



# City of Racine

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

## Meeting Minutes - Final Common Council

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

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Tuesday, June 7, 2011

7:00 PM

Room 205, City Hall

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### A. Call To Order

*Alderman Marcus arrived at 7:10 pm.*

**PRESENT:** 14 - Shakoor, II, Marcus, Shields, Hart, Wisner, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

### B. Pledge of Allegiance To The Flag

### C. Approval of Journal of Council Proceedings (Minutes)

*Minutes of the previous meeting were approved as printed on motion of Alderman Holding.*

#### **Presentation of an award to the employees of the BUS.**

*Al Stanek and Mayor Dickert made presentation to the following drivers for their outstanding safety records:*

*Jesse Mendoza*

*Kelly Burns*

*George Faulds*

*Ira Henning*

*Bennie Lowrey*

*Imtiaz Murad*

#### **Presentation from Hoy Audubon Society honoring the City of Racine as Bird City USA and proclamation recognizing Racine as Bird City USA.**

*Presentation was received from Carl Schwartz of the Hoy Audubon Society honoring the City of Racine as Bird City USA.*

### D. Public Comments

*Michael Pulhern  
Sr. Joyce Quintana  
Diana Valinica  
Erik Mohrbacher  
Laune Okon  
George Stinson  
Al Gardner  
Craig Oliver  
Norb DeKeuster  
Ruth Healy  
Lisa Parham  
Kay Gaeger  
Chuck Tyler  
Ola Baiyewu  
Maria J Hernandez  
Leon Brown  
Sue DeKeuster  
Florence Bayer  
George Meyers  
Yolanda Edward  
Yolanda Adams*

## **E. Communications**

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

#### **11-6440**

**Subject:** Communication from Robert L. Daher, Jr., requesting a waiver or reduction in fees for the use of North Beach.

**Staff Recommendation to the Finance & Personnel Committee on 6-13-11:** None at this time.

**Fiscal Note:** N/A

**Referred to Finance and Personnel Committee**

#### **11-6525**

**Subject:** Communication from the Public Health Administrator requesting permission to accept \$6,818 from the State of Wisconsin, Department of Natural Resources for the federal Beaches Environmental Assessment & Coastal Health (BEACH) Act. (Grant Control #2011-017)

**Staff Recommendation to the Finance & Personnel Committee on 6-13-11:** Permission be granted for the Public Health Administrator to accept \$6,818 from the State of Wisconsin, Department of Natural Resources for the federal Beaches Environmental Assessment & Coastal Health (BEACH) Act. (Grant Control #2011-017)

**Fiscal Note:** There is no match required of the City.

**Referred to Finance and Personnel Committee**

[11-6527](#)

**Subject:** Communication from the Public Health Administrator requesting permission to accept \$2,298 from the Wisconsin Division of Public Health, Department of Health Services for the Women, Infants and Children (WIC) Program Farmers' Market. (Grant Control #2010-046)

**Staff Recommendation to the Finance & Personnel Committee on 6-13-11:** Permission be granted for the Public Health Administrator to accept \$2,298 from the Wisconsin Division of Public Health, Department of Health Services for the Women, Infants and Children (WIC) Program Farmers' Market. (Grant Control #2010-046)

**Fiscal Note:** There is no match required of the City.

**Referred to Finance and Personnel Committee**

[11-6530](#)

**Subject:** Communication from Kristin Niemiec requesting a waiver of fees for the use of the Cesar Chavez Community Center and Douglas Park.

**Staff Recommendation to the Finance & Personnel Committee on 6-13-11:** None at this time.

**Fiscal Note:** N/A

**Referred to Finance and Personnel Committee**

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

[11-6460](#)

**Subject:** Communication from Real Racine requesting to use the Walker Site as a parking lot and storage facility for several large events this summer.

**Referred to Public Works and Services Committee**

[11-6468](#)

**Subject:** Communication from the Glorious Light Church God the Living God, 2421 Superior Street, requesting permission to use Hamilton Park and to close Mead Street, from 17th Street to 18th Street, for their 4th annual Cry for Mercy event on Saturday, August 27, 2011.

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

**Referred to Public Works and Services Committee**

**Referred to Board of Park, Recreation and Cultural Services**

[11-6520](#)      **Subject:** communication from the Root River Council requesting permission to close Horlick Park Drive south of the West 6th Street Bridge for the Chautauqua event from September 23-25, 2011.

**Referred to Public Works and Services Committee**

[11-6524](#)      **Subject:** Communication from Fourth Fest of Greater Racine, Inc. requesting permission to use the Walker site to park cars on Monday night, July 4, 2011, for the annual fireworks show.

**Referred to Public Works and Services Committee**

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

[11-6464](#)      **Subject:** communication from the City Attorney requesting a review of the minimum insurance coverages required under the following ordinances: 22-268 (Carnivals), 22-866 (Movie Theaters), 22-661 (Junk Dealers), and 22-1051 (Public Passenger Vehicles).

**Referred to Public Safety and Licensing Committee**

[11-6489](#)      **Subject:** Communication from John V. Whaley, representing the Harbor Lite Yacht Club, 559 State Street to amend Premise Description to include adjoining parking.

**Referred to Public Safety and Licensing Committee**

[11-6493](#)      **Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to enter in an agreement to prepare plans and specifications for crypt repairs at Graceland and Mound Cemeteries.

**Referred to Public Safety and Licensing Committee**

[11-6494](#)      **Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting final payment for preparing plans and specification for Island Park Bridge Renovation.

**Referred to Public Safety and Licensing Committee**

[11-6481](#)      **Subject:** (New) Application of Crazytown LLC, dba, Toad Hall, Corey G. Szaryc, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 611 Wisconsin Avenue. (1st District)

**Referred to Public Safety and Licensing Committee**

[11-6521](#)      **Subject:** (New) Application of Sticky Rice LLC, Morakot Khampane, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 337 Main Street with sidewalk cafe to include alcohol. (1st District)



Laura Tomasek, Agent

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

Radojko Radicevic 2515 Douglas Avenue  
(Tradename) Rudy's

Mario Aranda Sr. 1244 Washington Avenue  
(Tradename) The Club

Alice F. Warren 963 Dr. M.L. King Jr Drive  
(Tradename) Bucks Lounge

Russ's Tap 2203 DeKoven Avenue  
(Tradename) Russ's Tap  
Robert J. Kohel, Agent

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

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

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

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

Olde Madrid, LLC. 418 Sixth Street  
(Tradename) Olde Madrid  
Natalie Salinas, Agent

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

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

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

M Entertainment 240B Main Street  
(Tradename) Pink Magnolia  
Kristina Christensen, Agent

Coy & Diane Investments, Inc. 5200 Washington Avenue  
(Tradename) The Boiler Room  
Coy Peterson, Agent

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

DeRango, Ltd. 3840 Douglas Avenue  
(Tradename) DeRango's Pizza Palace  
Benedetto F. DeRango, Agent

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

DL Inc. 1100 Douglas Avenue  
(Tradename) Stil Country  
Darlene Louise Larson, Agent

Juan S. Jimenez 1510 Junction Avenue  
(Tradename) The Tropical

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

Mario Espinoza 3700 Durand Avenue  
(Tradename) Taqueria Nuevo Vallarta

TBG's Inc 1814 Taylor Avenue  
(Tradename) TBG's  
Chad E. Londre, Agent

Dynasty Co., Inc. 2427 Lathrop Avenue  
(Tradename) Dynasty Restaurant  
Stanley Ginkowski, Agent





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

Max Mueckler 3101 Douglas Avenue  
(Tradename) The Max

Salute, Incorporated 314 Main Street  
(Tradename) Salute Italian Restaurant  
Gemma De Bartolo-Wells, Agent  
**With Sidewalk Cafe**

Redline Tavern Corp. 1200 N. Wisconsin Street  
(Tradename) Redline Tavern  
Connie M. Nau, Agent

Dennis Pias 1756 Taylor Avenue  
(Tradename) Pias Pizzeria

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

Harbor Lite Yacht Club, Inc 559 State Street  
(Tradename) Harbor Lite Yacht Club  
John Whaley, Agent

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

**ADDING SIDEWALK CAFE WITH ALCOHOL**

Donna L. Daams 209 Dodge Street  
(Tradename) Chartroom "Charlie's"

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

Liquid Productions, LLC. 961 Dr. Martin Luther King Jr  
Drive  
(Tradename) The Drink  
Michael Mlsna, Agent

Teezer's of Racine, Inc. 1936 Lathrop Avenue  
(Tradename) Teezers  
Erin E. Anstett, Agent

Steven L. Matson (Tradename) Waves Grill & Pub	107 Fourth Street
Roma Associates of Racine, Inc. (Tradename) Vintage Rock Cafe Anthony J. Marino, Agent	3701 Durand Avenue
Brucker Ltd. (Tradename) Tommy's Justin Coe, Agent	1921 DeKoven Avenue
Hammes Tavern, LLC (Tradename) Hammes Tavern Michael J. Hammes, Agent	2005 Taylor Avenue
Coasters of Racine, Ltd. (Tradename) Coasters Mike Kurhajec, Agent	1301 N. Main Street
Mr. Kool's Sports Bar, LLC (Tradename) Mr. Kool's Sports Bar James O. Oliver, Sr., Agent	1330 Washington Avenue
Lee Allen Gaither (Tradename) The Old School Way	1300 Sixteenth Street
Rosalie's LLC (Tradename) Dino's Restaurant Rosalie Ferderer, Agent	1816 Sixteenth Street
Hillside Lanes, Inc. (Tradename) Hillside Lanes Richard Wonders, Agent	1400 Thirteenth Street
SDJJ, LLC (Tradename) McAuliffe's on the Square John McAuliffe, Agent	213 Sixth Street
Steel Rose LLC (Tradename) Steel Rose Abimael Gutierrez, Agent	1518 Washington Avenue
GMRI, Inc. (Tradename) Olive Garden #1371 David Good, Agent	6000 Durand Avenue

Castle Lanes of Southeastern Wi, Inc. 5615 Castle Court  
(Tradenname) Castle Lanes  
Phillip G. Ontko, Agent

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

Ricky's Place Inc. 236 Main Street  
(Tradenname) Ricky's  
Richard Smetana, Agent

Penny Wawiorka 1415 Washington Avenue  
(Tradenname) Andy's Now Yer Talkin'

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

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

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

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

Lush Life, LLC 550 State Street  
(Tradenname) Out of the Pan  
Roberta A. Schulz, Agent

Janice R. Hand 835 Washington Avenue  
(Tradenname) City Haul Lounge

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

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

Roger's Place, Inc. 1843 N Wisconsin Street



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

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

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

**Referred to Public Safety and Licensing Committee**

**11-6480**

**Subject:** The following renewal application(s) for a Class "B" Public Facility Fermented Malt Beverage and Intoxicating Liquor License for 2011-2012:

Racine Zoological Society 2131 N. Main Street  
(Tradename) Racine Zoo  
Jay R. Christie, Agent

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

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

**Referred to Public Safety and Licensing Committee**

**11-6471**

**Subject:** The following renewal application(s) for a Class "B" Retail Fermented Malt Beverage License for 2011-2012:

Cornelio Mora & Paula Mora 1950 Racine Street  
(Tradename) Jalisco & Michoacan

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

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

Saint John Nepomuk Church 1923 Green Street  
(Tradename) St. John Nepomuk Church

Terry A. Killberg, Agent

Edward L. Bilotto 235 Main Street  
(Tradename) De Pizza Chef

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

Dragan Sekuloski 605 Sixth Street  
(Tradename) The Balkan Restaurant

**REMOVED "CLASS C" WINE FROM LICENSE**

Shannon J. Curtin 100 Kewaunee Street  
(Tradename) North Beach Oasis

Racine Raiders Football Club, Inc. 1648 N. Memorial  
Drive  
(Tradename) Horlick Concessions  
Lawrence Benjamin, Agent

**Referred to Public Safety and Licensing Committee**

[11-6458](#)

