**Subject:** Communication from the Fire Chief requesting permission to accept the 2013 Port Security Grant in the amount of \$49,000 for water rescue training and equipment.

Fiscal Note: City match is 25% and is allocated in the 2014 Fire Department budget.

[13-9586](#)

**Subject:** Communication from the Fire Chief requesting permission to waive formal bidding, authorizing and directing the Purchasing Agent to negotiate the purchase of a 2014 fire department aerial platform from Pierce Fire Apparatus of Appleton, Wisconsin.

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

[13-9607](#)

**Subject:** Communication from the Racine Christmas Coalition of Churches submitting a request to install a temporary banner on a street light pole in Monument Square.

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

[13-9578](#)

**Subject:** Communication requesting Change of Agent for Taylor Mart Inc., (Taylor Mart) 1813 Taylor Avenue - Harinder Kaur, Agent, Class "A" Fermented Malt Beverage (9th District).

[13-9592](#)

**Subject:** Communication requesting Change of Agent for Blazin Wings, Inc. (dba Buffalo Wild Wings) 5880 Durand Avenue - Richard Buchanan, Agent, "Class B" Fermented Malt Beverage and Intoxicating Liquor license (14th District).

[13-9605](#)

**Subject:** Communication for the Recommendation of Award, Official Notice #12 Emergency Medical Supplies for the Racine Fire Department.

[13-9606](#)

**Subject:** Communication from the Purchasing Agent and award recommendation regarding Official Notice #11, Medical Direction for Emergency Medical Services for the Racine Fire Department.

**Refer to Traffic Commission, by Alderman Weidner**

[13-9604](#)

**Subject:** Communication from the Alderman of the 3rd District requesting that the no parking and loading zone signs at 1527-1530 Washington Avenue be removed.

## **G. Committee Reports**

**Finance and Personnel Committee Report, by Ald. Shakoor**

[13-9524](#)

**Subject:** Communication from the Alderman of the 11th District requesting a study for the replacement or upgrade of the Safety

Building. (Res. No. 13-0453)

**Recommendation of the Public Works and Services Committee on 11-12-13:** That a study be conducted for the replacement or upgrade of the Safety Building for an amount not-to-exceed \$25,000.00.

Further recommend that this item be referred to the Finance and Personnel Committee for funding.

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

**Recommendation to the Finance & Personnel Committee on 11-25-13:** A study for the possible replacement of the Safety Building be conducted at a not-to-exceed amount of \$25,000. Also, that \$25,000 be transferred from account 943.000.5520, 2013 Capital Equipment Replacement-Recaptured Funds, to 943.210.5010, Safety Building Study.

**Fiscal Note:** There are sufficient funds available for the transfer.

[13-9561](#)

**Subject:** Communication from the City Administrator submitting a request from WHPC for approval of the issuance of the bonds and to hold a Public Hearing on December 3, 2013. (Res. No. 13-0475)

**Recommendation to the Finance & Personnel Committee on 11-25-13:** To approve the request of WHPC to issue bonds and to hold a Public Hearing on December 3, 2013.

**Fiscal Note:** THE BONDS DO NOT CONSTITUTE A DEBT OF THE STATE OF WISCONSIN OR ANY POLITICAL SUBDIVISION OR ANY AGENCY THEREOF, INCLUDING THE CITY OF RACINE, OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF WISCONSIN OR ANY POLITICAL SUBDIVISION OR ANY SUCH AGENCY, INCLUDING THE CITY OF RACINE.

[13-9590](#)

**Subject:**The Common Council referred Ordinance No.17-13 to change Section 46-64 of the City of Racine Municipal Code to be amended from 25 percent to 5 percent of the health insurance fund appropriations adopted for the subsequent budget year.

**Recommendation to the Finance & Personnel Committee on 11-25-13:** That Ordinance No. 17-13 to change Section 46-64 of the City of Racine Municipal Code be amended from 25 percent to 5 percent of the health insurance fund appropriations adopted for the subsequent budget year, be adopted.

**Fiscal Note:** N/A

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

[13-9515](#)

**Subject:** Communication from Jennifer Poppler regarding a drainage issue at 3320 Daisy Lane which was caused by a design flaw.