**Subject:** The following renewal application(s) for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2011-2012:

Phesal E. Ckadan 1812 Sixteenth Street  
(Tradename) Twin's Food Mart

2418 Douglas, Inc. 2418 Douglas Avenue  
(Tradename) X-Press Food Mart  
Narendra Shah, Agent

**WITH GASOLINE STATION**

Nagra Pump & Pantry, LLC. 1826 Douglas Avenue  
(Tradename) Nagra Pump & Pantry  
Sukhwindar S. Nagra, Agent

**WITH GASOLINE STATION**

Ali Fade 1949 Racine Street  
(Tradename) The Market

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

**WITH GASOLINE STATION**

Georgetown Markets, Inc. 3710 Meachem Road  
(Tradename) Georgetown Market  
Edward J. Trudeau, Agent

**WITH GASOLINE STATION**

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

Sami Ali 3322 Sixteenth Street  
(Tradename) Westown Foods

Champion Liquor and Food, LLC 1629 Douglas Avenue  
(Tradename) Champion Liquor and Fod  
Jarnail Singh, Agent

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

Akash BP Corner LLC 3945 Erie Street  
(Tradename) Akash BP Corner LLC  
Virendra Verma, Agent

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

Mega Marts, LLC 2406 S. Green Bay Road  
(Tradename) Pick 'n Save #6851  
Patricia Berger, Agent

Mega Marts, LLC 2210 Rapids Drive  
(Tradename) Pick 'n Save #6863  
Charles Neu, Agent

**Referred to Public Safety and Licensing Committee**[11-6459](#)

**Subject:** The following renewal application(s) for a Class "A" Retail Fermented Malt Beverage License for 2011-2012:

Priya, Corporation 3818 Durand Avenue  
(Tradename) Carriage Mobil  
Kavita Khullar, Agent

**WITH GASOLINE STATION**

Sunny, Inc. 1511 W. Sixth Street  
(Tradename) Neighborhood Pantry

Pargat Singh Randhawa, Agent  
**WITH GASOLINE STATION**

Abdallah Batayneh  
(Tradename) Quick Stop Foods

1600 Dr. M.L. King, Jr. Dr.

Jalil Mian  
(Tradename) M.J. Petroleum  
**WITH GASOLINE STATION**

1100 Sixth Street

1819 Durand, Inc.  
(Tradename) Fine Fare Foods  
Narendra V. Shah, Agent  
**WITH GASOLINE STATION**

1819 Durand Avenue

Douglas Petro, LLC.  
(Tradename) Douglas Petro  
Surinder Singh, Agent  
**WITH GASOLINE STATION**

3357 Douglas Avenue

Gerardo E. Flores  
(Tradename) Lincoln Supermarket

1775 State Street

Aziz Abdul  
(Tradename) SF Food Mart

1347 Lathrop Avenue

Taylor Mart, Inc.  
(Tradename) Taylor Mart  
Harbans S. Daliwal, Agent  
**WITH GASOLINE STATION**

1813 Taylor Avenue

Dipsha Inc.  
(Tradename) Pantry Plus  
Tushar Patel, Agent

2056 Taylor Avenue

Mohinder Singh  
(Tradename) U.S. Pantry  
**WITH GASOLINE STATION**

1627 Washington Avenue

Christiano's, Inc.  
(Tradename) Christiano's Supermarket  
Ketan Patel, Agent

2054 Kearney Avenue

Mangat Inc.  
(Tradename) Mangat Inc  
Jatinder Singh Mangat, Agent

2100 N. Main Street



**WITH GASOINE STATION**

Laura Davalos 1951 Mead Street  
(Tradename) La Tapatia

Lieungh's on Lathrop, LLC 1933 Lathrop Avenue  
(Tradename) Lieungh's on Lathrop  
Andrea L. Lieungh, Agent

**WITH GASOLINE STATION**

Speedway LLC 4620 Washington Avenue  
(Tradename) Speedway #2089  
Timothy Justus, Agent

**WITH GASOLINE STATION**

E&K Durand, LLC. 2731 Durand Avenue  
(Tradename) Open Pantry Food Marts of Wi  
James Schutz, Agent

Speedway LLC 2110 South Green Bay Road  
(Tradename) Speedway #4451  
Shirley Colter, Agent

**Change of Agent****WITH GASOLINE STATION**

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

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

MJ Gas & Food Mart Inc 1720 Douglas Avenue  
(Tradename) MJ Gas & Food  
Jagjit S. Viridi, Agent

**WITH GASOLINE STATION**

Robert M. Ruditys/BJR Services 3441 Spring Street  
(Tradename) Spring Street Station

**WITH GASOLINE STATION**

Simone Enterprises LLC 1229 Eleventh Street  
(Tradename) Midtown Market  
Harinder Kaur, Agent

Vishal Roadrunners Express, Inc. 1975 State Street

(Tradename) BP Food Mart  
Parveen Bhardwaj, Agent  
**WITH GASOLINE STATION**

S&S Racine Business Enterprises, LLC. 3700 Spring Street  
(Tradename) Spring Street Mobile  
Chandra Sekhar R. Pula, Agent  
**WITH GASOLINE STATION**

Himmat Gill, LLC 2240 Northwestern Avenue  
(Tradename) Citgo Gas & Food Mart  
Himmat Gill, Agent  
**WITH GASOLINE STATION**

Vincent Esqueda 1105 N. Memorial Drive  
(Tradename) Super Mercado Gran Morelos  
**Referred to Public Safety and Licensing Committee**

[11-6473](#)

**Subject:** The following renewal application(s) for a "Class C" and Class "B" Retail Fermented Malt Beverage and Wine License for 2011-2012:

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

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

The Bowen's Incorporated 2037 Lathrop Avenue  
(Tradename) Break and Run Billiards  
Greg Bowen, Agent

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

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

Susan Bukacek 309 Main Street  
(Tradename) The Soup  
**Referred to Public Safety and Licensing Committee**

**Refer to Committee of the Whole, by Ald. Holding**[11-6466](#)

**Subject:** Communication from RCEDC to make a presentation on current Economic Development activity and update on current activity with the BIDS.

**Referred to Committee of the Whole.**

**Refer to Waterworks Commission, by Ald. Hart**[11-6485](#)

**Subject:** Communication from the Director of City Development requesting to have the Racine Wastewater Utility enlist professional services for the revised design of a future sanitary sewage lift station for the Walker area (TID No. 14).

**Referred to Waterworks Commission**

**Refer to Board of Health, by Ald. Mozol**[11-6526](#)

**Subject:** Communication from the Public Health Administrator requesting permission to accept funds from the US Environmental Protection Agency to participate in a study of the effect of gulls on the quality of beaches. (Grant Control #2011-018)

**Recommendation of the Board of Parks, Recreation and Cultural Services on 6/8/11:** To approve the communication from the Public Health Administrator requesting permission to accept funds from the US Environmental Protection Agency to participate in a study of the effect of gulls on the quality of beaches. (Grant Control #2011-018).

**Fiscal Note:** No match required from the City.

**Referred to Board of Health**

**Referred to Board of Park, Recreation and Cultural Services**

**Refer to Board of Parks, Recreation, and Cultural Services, by Ald. McCarthy**[11-6472](#)

**Subject:** Communication from Stacia D. Slaughter regarding placement of a memorial plaque at Island Park.

**Referred to Board of Park, Recreation and Cultural Services**

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

**A motion was made that the following items be Considered as Reported.  
Adopted by the following vote:**

**AYES:** 14 - Shakoor, II, Marcus, Shields, Hart, Wiser, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Helling, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

**11-6416**

**Subject:** Communication from the City Attorney submitting the claim of James Trones (d/b/a Jim's Comfort Flow Heating) for consideration.

**Recommendation of the Finance & Personnel Committee on 05-23-11:** The claim of James Trones, 3520 Eagle Rd., Kansasville, (d/b/a Jim's Comfort Flow Heating) requesting a reimbursement of \$11,950 for damages arising allegedly from not being awarded various contracts in bid processing under the Department of City Development be denied.

**Fiscal Note:** N/A

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

**11-6439**

**Subject:** Communication from the City Attorney submitting the claim of D'Andre Price for consideration.

**Recommendation of the Finance & Personnel Committee on 05-23-11:** The claim of D'Andre Price, PO Box 044331 requesting a reimbursement of \$2,560.49 for damages arising from vehicle repairs allegedly arising from a pothole on DeKoven Ave. near the intersection with Case Ave. on or about January 10, 2011 be denied.

**Fiscal Note:** N/A

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

**11-6417**

**Subject:** Communication from the City Attorney submitting the claim of Renovators Unlimited LLC for consideration.

**Recommendation of the Finance & Personnel Committee on 05-23-11:** The claim of Renovators Unlimited LLC, 2511 Taylor Ave., requesting a reimbursement of \$79,240 for damages arising allegedly from not being awarded various contracts in bid processing under the Department of City Development be denied.

**Fiscal Note:** N/A

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

[11-6418](#)

**Subject:** Communication from the City Attorney submitting the claim of Rubel Plumbing Limited Liability Company for consideration.

**Recommendation of the Finance & Personnel Committee on 05-23-11:** The claim of Rubel Plumbing Limited Liability Company, 1416 Willmor St. requesting a reimbursement of \$14,491.24 for damages arising allegedly from not being awarded various contracts in bid processing under the Department of City Development be denied.

**Fiscal Note:** N/A

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

[11-6428](#)

**Subject:** Communication from the City Attorney submitting the claim of Hartford Underwriters Insurance Company (H. Dodge) for consideration.

**Recommendation of the Finance & Personnel Committee on 05-23-11:** The claim of Hartford Underwriters Insurance Company requesting a reimbursement of \$3,140.52 for injuries allegedly arising from an accident involving their insured, Helen Dodge, and a DPW vehicle during a snow removal operation on 21st St. near the intersection of Taylor Ave. on or about February 10, 2011 be denied.

**Fiscal Note:** N/A

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

[11-6352](#)

**Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting approval to waive the Hawkers and Peddlers License Fee for vendors at the 2011 Juneteenth Day celebration. (Res.11-2581)

**Recommendation of the Finance & Personnel Committee on 05-23-11:** Permission be granted for the Director of Parks, Recreation and Cultural Services waive the Hawkers and Peddlers License fee for vendors at the 2011 Juneteenth Day celebration.

**Fiscal Note:** The fee for Hawkers and Peddlers License is \$35.00 and \$10 for each employee badge.

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

[11-6462](#)

**Subject:** (Direct Referral) Communication from the Purchasing Agent requesting to appear before the Finance & Personnel Committee to discuss the results of Official Notice #8, Lockbox Services for the City

of Racine. (Res.11-2580)

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

**05-23-11:** Permission be granted to accept the proposed bid with Marshall & Ilsley Bank of Racine in the amount of \$22,878 for Official Notice #8, Lockbox Services for the City of Racine they being the lowest responsive responsible bidder.

**Fiscal Note:** There are sufficient funds available in account 101.990.5610, Bank Service Charges.

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

[11-6474](#)

**Subject:** (Direct Referral) A communication from the Finance Director requesting to discuss the carry-forward of remaining capital project, encumbered and other identified funds from 2010 to 2011.  
(Res.11-2584)

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

**5-23-11:** Permission be granted to carry forward certain remaining 2010 funds to 2011 as presented.

**Fiscal Note:** Official action is required on an annual basis to carry forward budgeted funding including those with an expenditure period longer than 12 months.

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

[11-6382](#)

**Subject:** Communication from the Alderman of the 9th District requesting to create a resolution in support of a residency ordinance.  
(Res.11-2583)

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

**5-9-11:** That this item be deferred until the next Committee meeting on May 23, 2011.

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

**5-23-11:** Permission be granted to create a resolution in support of a residency ordinance.

**Action of Common Council 06-07-11:** A motion was made by Alderman Shakoor to refer this to Committee of the Whole. Motion carried.

**Fiscal note:** N/A

**This Communication was Referred to the Committee of the Whole**

**AYES:** 14 - Shakoor, II, Marcus, Shields, Hart, Wiser, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

[11-6385](#)

**Subject:** Communication from the City Clerk submitting the bid received for printing the Common Council Proceedings and legal notices for the period of June 1, 2011 through May 31, 2012. (Res.11-2582)

**Recommendation of the Finance & Personnel Committee on 05-23-11:** Permission be granted for the Racine Journal Times be awarded the bid to publish the Common Council proceedings and all legal notices for the period of June 1, 2011 through May 31, 2012.

**Fiscal Note:** There are sufficient funds available in account 101.010.5540 City Council proceedings.

**A motion was made that this Communication be received and filed as reported . The motion was APPROVED by the following vote:**

**AYES:** 13 - Shakoor, II, Shields, Hart, Wiser, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**NOES:** 1 - Marcus

**EXCUSED:** 1 - Fair

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

**A motion was made that the following items be Considered as Reported. Adopted by the following vote:**

**AYES:** 14 - Shakoor, II, Marcus, Shields, Hart, Wiser, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

[11-6134](#)

**Subject:** Communication from Gateway Technical College requesting a Conditional Use permit to install a second electronic message board/monument sign in the east parking lot (Pershing Park) at 1001 Main Street. (PC-11) (Res.11-2575)

**Recommendation of the Public Works and Services Committee on 3-8-11:** That the location of the Gateway Technical College sign on City property adjacent to Pershing Park Drive be approved.

Further recommends that this item be referred to the City Plan Commission for formal approval.

**Recommendation of the City Plan Commission on 5-25-11:** That the item be approved subject to conditions.

**Fiscal Note:** N/A

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

11-6431

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works submitting bid results on Contract 24-11 (K1-024), Spring Street Bridge Restoration. (Res.11-2589)

**Recommendation of the Public Works and Services Committee on 5-31-11:** That Contract 24-11 (K1-024), Spring Street Bridge Restoration, be awarded to Lunda Construction Company, Waukehsa, WI, at their bid price of \$97,084.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 991.520.5010, Spring Street Bridge Mill/Overlay.

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

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

11-6432

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works submitting bid results on Contract 28-11 (K1-028), Asphalt Resurfacing C.D.B.G. (Res.11-2590)

**Recommendation of the Public Works and Services Committee on 5-31-11:** That Contract 28-11 (K1-028), Asphalt Resurfacing C.D.B.G., be awarded to Payne & Dolan, Inc., Kenosha, WI, at their bid price of \$687,687.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 500,000.00 - Account 891.030.5540, CDBG Asphalt Resurfacing  
\$ 4,870.00 - Account 991.908.5220, Asphalt Resurfacing  
\$ 62,337.00 - Account 104.991.5420, Storm Sewers, Misc.  
\$ 120,480.00 - Account 287.991.5310, Sanitary Sewers, Var. Loc.  
\$ 687,687.00 - Total

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

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

11-6433

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works submitting bid results on Contract



33-11 (K1-035), Sanitary Sewer and Lateral Relining. (Res.11-2591)

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

**on 5-31-11:** That Contract 33-11 (K1-035), Sanitary Sewer and Lateral Relining, be awarded to Musson Brothers, Inc., Brookfield, WI, at their bid price of \$666,632.50, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 95,292.50 - Account 287.991.5310, Sanitary Sewers, Misc. Loc.  
\$ 571,340.00 - Water & Wastewater Utility  
\$ 666,632.50 - Total

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

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

11-6434

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works submitting bid results on Contract 34-11 (K1-036), Sanitary Sewer Relay. (Res.11-2592)

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

**on 5-31-11:** That Contract 34-11 (K1-036), Sanitary Sewer Relay, be awarded to A.W. Oakes & Son, Inc., Racine, WI, at their bid price of \$178,660.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the Water and Wastewater Utility.

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

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

11-6435

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works submitting bid results on Contract 35-11 (K1-037), Replace Fire Alarm System at Library. (Res.11-2593)

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

**on 5-31-11:** That Contract 35-11 (K1-037), Replace Fire Alarm System at Library, be awarded to Enterprise Engineering Systems, Inc., Delafield, WI, at their bid price of \$48,895.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 255.991.5020, Fire Alarm.

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

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

[11-6436](#)

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works submitting bid results on Contract 37-11 (K1-039), Roof Replacement - Final at Street Maintenance Garage. (Res.11-2594)

**Recommendation of the Public Works and Services Committee on 5-31-11:** That Contract 37-11 (K1-039), Roof Replacement at Street Maintenance Garage, be awarded to A-1 Duran Roofing & Insulating, Inc. Milwaukee, WI, at their bid price of \$94,501.00 plus Alternate Bid No. 1 in the amount of \$5,000.00, for a total contract amount of \$99,501.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 991.630.5010, Street Maintenance Garage Roofs 1, 4.

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

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

[11-6463](#)

**Subject:** Communication from the Purchasing Agent submitting bid results for two (2) refuse packer trucks. (Res.11-2588)

**Recommendation of the Public Works and Services Committee on 5-31-11:** That the contract for Two (2) Truck Chassis, Heavy Duty, Low Entry, Dual Steer Cab w/25 Cubic Yard High Compaction Refuse Packers be awarded to Kriete Group-Racine Truck Sales, Franksville, WI, at their bid price of \$345,750.00 with trade-ins, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of these services be appropriated from Account 101.400.5780, Licensed Vehicles.

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

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

[11-6475](#)

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works/City Engineer submitting a Three-Party design contract for engineering services for Durand Avenue (STH 11) from Kearney Avenue to Kentucky Street, State Project ID: 2260-07-70. (Res.11-2602)

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

**on 5-31-11:** That the Mayor and City Clerk be authorized and directed to enter into a 3-party contract with the State of Wisconsin Department of Transportation and Strand Associates, Inc. for professional design engineering services for reconstructing Durand Avenue (STH 11) from Kearney Avenue to Kentucky Street, State Project ID: 2260-07-70, for the not-to-exceed cost of \$1,100,000.54, which is funded 80% by the State of Wisconsin, or \$880,000.43, and 20% by the City of Racine, or \$220,000.11.

Further recommends that funds to defray the cost of these professional services are available in the 2012-2016 CIP Budget.

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

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

**11-6482**

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works/City Engineer requesting permission to acquire right-of-way at 1014 Three Mile Road for the Three Mile Road Project. (Res.11-2600)

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

**on 5-31-11:** That the City Attorney be authorized and directed to take the necessary steps to acquire frontage at 1014 Three Mile Road, further described as:

That part of the southwest  $\frac{1}{4}$  of Section 28 Township 4 North, Range 23 East described as follows:

Commence at the Southwest corner of Section 28, Township 4 North, Range 23 East; Thence South 88°42'44" West, on the South line of section 28, 1089.20 feet to the POINT OF BEGINNING; thence North 00°11'46" West, 50.01 feet; thence North 88°42'44" East, 68.08 feet; thence South 00°11'46" East, 50.01 feet; thence South 88°42'44" West, 68.08 feet; to the POINT OF BEGINNING. Said land being in the City of Racine, Racine County, Wisconsin.

Said described tract containing 3,404.00 square feet more-or-less.

**Fiscal Note:** The acquisition of this property will facilitate the 2012 Three Mile Road Project - N. Main Street to LaSalle Street.

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

**11-6483**

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works/City Engineer requesting permission to

acquire right-of-way at 1000 Three Mile Road for the Three Mile Road Project. (Res.11-2601)

**Recommendation of the Public Works and Services Committee on 5-31-11:** That the City Attorney be authorized and directed to take the necessary steps to acquire frontage at 1000 Three Mile Road, further described as:

That part of the southwest ¼ of Section 28 Township 4 North, Range 23 East described as follows:

Commence at the Southwest corner of Section 28, Township 4 North, Range 23 East; Thence North 88°42'44" East, on the South line of section 28, 1159.28 feet to the POINT OF BEGINING; thence North 00°11'46" West, 50.01 feet; thence North 88°42'44" East, 132.99 feet; thence North 00°11'46" West, 209.00 feet; thence North 88°42'44" East, 30.01 feet; thence South 00°11'46" East, 299.01 feet; thence South 88°42'44" West, 163.00 feet; to the POINT OF BEGINNING. Said land being in the City of Racine, Racine County, Wisconsin.

Said described tract containing 14,419.77 square feet more-or-less.

**Fiscal Note:** The acquisition of this property will facilitate the 2012 Three Mile Road Project - N. Main Street to LaSalle Street.

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

[11-6484](#)

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works submitting Change Order No. 1 to Contract 9-11 (K1-009), Police Impound Lot Exterior Renovations-Phase II, SRS Roofing & Sheet Metal, Inc., contractor. (Res.11-2598)

**Recommendation of the Public Works and Services Committee on 5-31-11:** That Change Order No. 1 on Contract 9-11 (K1-009), Police Impound Lot Exterior Renovations-Phase II, SRS Roofing & Sheet Metal, Inc., contractor, be approved in the amount of \$26,900.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 991.310.5060, Police Impound Lot-North Roof.

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

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

[11-6486](#)

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works/City Engineer submitting a two-party agreement for State Project ID: 2440-09-70, Washington Avenue (STH20) - Roosevelt Avenue to Lathrop Avenue. (Res.11-2603)

**Recommendation of the Public Works and Services Committee on 5-31-11:** That the Mayor and City Clerk be authorized and directed to enter into a two-party agreement with the Wisconsin Department of Transportation for the design and reconstruction of Washington Avenue (STH 20) from Roosevelt Avenue to Lathrop Avenue, State Project ID: 2440-09-70, be approved in the amount of \$6,110,500.00 with the City's share being 10%, or \$611,274.00 and the State's share being 90%, or \$5,499,227.00.

Further recommends that funding to defray the City's share of this project will be available in the 2012-2016 Capital Improvement Program.

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

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

[11-6487](#)

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works/City Engineer submitting a two-party agreement for State Project ID: 2440-10-70, Washington Avenue (STH 20) - from Lathrop Avenue to West Blvd. (Res.11-2604)

**Recommendation of the Public Works and Services Committee on 5-31-11:** That the Mayor and City Clerk be authorized and directed to enter into a two-party agreement with the Wisconsin Department of Transportation for the design and reconstruction of Washington Avenue (STH 20) from Lathrop Avenue to West Boulevard, State Project ID: 2440-10-70, be approved in the amount of \$4,095,000.00 with the City's share being 17%, or \$675,625.00 and the State's share being 83%, or \$3,419,375.00.

Further recommends that funding to defray the City's share of this project will be available in the 2012-2016 Capital Improvement Program.

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

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

[11-6488](#)

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works/City Engineer submitting a two-party agreement for State Project ID: 2440-11-70, Washington Avenue

(STH 20) - from West Boulevard to Marquette Street. (Res.11-2605)

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

**on 5-31-11:** That the Mayor and City Clerk be authorized and directed to enter into a two-party agreement with the Wisconsin Department of Transportation for the design and reconstruction of Washington Avenue (STH 20) from West Boulevard to Marquette Street, State Project ID: 2440-11-70, be approved in the amount of \$20,432,950.00 with the City's share being 8%, or \$1,641,349.00 and the State's share being 92%, or \$18,791,601.00.

Further recommends that funding to defray the City's share of this project will be available in the 2012-2016 Capital Improvement Program.

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

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

11-6497

**Subject:** Resolution 11-2547, created May 17, 2011, being a final resolution relating to street improvements.

PORTLAND CEMENT CONCRETE PAVING

Apple Tree Circle-North Illinois Street to the Cul-de-sac  
Blue River Avenue-Illinois Street to Oregon Street  
Kentucky Street-Kinzie Avenue to Haven Avenue  
North Osborne Boulevard-Fairway Drive to Ravine Drive  
Spring Valley Drive-Harrington Drive to Vista Drive  
Westway Avenue-Echo Lane to Crabtree Lane  
Westway Avenue-Perry Avenue to Echo Lane

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

**on 5-31-11:** That Resolution No. 11-2547, of May 17, 2011, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

Apple Tree Circle-North Illinois Street to the Cul-de-sac  
Kentucky Street-Kinzie Avenue to Haven Avenue  
North Osborne Boulevard-Fairway Drive to Ravine Drive  
Spring Valley Drive-Harrington Drive to Vista Drive

and, as amended , Resolution No. 11-2547, of May 17, 2011, be adopted.