**Recommendation of the Public Works and Services Committee on 11-12-13:** Defer

**Recommendation of the Public Works and Services Committee on 11-25-13:** That the City extend the existing storm sewer in public right-of-way along Daisy Lane subject to the property owner at 3320 Daisy Lane installing their necessary storm sewer run on private property to connect to this extension.

**Fiscal Note:** The estimated project cost is \$12,000 with funding to be covered by the Racine Storm Water Utility funds.

[13-9565](#)

**Subject:** Communication from the Commissioner of Public Works requesting the adoption of revisions to Division 7 of Chapter 94 of the municipal code to change the start time of snow emergency parking restrictions and the posting of the map associated with these parking restrictions. (Ord. 18-13)

**Recommendation of the Public Works and Services Committee on 11-25-13:** That Ordinance No. 18-13 to amend Sec. 94-217 and Sec. 94-221 of the Municipal Code of the City of Racine, Wisconsin relating to parking during snow emergencies, be adopted.

**Fiscal Note:** Not applicable.

[13-9575](#)

**Subject:** Communication from the Commissioner of Public Works submitting a request for final payment on Contract 17-12 (K2-018), Professional Services-Roof Replacement at Transit Maintenance Building, Industrial Roofing Services, Inc., consultant. (Res. No. 13-0477)

**Recommendation of the Public Works and Services Committee on 11-25-13:** That the professional services provided by Industrial Roofing Services, Inc., under Contract 17-12 (K2-018), Professional Services-Roof Replacement at Transit Maintenance Building, be accepted and final payment authorized for a total contract amount of \$8,750.00.

**Fiscal Note:** Contract was authorized under Resolution No. 12-2972, dated February 22, 2012.

[13-9576](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting Change Order No. 1 to Contract 33-13 (K3-038), English Street Stormwater BMP Maintenance, Native Construction, contractor. (Res. No. 13-0478)

**Recommendation of the Public Works and Services Committee on 11-25-13:** That Change Order No. 1 on Contract 33-13 (K3-038), English Street Stormwater BMP Maintenance, Native Construction, contractor, be approved in the deduct amount of \$6,595.00.

**Fiscal Note:** Change Order No. 1 will result in a decrease in contract price. Funding account to be adjusted by (\$6,595.00) is Account 104.993.5480, English Street Outfall.

[13-9577](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 33-13 (K3-038), English Street Stormwater BMP Maintenance, Native Construction, contractor. (Res. No. 13-0479)

**Recommendation of the Public Works and Services Committee on 11-25-13:** That the work done by Native Construction under Contract 33-13 (K3-038), English Street Stormwater BMP Maintenance, be accepted and final payment authorized for a total contract amount of \$68,820.00.

**Fiscal Note:** Contract was authorized under Resolution No. 13-0352, dated September 3, 2013.

[13-9579](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 43-13 (K3-048), Safety Building-Parking Area Repairs, CWS Source, Inc., dba Structurewerks, contractor. (Res. No. 13-0480)

**Recommendation of the Public Works and Services Committee on 11-25-13:** That Change Order No. 1 on Contract 43-13 (K3-048), Safety Building-Parking Area Repairs, CWS Source, Inc., dba Structurewerks, contractor, be approved in the amount of \$3,375.00.

**Fiscal Note:** Funding to defray the cost of this change order be appropriated from the Account 993.210.5010, Safety Building-Structural Leak Repairs.

[13-9581](#)

**Subject:** Communication from the Assistant Commissioner of Public

Works/Operations submitting the 2014 summary of lease agreements for office space. (Res. No. 13-0481)

**Recommendation of the Public Works and Services Committee on 11-25-13:** The Mayor and City Clerk be authorized and directed to enter into lease agreements for 2014 for rental of office space in the City Hall, City Hall Annex and Safety Building at the rental rates as submitted.

**Fiscal Note:** Rental rates will increase in 2014 due to the 2013 Consumer Price Index increasing by 1.7%. These leases will generate a total annual revenue of approximately \$115,460.64 in 2014.

[13-9591](#)

**Subject:** (Direct Referral) Communication from the Purchasing Agent submitting bids on Official Notice No. 13, Furniture Systems/Storage for Department of Public Works. (Res. No. 13-0476)

**Recommendation of the Public Works and Services Committee on 11-25-13:** That the contract for Furniture Systems/Storage for Department of Public Works be awarded to Interior Investments, Milwaukee, WI, at their bid price of \$121,280.02, they being the lowest responsible bidder.