**Fiscal Note:** Funds will be appropriated in the 2012 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

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

**11-6500**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 3 to Contract 34-10 (K0-042), City Hall and Memorial Hall Restoration (R1), AZAR LLC, contractor. (Res.11-2595)

**Recommendation of the Public Works and Services Committee on 5-31-11:** That Change Order No. 3 on Contract 34-10 (K0-042), City Hall and Memorial Hall Restoration (R1), AZAR, LLC, contractor, be approved in the amount of \$13,734.13.

Further recommends that funding to defray the cost of this change order be appropriated from Account 990.100.5020, City Hall Tuckpointing.

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

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

**11-6501**

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works submitting Change Order No. 2 to Contract 52-10 (K0-066), Transit Center West Canopy Platform Repair & Restoration, Ricchio, Inc., contractor. (Res.11-2596)

**Recommendation of the Public Works and Services Committee on 5-31-11:** That Change Order No. 2 on Contract 52-10 (K0-066), Transit Center West Canopy Platform Repair & Restoration, Ricchio, Inc., contractor, be approved in the amount of \$20,717.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 991.913.5040, Railroad Depot.

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

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

**11-6502**

**Subject:** (Direct Referral) Communication from the Interim Commissioner of Public Works submitting Change Order No. 2 to Contract 1-11 (K1-001), City Hall Renovations-Phase III, Seater Construction Co., Inc., contractor. (Res.11-2597)

**Recommendation of the Public Works and Services Committee on 5-31-11:** That Change Order No. 2 on Contract 1-11 (K1-001), City Hall Renovations-Phase III, Seater Construction Co., Inc., contractor, as submitted, be approved in the deduct amount of \$145,736.00.





(Tradenname) Baldo's Mexican Restaurant  
Baldomero Benitez, Agent  
**CHANGE OF AGENT**

WHG Real Estate South, LLC                      2521 S. Greenbay Road  
(Tradenname) Applebee's  
Timothy Geniesse, Agent

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

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

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

Double D's Jam, Inc.                                1307 Douglas Avenue  
(Tradenname) Double D's II  
Daniel J. Daams, Agent

Fides F. Wagner-Richardson                      1102 Mound Avenue  
(Tradenname) Blues R&B

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

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

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

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

Infusino Pizzeria & Restaurant, Inc.              3201 Rapids Drive  
(Tradenname) Infusino's Italian Village  
Emilio Infusino, Agent

Infusino's Pizzeria & Restaurant, Inc.        3225 Rapids Drive





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

[11-6420](#)

**Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting final payment for preparing plans and specifications and project administration for window and door replacement at the Humble Park Community Center. (Res.11-2579)

**Recommendation of the Public Safety and Licensing Committee on 5-23-11:** That final payment for preparing plans and specifications and project administration for window and door replacement at the Humble Park Community Center be approved.

Fiscal Note: Funds are available in account 990-650-5010, Humble Exterior Door and Windows.

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

[11-6429](#)

**Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting Amendment No. 1 to the Professional Services Agreement for Design Services for Boiler Replacement at Humble Park Community Center. (Res.11-2577)

**Recommendation of the Public Safety and Licensing Committee on 5-23-11:** That Amendment No. 1 to the Professional Services Agreement for Design Services for Boiler Replacement at Humble Park Community Center for an increase amount \$1,100.00 be approved.

Fiscal Note: Funds are available in account 991-650-5010, Humble Replace Boiler.

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

[11-6430](#)

**Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting final payment for Design Services for Boiler Replacement at Humble Park Community Center. (Res.11-2578)

**Recommendation of the Public Safety and Licensing Committee on 5-23-11:** Final payment for Design Services for Boiler Replacement at Humble Park Community Center be approved.

Fiscal Note: Funds are available in account 991-650-5010, Humble Replace Boiler.



*Ayes: Marcus, McCarthy, Shakoor, Shields and Weidner*  
*Noes: Holding, Kaplan, Kaprelian-Becker, Morgenroth, Mozol, Wisner, Wisneski, DeHahn and Hart*  
*Excused: Fair*

**Received and Filed as Reported**

**AYES:** 12 - Shakoor, II, Hart, Wisner, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**NOES:** 2 - Marcus and Shields

**EXCUSED:** 1 - Fair

**11-6398**

**Subject:** The following renewal application(s) for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2011-2012:

Timers of Racine, Inc. 3800 Northwestern Avenue  
 (Tradename) Timers  
 Shawn D. Voss, Agent

Mitraj, Inc. 3711 Douglas Avenue  
 (Tradename) Pantry Foods  
 Radhhesyam Patel, Agent

Vishal Corporation 3015 Rapids Drive  
 (Tradename) VP Xpress  
 Prabodh Gala, Agent

Siddi Vinayak, Inc. 2062 Lathrop Avenue  
 (Tradename) Arbee's Liquor Store  
 Jagdish Patel, Agent

Taylor Liquor Inc. 2813 Taylor Avenue  
 (Tradename) Colonial Liquor  
 Ilesh Patel, Agent

Dandee Liquor Mart, Inc. 3700 Meachem Road  
 (Tradename) Dandee Liquor Mart  
 Vishnu Patel, Agent

M. Smit N. Corp. 918 West Boulevard  
 (Tradename) Port of Call Liquors  
 Chandresh Patel, Agent

Piggly Wiggly Midwest, LLC 4011 Durand Ave.  
 (Tradename) Piggly Wiggly Supermarket  
 Joseph Logocki, Agent

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Jesus S. & Yolanda Maldonado (Tradename) Santa Fe Liquor	516 High Street
Kamaljit K. Dhaliwal & Deepinder S. Dhaliwal Street (Tradename) AD United Petroleum	1917 Sixteenth
Jagdish Patel & Parit Patel (Tradename) Liquor Depot Parit Patel, Agent	1401 Washington Avenue
Dan's Liquor, Inc. (Tradename) Dan's Liquor & Video Jagdish R. Patel, Agent	1856 Taylor Avenue
Max's Family Supermarket (Tradename) Family Supermarket Sukjinder Singh, Agent	1201 S. Memorial Drive
Aldi, Inc. (Tradename) Aldi #28 Lorelei Rasch, Agent	3110 Douglas Avenue

**Recommendation of the Public Safety and Licensing Committee on 5-23-11:** That the renewal applications be approved with the exception of:

**Kamaljit K. Dhaliwal & Deepinder S. Dhaliwal     1917 Sixteenth Street  
(Tradename) AD United Petroleum**

and the item be deferred until the next meeting.

Fiscal Note: N/A

*Alderman Marcus made a motion to divide the issue with special consideration for AD Petroleum 1917 16th St. Seconded by Alderman Shields.*

*Ayes: Marcus, McCarthy, Shakoor, Shields, Weidner and DeHahn*

*Noes: Holding, Kaplan, Kaprelian-Becker, Morgenroth, Mozol, Wiser, Wisneski and Hart*

*Excused: Fair*

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

**AYES:** 12 - Shakoor, II, Hart, Wiser, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**NOES:** 2 - Marcus and Shields

**Traffic Commission Report, by Ald. Weidner**

**A motion was made that the following items be Considered as Reported.**

**Adopted by the following vote:**

**AYES:** 11 - Shakoor, II, Marcus, Shields, Hart, Wiser, Kaplan, McCarthy, Holding, Mozol, Kaprelian-Becker and Morgenroth

**NOES:** 3 - Wisneski, Weidner and DeHahn

**EXCUSED:** 1 - Fair

**11-6124**

**Subject:** Communication from the Alderman of the 6th District, on behalf of the residents in the Yout/Georgia neighborhood, requesting parking restrictions on Georgia Avenue between Northwestern Avenue and Yout Street.

**Recommendation of the Traffic Commission on 03-21-11:** Defer

**Recommendation of the Traffic Commission on 04-16-11:** Receive and file.

**Fiscal Note:** N/A

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

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

**A motion was made that the following items be Considered as Reported.**

**Adopted by the following vote:**

**AYES:** 14 - Shakoor, II, Marcus, Shields, Hart, Wiser, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

**11-6311**

**Subject:** Communication from the Monument Square Art Fair Board of Directors requesting permission to rent Lakefront Lot No. 5 for the Monument Square Art Fair on Saturday, June 11, 2011 and Sunday, June 12, 2011. (Res.11-2568)

**Recommendation of the Transit and Parking Commission on 05-25-11:** That the Monument Square Art Fair Board be granted permission to lease Lakefront Lot No. 5 on Saturday, June 11, 2011, and Sunday, June 12, 2011. Permission is subject to payment of the lease costs for the parking lot in accordance with existing policies and subject to the execution of a hold harmless agreement with the City.

**Fiscal Note:** The agreement will generate \$420.00 for the Parking System.

**A motion was made that this Communication be Received and Filed as**



Reported. The motion was **APPROVED**.

[11-6421](#)

**Subject:** Communication from the Transit and Parking System Manager requesting to discuss the Joint SE WI Transit Marketing Partnership program. (Res.11-2570)

**Recommendation of the Transit and Parking Commission on 05-25-11:** The strong value of Racine BUS participation in the federally funded joint SE WI Marketing partnership program is recognized and the Transit and Parking System Manager is to continue active involvement in the program.

**Fiscal Note:** An estimated \$220,000 or more of marketing funds for the BUS are anticipated in 2011-2012. A 20% local share is required to be funded out of the adopted BUS operating budget for 2011 and will be proposed in the 2012 BUS budget.

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

[11-6422](#)

**Subject:** Communication from the Transit and Parking System Manager requesting to discuss establishing a policy regarding any limits on the number of buses to carry paid outside advertising.

**Recommendation of the Transit and Parking Commission on 05-25-11:** That a policy of accepting outside advertising on all but one of Belle Urban Transit (BUS) fixed route buses be adopted. The City of Racine will retain review authority over bus advertising content.

**Fiscal Note:** Outside bus advertising could generate up to \$61,200 of annual revenue for BUS operations at current rates.

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

[11-6423](#)

**Subject:** Communication from the BUS Transit Manager submitting the April BUS operating report in a revised format.

**Recommendation of the Transit and Parking Commission on 05-15-11:** BUS Transit Manager's April report to be received and filed.

**Fiscal Note:** N/A

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

[11-6424](#)

**Subject:** Communication from the Transit and Parking System Manager requesting to approve a new methodology for counting and reporting BUS ridership.

**Recommendation of the Transit and Parking Commission on**

**05-25-11:** A revised methodology to more accurately report BUS ridership and revenue to be implemented in 2011 as the result of the installation of "swipe card" technology in system fareboxes. The Transit and Parking System Manager is directed to work with the Wisconsin Department of Transportation Bureau of Transit at implementing a more accurate ridership and revenue reporting procedure.

**Fiscal Note:** N/A

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

**11-6425**

**Subject:** Communication from the Transit and Parking System Manager requesting to discuss alternatives to the current \$0.25 fare for summer trolley service.

**Recommendation of the Transit and Parking Commission on**

**05-25-11:** Summer Trolley fares to be raised to \$1.00 effective after required publication and public notice.

**Fiscal Note:** The fare increase is estimated to generate an additional \$4,000 to \$5,000 of revenue annually for the Belle Urban Transit System (BUS).

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

**11-6426**

**Subject:** Communication from the Transit and Parking System Manager requesting authorization to apply for a Focus on Energy Grant for LED lighting at the Belle Urban Maintenance Facility (Grant Control No. 2011-016). (Res.11-2571)

**Recommendation of the Transit and Parking Commission on**

**05-25-11:** Authorization to apply for a Focus on Energy Grant for LED lighting at the Belle Urban Maintenance Facility (Grant Control No. 2011-016) was granted.

**Fiscal Note:** Grant proceeds are estimated to be in the range of \$1,800. BUS Utility savings are still being estimated. The LED lighting project is funded by an already approved 80% federal grant with the local share already approved in the Capital Improvements Program.

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

**11-6437**

**Subject:** Communication from the Transit and Parking System

Manager regarding BUS recognition by Transit Mutual Insurance.  
(Res.11-2569)

**Recommendation of the Transit and Parking Commission on 05-25-11:** That drivers and staff of the Belle Urban System (BUS) be recognized for their recent award for the "2010 Most Improved Safety Record" by the Transit Mutual Insurance (TMI) Corporation of Wisconsin and notification of the receipt of a \$51,234 TMI dividend for 2010.

**Fiscal Note:** The TMI dividend adds \$51,234 to the 2011 BUS operating revenue account.

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

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

**A motion was made that the following items be Considered as Reported. Adopted by the following vote:**

**AYES:** 14 - Shakoor, II, Marcus, Shields, Hart, Wiser, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

#### **11-6415**

**Subject:** (Direct Referral) Consideration of a request for a Conditional Use permit from David Tomasiewicz & Christopher Lundin to operate a private secondary school at 740 College Avenue. (PC-11)  
(Res.11-2574)

**Recommendation of the City Plan Commission on 5-25-11:** That the item be approved subject to conditions.

**Fiscal Note:** N/A

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

#### **11-6479**

**Subject:** (Direct Referral) Consideration of a request from Bradley Jungbluth, representing the Thelma Orr COP House, for a Conditional Use Permit to operate a community garden at the vacant lot at 1112 Villa Street. (Res.11-2576)

**Recommendation of the City Plan Commission on 5-25-11:** That the item be approved subject to conditions.

**Fiscal Note:** N/A

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

**Community Development Committee Report, by Ald.Helding****11-6403**

**Subject:** (Direct Referral) Review of Recommended 2011 Community Development Block Grant (CDBG), HOME Housing Investment Partnerships grant, Emergency Shelter Grant (ESG) Allocation Plan. (Res.11-2572)

**Recommendation of the Community Development Committee on 5-19-11:** That the allocation of 2011 CDBG, HOME, and ESG funds as shown in the attached table be adopted;

Further recommends that the Mayor and City Clerk be authorized and directed to execute and submit the appropriate documents on the city's behalf to the U.S. Department of Housing and Urban Development to secure the city's 2011 funds;

Further recommends that the appropriate city officials be authorized to execute third-party agreements with agencies approved for use of the 2011 funds;

Further recommends that if CDBG or HOME funds are received in excess of those allocated, those funds be placed in Local Option or Contingency funds, and if the grants are less than estimated, the Local Option or Contingency funds be reduced accordingly.

**Fiscal Note:** It is estimated that \$1,785,976 in CDBG funds, \$560,223 in HOME funds, and \$119,854 in ESG funds will be received. The recommended allocation also incorporates \$815,799 in 2010 HOME grant funds and HOME program income.

*Alderman Shakoor made a motion seconded by Kaplan to amend the amounts with the following changes: #6 MLK Center GED +\$13,000, #2 Racine City Workforce -\$11,000 and #19 Family Literacy -\$2,000.*

*Motion Carried*

*Ayes: Kaplan, Kaprelian-Becker, Marcus, Morgenroth, Mozol, Shakoor, Shields, Wiser, DeHahn and Hart*

*Noes: Helding, McCarthy, Weidner and Wisneski*

*Excused: Fair*

*Alderman Shakoor made a motion seconded by Kaplan to amend the amounts with the following changes: #17 WWBIC -\$25,000, #32 CEDCO +\$25,000. Motion failed.*

*Ayes: Marcus, Mozol, Shakoor, Shields, DeHahn and Hart*

*Noes: Helding, Kaplan, Kaprelian-Becker, McCarthy, Morgenroth, Weidner, Wiser, Wisneski*

*Excused: Fair*

*Alderman Helding, seconded by Alderman Weidner made a motion to approve 11-6403 as amended. Motion Carried*

*Ayes: Helding, Kaplan, Kaprelian-Becker, Marcus, McCarthy, Morgenroth, Mozol, Shakoor, Weidner, Wiser, Wisneski, DeHahn, and Hart*

*Abstain: Shields*

*Excused: Fair*

**A motion was made that this Communication be . The motion was APPROVED.**

### **Economic Development Committee Report, by Ald. Shakoor**

**A motion was made that the following items be Considered as Reported.**

**Adopted by the following vote:**

**AYES:** 14 - Shakoor, II, Marcus, Shields, Hart, Wisner, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

#### **11-6495**

**Subject:** (Ord.2-11) Relating to the composition of the Economic Development Committee.

**Recommendation of the Economic Development Committee on 5-9-11:** That Ordinance 2-11, establishing the membership of the Economic Development Committee as two aldermen and eight business representatives, be adopted.

**Fiscal Note:** N/A

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

### **Loan Board of Review, by Ald. Wisner**

**A motion was made that the following items be Considered as Reported.**

**Adopted by the following vote:**

**AYES:** 14 - Shakoor, II, Marcus, Shields, Hart, Wisner, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

#### **11-6443**

**Subject:** Request of Assistant Director, Joseph Heck, to accept Mr. Raul Salvador Valencia's offer to purchase 912 Birch Street. (Res.11-2573)

**Recommendation of the Loan Board of Review on 5-19-11:** That the request be approved. Further recommend that the Mayor, City Clerk, and Assistant Director of City Development be authorized to execute any necessary selling documents.

**Fiscal Note:** The City will receive \$40,000 in proceeds, minus closing costs.

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

**Water Works Committee Report, by Ald Hart**

A motion was made that the following items be Considered as Reported.  
Adopted by the following vote:

[11-6448](#)

**Subject:** Presentation of the 2010 Audit from Clifton-Gunderson - Renee Messing Invited to the Meeting

**Recommendation of the Water Works Commission on 5/31/11:**  
That the 2010 Audit be approved. Refer to the Finance and Personnel Committee for adoption.

**Staff Recommendation to the Finance & Personnel Committee on 6-13-11:** Receive, file and forward to the Finance Department for inclusion in the city wide financial statements.

**Fiscal Note:** N/A

This Communication was Referred to the Finance and Personnel Committee

**Wastewater Commission Report, by Ald Hart**

A motion was made that the following items be Considered as Reported.  
Adopted by the following vote:

[11-6491](#)

**Subject:** Presentation of the 2010 Audit from Clifton-Gunderson - Renee Messing Invited to the Meeting

**Recommendation of the Wastewater Commission on 5/31/11:**  
That the 2010 Audit be approved. Refer to the Finance and Personnel Committee for adoption.

**Staff Recommendation to the Finance & Personnel Committee on 6-13-11:** Receive, file and forward to the Finance Department for inclusion in the city wide financial statements.

**Fiscal Note:** N/A

This Communication was Referred to the Finance and Personnel Committee

**Board of Harbor Commissioners Report, by Ald. Wisneski**

A motion was made that the following items be Considered as Reported.  
Adopted by the following vote:

[11-6358](#)

**Subject:** Communication from Sea Scouts, B.S.A., requesting permission for overnight use of the Rooney Pugh Recreation area for a council wide camporee starting Friday, August 19, 2011 and ending Sunday, August 21, 2011.

**Recommendation of the Harbor Commission on 05-16-11:**

Approve the request by the Sea Scouts for overnight use of the Rooney Pugh Recreational area August 19 - 21, 2011.

**Further Recommend, the item be referred to Board of Parks, Recreation and Cultural Services and Transit and Parking**

**Fiscal Note:** N/A

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

Referred to the Transit and Parking Commission

**Cemetery Commission Report, by Ald Weidner**

**A motion was made that the following items be Considered as Reported.**

**Adopted by the following vote:**

**AYES:** 13 - Shakoor, II, Marcus, Hart, Wisner, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

**NON VOTING:** 1 - Shields

**11-6531**

**Subject:** [Direct Referral] Crypt Maintenance Repair Needs at Graceland Cemetery (Res.11-2606)

**Recommendation of Board of Cemetery Commissioners on May 16, 2011:** To Approve the Mayor and Clerk to enter into Agreement with Mekus for crypt repairs.

**Fiscal Note:** Price not to exceed \$15,500.00, plus a not to exceed amount of \$1,000.00 for incidental costs. Funds are available in Account 207.002.5760, Mound Crypts.

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

**G. Consent Agenda**

**A motion was made that the following items be Considered as Reported.**

**Adopted by the following vote:**

**AYES:** 14 - Shakoor, II, Marcus, Shields, Hart, Wisner, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

**Res.11-2568**

Permission granted, with stipulations, for Monument Square Art Fair to lease Lakefront Lot #5 on June 11 - 12, 2011

Resolved, that the Monument Square Art Fair Board be granted permission to lease Lakefront Lot No. 5 on Saturday, June 11, 2011, and Sunday, June 12, 2011. Permission is subject to payment of the lease costs for the parking lot in accordance with existing policies and subject to the execution of a hold harmless agreement with the City. A \$50.00 processing fee is charged for the hold harmless agreement.

Fiscal Note: The agreement will generate \$420.00 for the Parking System.

Sponsors: Raymond DeHahn

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

[Res.11-2569](#)

Drivers and staff of Belle Urban System be recognized for the Award for the "2010 Most Improved Safety Record" by the Transit Mutual Insurance Corporation of Wisconsin, and acceptance of TMI dividend

Resolved, that drivers and staff of the Belle Urban System (BUS) be recognized for their recent award for the "2010 Most Improved Safety Record" by the Transit Mutual Insurance (TMI) Corporation of Wisconsin, and notification of the receipt of a \$51,234 TMI dividend for 2010.

Fiscal Note: The TMI dividend adds \$51,234 to the 2011 BUS operating revenue account.

Sponsors: Raymond DeHahn

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

[Res.11-2570](#)

Transit and Parking System Manager be authorized and directed to continue active involvement in the Joint SE WI Transit Marketing Partnership Program

Resolved, that the strong value of Racine BUS participation in the federally funded joint SE WI Marketing Partnership Program be recognized, and the Transit and Parking System Manager be authorized and directed to continue active involvement in the program.

Fiscal Note: An estimated \$220,000 or more of marketing funds for the BUS are anticipated in 2011-2012. A 20% local share is required to be funded out of the adopted BUS operating budget for 2011 and will be proposed in the 2012 BUS budget.

Sponsors: Raymond DeHahn

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

[Res.11-2571](#)

Permission granted to the Transit and Parking System Manager to apply for a Focus on Energy Grant for LED Lighting at the Belle Urban Maintenance Facility



Resolved, that permission be granted to the Transit and Parking System Manager to apply for a Focus on Energy Grant for LED Lighting at the Belle Urban Maintenance Facility (Grant Control No. 2011-016).

Fiscal Note: Grant proceeds are estimated to be in the range of \$1,800. BUS Utility savings are still being estimated. The LED lighting project is funded by an already approved 80% federal grant with the local share already approved in the Capital Improvements Program.

Sponsors: Raymond DeHahn

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

**Res.11-2572**

Allocation of 2011 CDBG, HOME, and ESG Funds be approved, Mayor and City Clerk be authorized and directed to execute and submit the appropriate documents on the City's behalf to the U. S. Department of Housing and Urban Development to secure the City's 2011 funds, and appropriate City officials be authorized and directed to execute third-party agreements with agencies for use of 2011 funds

Resolved, that the allocation of 2011 CDBG, HOME, and ESG funds as shown in the table attached to the Community Development Committee Report of May 19, 2011, be adopted.

Further resolved, that the Mayor and City Clerk be authorized and directed to execute and submit the appropriate documents on the City's behalf to the U.S. Department of Housing and Urban Development to secure the city's 2011 funds.

Further resolved, that the appropriate City officials be authorized to execute third-party agreements with agencies approved for use of the 2011 funds.

Further resolved, that if CDBG or HOME funds are received in excess of those allocated, those funds be placed in Local Option or Contingency funds, and if the grants are less than estimated, the Local Option or Contingency funds be reduced accordingly.