**Fiscal Note:** Funding to defray the cost of this purchase be appropriated from 994.100.5010, City Hall Facilities Plan.

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

[13-9564](#)

**Subject: (New)** Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Michigan's Pub LLC, located at 1300 Michigan Blvd., George R. Seater Jr., Agent. (**4th District**).

**Recommendation of the Public Safety and Licensing Committee on 11-25-13:** Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Michigan's Pub LLC, be approved.

**Fiscal Note:** N/A

### Housing Loan Board Report, by Ald. Wisner

[13-9572](#)

**Subject:** (Direct Referral) Request of the Director of City Development to accept the offer of Luz "Lucy" Gonzalez to purchase 1729 Center Street, an NSP-3 property. (Res. No. 13-0482)

**Recommendation of the Loan Board of Review on 11/21/2013:** that the request of the Director of City Development to accept the offer of Luz "Lucy" Gonzalez to purchase 1729 Center Street, an NSP-3



property be approved.

Fiscal Note: The property was acquired and renovated through the NSP-3 program. The City will receive \$43,500.00 in proceeds, minus commissions and closing costs.

### **Mayor's Report to Council, by Alderman McCarthy**

[13-9610](#)

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

Reappoint Richard Christensen 1037 Kentucky St. Racine, 53405 to the Downtown Area Design Review Commission for a 3 year term, expiring November 1, 2016

Reappoint John Monefeldt 932 Russet St. Racine, 53405 to the Downtown Area Design Review Commission for a 3 year term, expiring November 1, 2016

Reappoint Ryan Rudie 920 Goold St. Racine, 53402 to the Downtown Area Design Review Commission for a 3 year term, expiring November 1, 2016

Reappoint Micah Waters 301 Sixth St. Racine, 53403 to the Downtown Area Design Review Commission for a 3 year term, expiring November 1, 2016

Reappoint Gary Wolfe 405 6th St. Racine, 53403 to the Downtown Area Design Review Commission for a 3 year term, expiring November 1, 2016

Reappoint Dave Popoff 1201 N. Main St. Racine, 53403 to the Downtown Area Design Review Commission for a 3 year term, expiring November 1, 2016

### **Board of Parks, Recreation, and Cultural Services Report, 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. (Res. No. 13-0483)

### **Recommendation of the Board of Parks, Recreation & Cultural**

**Services on 11/20/13:** To approve the communication from AT&T Wisconsin, Debauche Communications, 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.

**Fiscal Note:** To be determined.

[13-9516](#)

**Subject:** Communication from Kara Kading requesting to use City right-of-way for the St. John's Lutheran School Bunny Hop on Saturday, April 26, 2014 from 10:00 A.M. until 12 noon. (Res. No. 13-0451)

**Recommendation of the Public Works and Services Committee on 11-12-13:** That St. John's Lutheran School be granted permission to use city right-of-way for a run/walk on Saturday, April 26, 2014 from 9:00 a.m. to 12:00 p.m.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.

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

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

**Recommendation of the Board of Parks, Recreation & Cultural Services on 11/20/13:** To receive and file.

**Fiscal Note:** N/A

## H. Consent Agenda Resolutions

[Res.13-0451](#) 2014 St. John's Lutheran School Bunny Hop

Resolved, that St. John's Lutheran School is granted permission to use City right-of-way for a run / walk on Saturday, April 26, 2014 from 9:00

a.m. to 12:00 p.m.

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

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.

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: Terry McCarthy and Melissa Kaprelian-Becker

**Res.13-0453** Study for the Replacement or Upgrade of the Safety Building

Resolved, that a study for the possible replacement of the Safety Building is approved to be conducted at a not-to-exceed amount of \$25,000.00.

Further resolved, that \$25,000.00 is transferred from account 943.000.5520, 2013 Capital Equipment Replacement-Recaptured Funds, to 943.210.5010, Safety Building Study.

Fiscal Note: There are sufficient funds available for the transfer.

Sponsors: Q.A. Shakoor, II

**Res.13-0476** Official Notice No. 13, Furniture Systems / Storage for Department of Public Works

Resolved, that the contract for Furniture Systems / Storage for Department of Public Works is awarded to Interior Investments, Milwaukee, WI, at its bid price of \$121,280.02, it being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this purchase be appropriated

from 994.100.5010, City Hall Facilities Plan.