Fiscal Note: It is estimated that \$1,785,976 in CDBG funds, \$560,223 in HOME funds, and \$119,854 in ESG funds will be received. The recommended allocation also incorporates \$815,799 in 2010 HOME grant funds and HOME program income.

Sponsors: Gregory Holding

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

**Res.11-2573**

Permission granted to accept Offer to Purchase 912 Birch Street, and Mayor, City Clerk and Assistant Director of City Development be authorized and directed to execute any necessary selling documents

Resolved, that permission be granted to accept the offer to purchase 912 Birch Street, as agreed between the City of Racine and the Buyer.

Further resolved, that the Mayor, City Clerk and Assistant Director of City Development be authorized and directed to execute any necessary selling documents.

Fiscal Note: The City will receive \$40,000 in proceeds, minus closing costs.

Sponsors: Dennis Wisner

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

**Res.11-2575**

Conditional Use Permit to install a second electronic message board/monument sign in the east parking lot at 1001 Main Street be approved, subject to certain conditions

Resolved, that the request to install a second electronic message sign at the Gateway Technical College Campus in the east parking lot at 1001 Main Street, be approved, subject to the following conditions:

a. That a current site plan, showing all changes made to the Gateway Technical College Campus within the last two years, shall be submitted to City Development Staff within 10 days of final approval of this request by the Common Council. This plan shall be drawn to scale, and in addition to showing all other site changes within the last two years, shall provide the following information:

- Exact location of the sign along 11th Street. The sign must be set back a minimum of 25' from the property boundary line of 11th Street.
- The sign shall be no taller than six (6) feet in height.
- The lettering shall not exceed 4" in height on the EMC portion of the sign.
- The total sign area shall not exceed 60 square feet.
- Detailed information on the berm, including construction materials, height, and a profile view of the sign on the berm as viewed from the east and west shall be provided.

b. That the sign design shall be subject to review and approval of the Downtown Design Committee.

c. That the directional sign existing at the entrance into parking lot C, off of 11th Street, be removed upon the installation of the new EMC sign.

d. That all messages shall be limited to advertisement of school functions, or municipal notices as requested by the City Engineer.

e. That the electronic portion of the sign may only be illuminated from 7:00 a.m. - 10:00 p.m.

f. That the sign message may change every 15 seconds.

- g. That no scrolling, flashing, blinking, or the like shall be permitted on the sign.
- h. That a landscape plan shall be submitted for review and approval by the Director of City Development within 30 days of Common Council approval.
- i. That all improvements as required shall be fully completed by July 1, 2011. If the applicant or owner fails to implement the required improvements by July 1, 2011, a financial security shall be provided to the City in an amount equal in value to the required improvements.

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

The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by July 1, 2011. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.

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

- j. That all codes and ordinances shall be complied with and required permits acquired.
- k. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.

Fiscal Note: N/A

Sponsors: Aron Wisneski

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

**Res.11-2576**

Conditional Use Permit to operate a community garden at the vacant lot at 1112 Villa Street be approved, subject to certain conditions

Resolved, that the request to operate a community garden at 1112 Villa Street be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on May 25, 2011, be approved subject to the conditions contained herein.
- b. That the garden and its operations shall be the responsibility of the RUSD, Racine/Kenosha Community Action Agency, and Thelma Orr COP House, and subject to all requirements and provisions as outlined in the executed Garden Lease between the aforementioned organizations and the City of Racine.
- c. That no outdoor storage of supplies, materials, or equipment shall be allowed.
- d. That no minors shall be on-site without adult supervision, and shall not be on-site before dawn or after dusk on any occasion.
- e. That access to the site shall be via public walkways and roadways only. No trespassing through other properties shall be permitted at any time when accessing the site.
- f. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- g. That this permit is subject to Plan Commission review for compliance with the listed condition, lease agreement, guidelines, and rules.

Fiscal Note: N/A

Sponsors: Aron Wisneski

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

**Res.11-2577**

Amendment No. 1 to the Professional Services Agreement for Design Services for Boiler Replacement at Humble Park Community Center, Lakefront Engineering, Inc., be approved

Resolved, that Amendment No. 1 to the Professional Services Agreement for Design Services for Boiler Replacement at Humble Park Community Center, Lakefront Engineering, Inc., for an increase amount of \$1,100.00, be approved.

Fiscal Note: Funds are available in Account 991-650-5010, Humble Replace Boiler.

Sponsors: Aron Wisneski

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

**Res.11-2578**

Work be accepted for Design Services for Boiler Replacement at Humble Park Community Center, Lakefront Engineering, Inc., and final payment

authorized

Resolved, that the work be accepted for Design Services for Boiler Replacement at Humble Park Community Center, Lakefront Engineering, Inc., and final payment authorized for a total contract amount of \$5,500.00.

Fiscal Note: Funds are available in Account 991-650-5010, Humble Replace Boiler.

Sponsors: Aron Wisneski

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

**Res.11-2579**

Work be accepted for Preparing Plans and Specifications and Project Administration for Window and Door Replacement at Humble Park Community Center, Industrial Roofing Services, Inc., and final payment authorized

Resolved, that the work be accepted for Preparing Plans and Specifications and Project Administration for Window and Door Replacement at Humble Park Community Center, Industrial Roofing Services, Inc., and final payment authorized for a total contract amount of \$8,050.00.

Fiscal Note: Funds are available in Account 990-650-5010, Humble Exterior Door and Windows.

Sponsors: Aron Wisneski

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

**Res.11-2580**

Official Notice #8, Lockbox Services for the City of Racine, be awarded to Marshall & Ilsley Bank, at its bid price

Resolved, that Official Notice #8, Lockbox Services for the City of Racine, be awarded to Marshall & Ilsley Bank of Racine at its bid price of \$22,878.00, it being the lowest responsive responsible bidder.

Fiscal Note: There are sufficient funds available in Account 101.990.5610, Bank Service Charges.

Sponsors: Q.A. Shakoor, II

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

**Res.11-2581**

Permission granted to waive the Hawkers and Peddlers License Fee for vendors at 2011 Juneteenth Day Celebration

Resolved, that permission be granted to waive the Hawkers and Peddlers

License Fee for vendors at the 2011 Juneteenth Day Celebration.

Fiscal Note: The fee for Hawkers and Peddlers License is \$35.00 and \$10 for each employee badge.

Sponsors: Q.A. Shakoor, II

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

**Res.11-2584**

Permission granted to the Finance Director to carry forward remaining Capital Project, Encumbered and Other Funds from 2010 to 2011

Resolved, that permission be granted to the Finance Director to carry forward remaining Capital Project, Encumbered and Other Funds from 2010 funds to 2011, as presented.

Fiscal Note: Official action is required on an annual basis to carry forward budgeted funding including those with an expenditure period longer than 12 months.

Sponsors: Q.A. Shakoor, II

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

**Res.11-2588**

Official Notice #6, Two (2) Truck Chassis, Heavy Duty, Low Entry, Dual Steer Cab w/25 Cubic Yard High Compaction Refuse Packer, be awarded to Kriete Group - Racine Truck Sales, Franksville, Wisconsin at its bid price

Resolved, that Official Notice #6, Two (2) Truck Chassis, Heavy Duty, Low Entry, Dual Steer Cab w/25 Cubic Yard High Compaction Refuse Packer, be awarded to Kriete Group-Racine Truck Sales, Franksville, WI, at its bid price of \$345,750.00 with trade-ins, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of these services be appropriated from Account 101.630.5780, Licensed Vehicles.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2589**

Contract 24-11 (K1-024), Spring Street Bridge Restoration, be awarded to Lunda Construction Company, Waukesha, Wisconsin at its bid price

Resolved, that Contract 24-11 (K1-024), Spring Street Bridge Restoration, be awarded to Lunda Construction Company, Waukesha, WI, at its bid price of \$97,084.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 991.520.5010, Spring Street Bridge Mill/Overlay.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2590**

Contract 28-11 (K1-028), Asphalt Resurfacing C.D.B.G., be awarded to Payne & Dolan, Inc., Kenosha, Wisconsin, at its bid price

Resolved, that Contract 28-11 (K1-028), Asphalt Resurfacing C.D.B.G., be awarded to Payne & Dolan, Inc., Kenosha, WI, at its bid price of \$687,687.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 500,000.00 - Account 891.030.5540, CDBG Asphalt Resurfacing  
\$ 4,870.00 - Account 991.908.5220, Asphalt Resurfacing  
\$ 62,337.00 - Account 104.991.5420, Storm Sewers, Misc.  
\$ 120,480.00 - Account 287.991.5310, Sanitary Sewers, Var. Loc.  
\$ 687,687.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2591**

Contract 33-11 (K1-035), Sanitary Sewer and Lateral Relining, be awarded to Musson Brothers, Inc., Brookfield, Wisconsin, at its bid price

Resolved, that Contract 33-11 (K1-035), Sanitary Sewer and Lateral Relining, be awarded to Musson Brothers, Inc., Brookfield, WI, at its bid price of \$666,632.50, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 95,292.50 - Account 287.991.5310, Sanitary Sewers, Misc. Loc.  
\$ 571,340.00 - Water & Wastewater Utility  
\$ 666,632.50 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2592**

Contract 34-11 (K1-036), Sanitary Sewer Relay, be awarded to A.W. Oakes & Son, Inc., Racine, Wisconsin, at its bid price

Resolved, that Contract 34-11 (K1-036), Sanitary Sewer Relay, be awarded to A. W. Oakes & Son, Inc., Racine, WI, at its bid price of \$178,660.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the Water and Wastewater Utility.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2593**

Contract 35-11 (K1-037), Replace Fire Alarm System at Library, be awarded to Enterprise Engineered Systems, Inc., Delafield, Wisconsin, at its bid price

Resolved, that Contract 35-11 (K1-037), Replace Fire Alarm System at Library, be awarded to Enterprise Engineered Systems, Inc., Delafield, WI, at its bid price of \$48,895.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 255.991.5020, Fire Alarm.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2594**

Contract 37-11 (K1-039), Roof Replacement at Street Maintenance Garage, be awarded to A-1 Duran Roofing & Insulation Services, Inc., Milwaukee, Wisconsin, at its bid price

Resolved, that Contract 37-11 (K1-039), Roof Replacement at Street Maintenance Garage, be awarded to A-1 Duran Roofing & Insulating, Inc., Milwaukee, WI, at its bid price of \$94,501.00 plus Alternate Bid No. 1 in the amount of \$5,000.00, for a total contract amount of \$99,501.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 991.630.5010, Street Maintenance Garage Roofs 1, 4.



Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2595**

Change Order No. 3 on Contract 34-10 (K0-042), City Hall and Memorial Hall Restoration (R1), AZAR, LLC, contractor, be approved as submitted

Resolved, that Change Order No. 3 on Contract 34-10 (K0-042), City Hall and Memorial Hall Restoration (R1), AZAR, LLC, contractor, be approved in the amount of \$13,734.13.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 990.100.5020, City Hall Tuckpointing.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2596**

Change Order No. 2 on Contract 52-10 (K0-066), Transit Center West Canopy Platform Repair & Restoration, Ricchio, Inc., contractor, be approved as submitted

Resolved, that Change Order No. 2 on Contract 52-10 (K0-066), Transit Center West Canopy Platform Repair & Restoration, Ricchio, Inc., contractor, be approved in the amount of \$20,717.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 991.913.5040, Railroad Depot.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2597**

Change Order No. 2 on Contract 1-11 (K1-001), City Hall Renovations-Phase III, Seater Construction Co., Inc., contractor, be approved as submitted.

Resolved, that Change Order No. 2 on Contract 1-11 (K1-001), City Hall Renovations-Phase III, Seater Construction Co., Inc., contractor, as submitted, be approved in the deduct amount of \$145,736.00.

Further resolved, that Account 990.100.5010, City Hall-Facilities Plan Implementation, be adjusted by the deduct amount of \$145,736.00.

Fiscal Note: Change Order No. 2 will result in a decrease in contract price.