**Sponsors:** Sandy Weidner

**Res.13-0477** Final Payment on Contract 17-12 (K2-018), Professional Services - Roof Replacement at Transit Maintenance Building

Resolved, that the professional services provided by Industrial Roofing Services, Inc., under Contract 17-12 (K2-018), Professional Services - Roof Replacement at Transit Maintenance Building, is accepted and final payment authorized for a total contract amount of \$8,750.00.

**Fiscal Note:** Contract was authorized under Resolution No. 12-2972, dated February 22, 2012.

**Sponsors:** Sandy Weidner

**Res.13-0478** Change Order No. 1 to Contract 33-13 (K3-038), English Street Stormwater BMP Maintenance

Resolved, that Change Order No. 1 on Contract 33-13 (K3-038), English Street Stormwater BMP Maintenance, Native Construction, contractor, is approved in the deduct amount of \$6,595.00.

**Fiscal Note:** Change Order No. 1 will result in a decrease in contract price. Funding account to be adjusted by (\$6,595.00) is Account 104.993.5480, English Street Outfall.

**Sponsors:** Sandy Weidner

**Res.13-0479** Final Payment on Contract 33-13 (K3-038), English Street Stormwater BMP Maintenance

Resolved, that the work done by Native Construction under Contract 33-13 (K3-038), English Street Stormwater BMP Maintenance, is accepted and final payment authorized for a total contract amount of \$68,820.00.

**Fiscal Note:** Contract was authorized under Resolution No. 13-0352, dated September 3, 2013.

**Sponsors:** Sandy Weidner

**Res.13-0480** Change Order No. 1 to Contract 43-13 (K3-048), Safety Building - Parking Area Repairs

Resolved, that Change Order No. 1 on Contract 43-13 (K3-048), Safety Building - Parking Area Repairs, CWS Source, Inc., dba Structurewerks, contractor, is approved in the amount of \$3,375.00.

**Fiscal Note:** Funding to defray the cost of this change order be

appropriated from the Account 993.210.5010, Safety Building-Structural Leak Repairs.

**Sponsors:** Sandy Weidner

**Res.13-0481** 2014 Summary of Lease Agreements for Office Space

Resolved, that the Mayor and City Clerk are authorized and directed to enter into lease agreements for 2014 for rental of office space in the City Hall, City Hall Annex and Safety Building at the rental rates as submitted.

**Fiscal Note:** Rental rates will increase in 2014 due to the 2013 Consumer Price Index increasing by 1.7%. These leases will generate a total annual revenue of approximately \$115,460.64 in 2014.

**Sponsors:** Sandy Weidner

**Res.13-0482** Purchase of 1729 Center Street

Resolved, that the request of the Director of City Development to accept an offer from Luz "Lucy" Gonzalez to purchase 1729 Center Street, an NSP-3 property, is authorized.

Further resolved, that the Mayor, the City Clerk, and the Director of City Development are authorized to execute any documents necessary to complete the sale.

**Fiscal Note:** The property was acquired and renovated through the NSP-3 program. The City will receive \$43,500.00 in proceeds, minus commissions and closing costs.

**Sponsors:** Dennis Wiser

**Res.13-0483** Utility Easement

Resolved, that AT&T Wisconsin, Debauche Communications, is approved 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.

**Fiscal Note:** To be determined.

**Sponsors:** Terry McCarthy and Melissa Kaprelian-Becker

## I. Resolutions

[Res.13-0475](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF RACINE, WISCONSIN APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF BONDS ON BEHALF OF WHPC - SOUTHERN BOND POOL I, LLC

WHEREAS, WHPC-Southern Bond Pool I, LLC (the "Borrower"), has requested that the Public Finance Authority (the "Authority") issue bonds (the "Bonds") in an amount not to exceed \$36,000,000, a portion of which, in the approximate amount of \$11,687,000, will be used to finance the costs of the acquisition, renovation and equipping of residential rental facilities for individuals and families of low and moderate income including a 108-unit facility known as Albert House Apartments, located at 4000 and 4100 Maryland Avenue, Racine, Wisconsin 53403 and a 50-unit facility known as Woodside Village Apartments, located at 2800 and 2854 Crossridge Drive, Racine, Wisconsin 53403 (the "Projects"); and

WHEREAS, the Projects will initially be owned and operated by the Borrower; and

WHEREAS, the Bonds or a portion thereof will be "private activity bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this Common Council (the "Governing Body") of the City of Racine, Wisconsin (the "City") are the applicable elected representatives of the City; and

WHEREAS, the Borrower has requested that the Governing Body approve the financing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Exercise Agreement") and Section 66.0304(11)(a) of the Wisconsin Statutes; and

WHEREAS, pursuant to Section 147(f) of the Code, the Governing Body or its designee has, following notice duly given in the form attached

hereto as Exhibit A (the "TEFRA Notice"), held a public hearing regarding the financing of the Projects and the issuance of the Bonds, and now desires to approve the financing and the issuance of the Bonds; and

NOW, THEREFORE, BE IT RESOLVED BY THE ABOVE-NAMED GOVERNING BODY AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The form and publication of the TEFRA Notice is approved.

Section 3. The Governing Body hereby approves the issuance of the Bonds by the Authority for financing the Projects. It is the purpose and intent of the Governing Body that this resolution constitute approval of the issuance of the Bonds by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Projects are located, in accordance with Section 147(f) of the Code and Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

Section 4. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 5. The approval of the issuance of the bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Projects or the Borrower. THE BONDS DO NOT CONSTITUTE A DEBT OF THE STATE OF WISCONSIN OR ANY POLITICAL SUBDIVISION OR ANY AGENCY THEREOF, INCLUDING THE CITY OF RACINE, OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF WISCONSIN OR ANY POLITICAL SUBDIVISION OR ANY SUCH AGENCY, INCLUDING THE CITY OF RACINE.

ADOPTED by the \_\_\_\_\_ of the City at a regular meeting of said body held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by a majority vote:

By:

Name:

Title:

Fiscal Note: The bonds do not constitute a debt of the State of Wisconsin or any political subdivision or any agency thereof, including the City of Racine, or a pledge of the faith and credit of the State of Wisconsin or any political subdivision or any such agency, including the City of Racine

Sponsors: Q.A. Shakoor, II

## J. Ordinances

### Ord.11-13 Ordinance 11-13 - Duties of Ethics Board

To repeal and recreate portions of Sec. 2-584. - Duties of ethics board; of the Municipal Code of the City of Racine, Wisconsin.

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

Part 1: Section (b) the Racine Municipal Code Sec. 2-584 is hereby repealed and recreated as follows:

“(b) The board shall accept from any officer, employee, citizen of the City of Racine or person involved in any City transaction, a verified complaint, in writing, relating to the code of ethics as it applies to officers and employees of the city. Such verified complaint shall specify the activities of such officer or employee which are alleged to be in violation of the code of ethics.”

Part 2: Subsection (2) of the Racine Municipal Code Sec. 2-584 shall be renumbered to “(3)” and numbering shall continue consecutively from that point on.

Part 3: In the Racine Municipal Code Sec. 2-584, a new subsection (2) shall read as follows:

“(2) Within seven (7) days of the service of notice upon the complainant of the finding of probable cause, the complainant may elect to have his or her hearing held before the Ethics Board of the City of Kenosha, rather than the Ethics Board of the City of Racine. To do so, the complainant must submit a change of venue request, in writing, and file this request with the Racine City Clerk. If a timely written change of venue request is filed with the Racine City Clerk, the hearing will be held before the Ethics Board of the City of Kenosha. Failure of the complainant to timely file the written objection shall be deemed a waiver of the complainant’s right to object in which case the hearing on the ethics complaint shall proceed before the Ethics Board of the City of Racine.”

Part 4: In the previously numbered subsection (4), (now subsection (5)), the “-“ in Wis. Stats. § 227.45-1 shall be changed to a “.” so that it reads “227.45(1).”

Part 5: In the previously numbered subsection (8), (now subsection (9)),



the words "City of Racine" shall be inserted before the words "board of police."

Part 6: In the previously numbered subsection (10) a. (now subsection (11) a.), put a "." at the end of the sentence.

Part 7: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City common council and publication or posting as required by law.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding, Jeff Coe, Krystyna Sarrazin, Michael Shields, Q.A. Shakoor, II, Jim Kaplan, Melissa Kaprelian-Becker, Sandy Weidner, Raymond DeHahn, Terry McCarthy, Dennis Wiser, Henry Perez, James Morgenroth, Ronald D. Hart and Edward E. Diehl PhD

## **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.