Sponsors: Sandy Weidner

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

**Res.11-2598**

Change Order No. 1 on Contract 9-11 (K1-009), Police Impound Lot Exterior Renovations-Phase II, SRS Roofing & Sheet Metal, Inc., contractor, be approved as submitted

Resolved, that Change Order No. 1 on Contract 9-11 (K1-009), Police Impound Lot Exterior Renovations-Phase II, SRS Roofing & Sheet Metal, Inc., contractor, be approved in the amount of \$26,900.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 991.310.5060, Police Impound Lot-North Roof.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2599**

Mayor and City Clerk be authorized and directed to enter into a Professional Services Agreement with AECOM Technical Services, Inc., to investigate and review options for a Recycling Transfer Center and Brine Making System

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Professional Services Agreement with AECOM Technical Services, Inc., to investigate and review options for a Recycling Transfer Center and Brine Making System, in the not-to-exceed amount of \$26,900.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 990.913.5030, Recycling Transfer Station.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2600**

Permission granted to the City Attorney's Office to take the necessary steps to acquire frontage at 1014 Three Mile Road for the Three Mile Road Project

Resolved, that the City Attorney's Office be authorized and directed to take the necessary steps to acquire frontage at 1014 Three Mile Road, further described as:

"That part of the southwest ¼ of Section 28 Township 4 North, Range 23 East described as follows:

Commence at the Southwest corner of Section 28, Township 4 North, Range 23 East; Thence South 88°42'44" West, on the South line of section 28, 1089.20 feet to the POINT OF BEGINNING; thence North 00°11'46" West, 50.01 feet; thence North 88°42'44" East, 68.08 feet; thence South 00°11'46" East, 50.01 feet; thence South 88°42'44" West, 68.08 feet; to the POINT OF BEGINNING. Said land being in the City of Racine, Racine County, Wisconsin.

Said described tract containing 3,404.00 square feet more-or-less."

Fiscal Note: The acquisition of this property will facilitate the 2012 Three Mile Road Project - N. Main Street to LaSalle Street.

Sponsors: Sandy Weidner

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

[Res.11-2601](#)

Permission granted to the City Attorney's Office to take the necessary steps to acquire frontage at 1000 Three Mile Road for the Three Mile Road Project

Resolved, that the City Attorney's Office be authorized and directed to take the necessary steps to acquire frontage at 1000 Three Mile Road, further described as:

"That part of the southwest ¼ of Section 28 Township 4 North, Range 23 East described as follows:

Commence at the Southwest corner of Section 28, Township 4 North, Range 23 East; Thence North 88°42'44" East, on the South line of section 28, 1159.28 feet to the POINT OF BEGINNING; thence North 00°11'46" West, 50.01 feet; thence North 88°42'44" East, 132.99 feet; thence North 00°11'46" West, 209.00 feet; thence North 88°42'44" East, 30.01 feet; thence South 00°11'46" East, 299.01 feet; thence South 88°42'44" West, 163.00 feet; to the POINT OF BEGINNING. Said land being in the City of Racine, Racine County, Wisconsin.

Said described tract containing 14,419.77 square feet more-or-less."

Fiscal Note: The acquisition of this property will facilitate the 2012 Three Mile Road Project - N. Main Street to LaSalle Street.

Sponsors: Sandy Weidner

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

**Res.11-2602**

Mayor and City Clerk be authorized and directed to enter into a 3-Party Contract with the State of Wisconsin DOT and Strand Associates, Inc., for Professional Design Engineering Services for reconstructing Durand Avenue (STH 11) from Kearney Avenue to Kentucky Street

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 3-Party Contract with the State of Wisconsin Department of Transportation and Strand Associates, Inc., for Professional Design Engineering Services for reconstructing Durand Avenue (STH 11) from Kearney Avenue to Kentucky Street, State Project ID: 2260-07-70, for the not-to-exceed cost of \$1,100,000.54, which is funded 80% by the State of Wisconsin, or \$880,000.43, and 20% by the City of Racine, or \$220,000.11.

Further resolved, that funds to defray the cost of these professional services are available in the 2012-2016 CIP Budget.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2603**

Mayor and City Clerk be authorized and directed to enter into a Two-Party Agreement with the Wisconsin DOT for the Design and Reconstruction of Washington Avenue (STH 20) from Roosevelt Avenue to Lathrop Avenue

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Two-Party Agreement with the Wisconsin Department of Transportation for the Design and Reconstruction of Washington Avenue (STH 20) from Roosevelt Avenue to Lathrop Avenue, State Project ID: 2440-09-70, and that the agreement be approved in the amount of \$6,110,500.00, with the City's share being 10%, or \$611,274.00, and the State's share being 90%, or \$5,499,227.00.

Further resolved, that funding to defray the City's share of this project will be available in the 2012-2016 Capital Improvement Program.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2604**

Mayor and City Clerk be authorized and directed to enter into a Two-Party Agreement with the Wisconsin DOT for the Design and Reconstruction of Washington Avenue (STH 20) from Lathrop Avenue to West Boulevard

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Two-Party Agreement with the Wisconsin Department of Transportation for the Design and Reconstruction of Washington Avenue (STH 20) from Lathrop Avenue to West Boulevard, State Project ID: 2440-10-70, and that the agreement be approved in the amount of \$4,095,000.00, with the City's share being 17%, or \$675,625.00, and the State's share being 83%, or \$3,419,375.00.

Further resolved, that funding to defray the City's share of this project will be available in the 2012-2016 Capital Improvement Program.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2605**

Mayor and City Clerk be authorized and directed to enter into a Two-Party Agreement with the Wisconsin DOT for the Design and Reconstruction of Washington Avenue (STH 20) from West Boulevard to Marquette Street

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Two-Party Agreement with the Wisconsin Department of Transportation for the Design and Reconstruction of Washington Avenue (STH 20) from West Boulevard to Marquette Street, State Project ID: 2440-11-70, and that the agreement be approved in the amount of \$20,432,950.00, with the City's share being 8%, or \$1,641,349.00, and the State's share being 92%, or \$18,791,601.00.

Further resolved, that funding to defray the City's share of this project will be available in the 2012-2016 Capital Improvement Program.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Sandy Weidner

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

**Res.11-2606**

Mayor and City Clerk be authorized and directed to enter into an agreement with Mekus Tanager, Inc., for Crypt Repairs at Mound and Graceland Cemeteries

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Mekus Tanager, Inc., for Crypt Repairs at Mound and Graceland Cemeteries in an amount not to exceed \$15,500.00, plus a not to exceed amount of \$1,000.00 for incidental costs.

Fiscal Note: Price not to exceed \$15,500.00, plus a not to exceed

amount of \$1,000.00 for incidental costs. Funds are available in Account 207.002.5760, Mound Crypts.

**Sponsors:** Sandy Weidner

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

## H. Resolutions

### Res.11-2582

Permission be granted to accept the bid of the Racine Journal Times for publishing the Common Council Proceedings and all legal notices from June 1, 2011 through May 31, 2012

Resolved, that permission be granted to accept the bid of the Racine Journal Times for publishing the Common Council Proceedings and all legal notices for the period of June 1, 2011 through May 31, 2012.

**Fiscal Note:** There are sufficient funds available in Account 101.010.5540, City Council Proceedings.

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

*Alderman Holding made a motion to reconsider previous vote, seconded by Weidner. After discussion, motion was withdrawn.*

**A motion was made that this Resolution be adopted . The motion was APPROVED by the following vote:**

**AYES:** 13 - Shakoor, II, Shields, Hart, Wisner, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**NOES:** 1 - Marcus

**EXCUSED:** 1 - Fair

### Res.11-2583

Resolution in Support of Residency Ordinance

WHEREAS, employees who live in the community where they work are apt to demonstrate a more urgent commitment to solving problems; and

WHEREAS, residency enhances the quality of employee performance by virtue of greater personal knowledge of local conditions and by having a personal stake in the locality; and

WHEREAS, residency contributes to a diminution of absenteeism and tardiness among personnel as well as ready availability of employees in emergency situations; and

WHEREAS, residency requirements have been demonstrated to reduce unemployment in municipalities as well as stemming the flight of the middle class out of the city while increasing home ownership in the City; and

WHEREAS, residency requirements help to preserve a municipality's tax

base and to keep the incomes paid for by taxpayers circulating within the City.

NOW, THEREFORE, be it resolved that the City Attorney be directed to draft an ordinance requiring residency for employees hired by the City of Racine on or after January 1, 2012.

Fiscal Note: N/A

Sponsors: Terry McCarthy and Gregory Holding

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

**AYES:** 14 - Shakoor, II, Marcus, Shields, Hart, Wiser, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

**Res.11-2574**

Conditional Use Permit to operate a Private Secondary School at 740 College Avenue be approved, subject to certain conditions

Resolved, that the request for a Conditional Use Permit from David Tomasiewicz & Christopher Lundin to operate a Private Secondary School at 740 College Avenue be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on May 25, 2011, be approved subject to the conditions contained herein.
- b. That all applicable local and state permits and licenses be obtained.
- c. That the conditions of approval as listed in Common Council Res.08-0832 and Res.10-2145 be complied with unless otherwise amended herein.
- d. That prior to occupancy of this facility by a secondary school, all off-street parking agreements shall be submitted to the Department of City Development for review and approval. Said parking agreements shall demonstrate that a minimum of 92 off-street parking spaces will be secured by the 2014-2015 school year, and for subsequent years thereafter.
- e. That all employees and students of the school must park off-street.
- f. That all off-street parking areas whether on or off site, shall be clearly striped and marked prior to the operation of this secondary school.
- g. That all exterior signage be submitted to the Downtown Area Design Review Commission for review and approval prior to installation.
- h. That no outdoor storage of supplies, materials, or equipment shall be allowed.
- i. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be

made from the conditions of this permit without the approval of the Common Council.

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

Fiscal Note: N/A

Sponsors: Aron Wisneski

**A motion was made that this Resolution be adopted . The motion was APPROVED by the following vote:**

**AYES:** 14 - Shakoor, II, Marcus, Shields, Hart, Wisner, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

**Res.11-2587**

Final - Ten (10) Year  
Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 31st day of May, 2011 for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

**PORTLAND CEMENT CONCRETE PAVING**

**Alley** - Thirteenth St. to Twelfth St.; Terrace Ave. to S. Memorial Dr. m  
**Alley** - Jerome Blvd. to Twentieth St.; Taylor Ave. to Kearney Ave. (W)  
**Alley** - Jerome Blvd. to Twentieth St.; Taylor Ave. to Kearney Ave. (E)  
**Alley** - Slauson Ave. to Washington Ave.; Taylor Ave. to Phillips Ave. (EW)  
**Alley** - Twentieth St. to Meachem St.; Taylor Ave. to Kearney Ave.  
**Alley** - Slauson Ave. to Washington Ave; Taylor Ave. to Phillips Ave. (NS)  
**Alley** - Sixteenth St. to Slauson Ave.; Taylor Ave. to Phillips Ave. (EW)  
**Alley** - Sixteenth St. to Slauson Ave.; Taylor Ave. to Phillips Ave. (NS)  
**Alley** - Seventeenth St. to Sixteenth St.; Packard Ave. to S. Memorial Dr.

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

1. That the report of the Commissioner of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.
2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner of Public Works.
3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.



4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.

5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.

6. That the assessments may be paid in cash or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per annum.

7. The City Clerk is directed to publish this resolution in the official newspaper of the City of Racine as a Class I notice in the assessment district.

8. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll, whose post office address is known or can with reasonable diligence be ascertained.

Dated \_\_\_\_\_

Signed \_\_\_\_\_

Mayor

Published \_\_\_\_\_

Attest \_\_\_\_\_

City Clerk

**Sponsors:** Sandy Weidner

**A motion was made that this Resolution be adopted . The motion was APPROVED by the following vote:**

**AYES:** 14 - Shakoore, II, Marcus, Shields, Hart, Wisner, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

**Res.11-2585**

Resolution Providing for the Issuance and Sale of \$1,995,000 Waterworks System Mortgage Revenue Refunding Bonds and Providing for the Payment of said Bonds and Other Details and Covenants with respect thereto

WHEREAS, the City of Racine, Racine County, Wisconsin (the "Municipality") owns and operates a Waterworks System (the "System") which is operated for a public purpose as a public utility by the Municipality;

WHEREAS, under the provisions of Section 66.0621 of the Wisconsin Statutes any municipality may, by action of its governing body,

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

WHEREAS, the Municipality has outstanding its Waterworks System Mortgage Revenue Refunding Bonds, dated April 15, 2001 (the "April 2001 Bonds"), its Waterworks System Mortgage Revenue Bonds, dated October 1, 2001 (the "October 2001 Bonds"), its Waterworks System Mortgage Revenue Bonds, dated November 1, 2004 (the "November 2004 Bonds"), its Waterworks System Mortgage Revenue Bonds, dated April 2, 2007 (the "2007 Bonds"), and its Waterworks System Mortgage Revenue Bonds, dated December 8, 2009 (the "2009 Bonds"), which bonds are payable from the income and revenues of the System and are additionally secured by a mortgage lien on the System (collectively, the "Prior Bonds");

WHEREAS, the Prior Bonds were issued pursuant to an Ordinance adopted by the Common Council of the Municipality (the "Governing Body") on April 17, 1978, as supplemented by supplementing ordinances adopted on April 4, 2001, October 2, 2001 and October 5, 2004 (collectively, the "Ordinance") and by Resolutions adopted by the Governing Body on March 6, 2007 and November 17, 2009 (collectively, the "Resolutions");

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

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

WHEREAS, the Ordinance and the 2007 and 2009 Resolutions provide that additional bonds may be issued on a parity with the Prior Bonds upon compliance with certain conditions;

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

WHEREAS, to the best of the Governing Body's knowledge, information and belief, all conditions precedent to the issuance of additional bonds set forth in the Ordinance, the 2007 and 2009 Resolutions and the Prior Resolutions have been or will be complied with prior to the issuance of the Bonds authorized by this Resolution;

WHEREAS, the Municipality has determined that it is necessary and desirable to refund the April 2001 Bonds maturing in the years 2012 through 2015 (the "Refunded Obligations") for the purpose of achieving debt service cost savings (the "Refunding");

WHEREAS, for the purpose of paying costs of the Refunding (including paying legal, financing and other professional fees in connection therewith), the Governing Body deems it to be necessary, desirable and in

the best interest of the Municipality to authorize and sell waterworks system mortgage revenue bonds of the Municipality payable solely from the revenues of the System on a parity with the Prior Bonds, which bonds are to be authorized and issued pursuant to the provisions of Section 66.0621, Wisconsin Statutes;

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

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

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

"Act" means Section 66.0621 of the Wisconsin Statutes;

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

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

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

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

"Bonds" means \$1,995,000 Waterworks System Mortgage Revenue Refunding Bonds of the Municipality dated June 28, 2011, authorized to be issued by this Resolution;

"Code" means the Internal Revenue Code of 1986, as amended;

"Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents, replacements and capital expenditures.

"DTC" or "Depository" means The Depository Trust Company, New York, New York or its nominee or successor which shall act as securities depository for the Bonds;

"Fiscal Year" means the twelve month period beginning on January 1 of each year and ending on December 31 of the same year;

"Governing Body" means the Common Council of the Municipality, or such other body as may hereafter be the chief legislative body of the Municipality;

"Gross Revenues" shall include all revenues, income and earnings of the System derived from water charges imposed by the Municipality, all payments to the Municipality under any agreements between the Municipality and any contract users of the System, and any other moneys received from any source by the System including all rentals and fees;

"Municipality" means the City of Racine, Racine County, Wisconsin;

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

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

Milwaukee, Wisconsin;

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

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

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

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

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

Section 2. Authorization of the Bonds. For the purpose of paying costs of the Refunding (including legal, fiscal and other expenses), there shall be borrowed on the credit of the income and revenue of the System the sum of ONE MILLION NINE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$1,995,000), and registered revenue bonds of the Municipality are hereby authorized to be issued in evidence thereof to Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin (the "Original Purchaser") in accordance with the terms and conditions of its purchase proposal (the "Proposal") attached hereto as Exhibit A and incorporated herein by this reference.

Section 3. Terms of the Bonds. The revenue bonds shall be designated "Waterworks System Mortgage Revenue Refunding Bonds" (the "Bonds"); shall be dated June 28, 2011; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall bear interest at the rates per annum set forth in the Proposal and shall mature on September 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest on the Bonds shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2012. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Book.

The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

It is hereby determined and declared that:

- (a) the above Schedule is such that the requirement each year to pay both the principal of and interest on the Bonds is reasonable in accordance with prudent municipal utility management practices;
- (b) the aggregate amount of Bonds, which shall encompass sums sufficient to provide for the costs hereinabove set forth, is necessary; and
- (c) the Refunding of the Refunding Obligation is advantageous and necessary to the Municipality.

Section 3A. Call Provisions. The Bonds shall not be subject to optional redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

Section 3B. Parity with the Prior Bonds. The Bonds shall be additional bonds within the meaning of Section 11 of the Ordinance and Section 9 of the 2007 and 2009 Resolutions, are issued on a parity with the Prior Bonds and are secured by an equal lien and claim to the revenues and properties of the System and the monies on deposit in the Special Redemption Fund as set forth in the Ordinance, the 2007 and 2009 Resolutions, and this Resolution. In addition, the Bonds and any Parity Bonds are secured by a mortgage lien upon the System on a parity with the mortgage lien granted to the Prior Bonds.

The Bonds shall also be "additional senior bonds" within the meaning of Section 11 of the Prior Resolutions. The Safe Drinking Water Bonds are junior and subordinate to the Prior Bonds and shall be junior and subordinate to the Bonds when issued.

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

Section 5. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund hereinafter described, and shall be a valid claim of any holder thereof only against said Special Redemption Fund and the revenues of the System pledged to such fund. Sufficient revenues are hereby pledged to said Special Redemption Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds as the same becomes due. In addition, the Bonds and any Parity Bonds are secured by a mortgage lien upon the System on a parity with the mortgage lien granted to the Prior Bonds. It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund (defined below) and deposited in the Special Redemption Fund (defined below) shall be sufficient in any event to pay the interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds as the same accrues and the principal amount hereof as the same matures, and to provide any amounts required to be paid monthly into the Reserve Account (defined below) to maintain the Reserve Requirement.

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the

Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds, certain funds of the System were created by the Ordinance, continued by the 2007 and 2009 Resolutions and are hereby continued to be used solely for the following respective purposes:

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

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

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

(i) There shall be deposited in the Interest and Principal Account from Bond Proceeds and any Parity Bond proceeds all accrued interest and any premium not used for the Refunding. In addition, there shall be deposited in said account in the manner specified in Section 7 hereof, an amount sufficient (after giving effect to available amounts in said account from accrued interest, any premium not used for the Refunding, investment earnings and any other source) to pay the principal of and interest on, first, the Prior Bonds, the Bonds and any Parity Bonds and second, the Safe Drinking Water Bonds, as the same becomes due. The Interest and Principal Account shall be used solely for the purposes of paying principal of and interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds in accordance with the provisions of this Resolution.

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

(ii) There shall be deposited into the Reserve Account an amount sufficient to make the amount on deposit therein equal to the Reserve Requirement. The Reserve Account shall be used solely for the purpose of paying principal of or interest on the Prior Bonds, the Bonds or any Parity Bonds at any time when there shall be insufficient money in the Interest and Principal Account. The Reserve Account shall be funded and replenished in the manner specified in Section 7 hereof. The Safe Drinking Water Bonds are not secured by the Reserve Account.

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

deficiency in the Special Redemption Fund; and,

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

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

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

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

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

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

(b) to the Special Redemption Fund, for monthly transfer to the Interest and Principal Account thereof, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds coming due on the next succeeding principal payment date (after giving effect to available amounts in said account from accrued interest, any premium not used for the Refunding, investment earnings or any other source). It is the express intent of the Governing Body that at all times the Interest and Principal Account constitute a "bona fide debt service account" and, be depleted (except for a reasonable carryover as defined in the Regulations) at least once a year. Prior to each interest and principal payment date, the Municipality shall transfer from the Interest and Principal Account to the Bond Registrar the amounts required for the payment of the interest and principal coming due on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds;

(c) to the Special Redemption Fund, for monthly transfer to the Reserve Account thereof, an amount equal to one-twelfth of the Reserve Requirement until the amount accumulated in the Reserve Account (after

giving effect to amounts deposited in the Reserve Account from Bond Proceeds pursuant to Section 12 hereof, from any investment earnings or any other source) equals the Reserve Requirement. It is the intent of the Municipality that at all times the Reserve Account constitutes a "reasonably required reserve fund" under Section 148 of the Code and any applicable Regulations;

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

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

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

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

Section 7A. Mortgage Lien. For the further protection of the holders of the Bonds, a mortgage lien is granted and created by Section 66.0621 of the Wisconsin Statutes and this Resolution, which lien is hereby recognized as valid and binding upon the Municipality and as a valid and binding first lien upon the System and any additions and improvements to be made thereto, on a parity with the mortgage granted to the owners of the Prior Bonds. In accordance with the provisions of Section 66.0621(4)(b) of the Wisconsin Statutes, such lien shall be perfected by recording this Resolution in the records of the Municipality.

Section 8. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing waterworks services for public purposes, shall be charged against the Municipality and shall be paid by it as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System, and out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. However such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if



necessary, (b) yearly appropriations therefor and (c) applicable levy limitations, if any; but neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of services rendered to the Municipality and its inhabitants or make any subsequent payment over and above such reasonable cost and value. Such compensation for such service rendered to the Municipality shall, in the manner hereinabove provided, be paid into the Revenue Fund referred to in Section 6 hereof.

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

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

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

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

(i) The Net Revenues for the last completed Fiscal Year preceding the issuance of such additional bonds must have been at least equal to one and one-quarter (1.25) times the highest combined annual interest and principal requirements on all Bonds and any Parity Bonds then outstanding payable from the revenues of the System (other than Bonds and any Parity Bonds being refunded), and the bonds so proposed to be issued, for any succeeding Fiscal Year in which there shall be a principal maturity on such outstanding bonds; provided, however, that if prior to the authorization of such additional bonds the Municipality shall have adopted and put into effect a revised schedule of rates, then the Net Revenues of the System for the last completed Fiscal Year which would, in the written opinion of an independent consulting engineer or independent certified public accountant employed for that purpose, have resulted from such rates had they been in effect for such period may be used in lieu of the actual Net Revenues for the last completed Fiscal Year;

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

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

(iv) The Reserve Account is funded to an amount equal to

the Reserve Requirement applicable upon the issuance of Parity Bonds set forth in Section 1 hereof to the extent such funding complies with the applicable provisions of the Code and any applicable Regulations.

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

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

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

(c) The Municipality will maintain the System in reasonably good condition, will operate the System, and will establish, charge and collect such lawfully established rates and charges for the service rendered by the System, so that the amount of the revenues of the System herein agreed to be set aside to provide for payment of the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds and the interest thereon as the same becomes due and payable will be sufficient for that purpose;

(d) The Municipality will prepare a budget not less than sixty (60) days prior to the end of each Fiscal Year and, in the event such budget indicates that earnings for each year will not exceed debt service for each corresponding year, will take any and all steps permitted by law to increase rates so that the earnings will equal or exceed debt service as promptly as possible;

(e) The Municipality will keep proper books and accounts relative to the System, separate from all other records of the Municipality, and will cause such books and accounts to be audited annually not later than six months after the close of each Fiscal Year by a recognized independent firm of certified public accountants, and will make available to the holders of any of the Bonds or any Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants. Any holder shall have the right at any reasonable time to inspect the System and the records, accounts and data of the System and the Municipality relating thereto. Each such audit, in addition to whatever matters may be thought proper by the accountant, shall include the following in accordance with generally accepted accounting practices: (1) a statement in detail of the income and expenditures of the System for the Fiscal Year; (2) a statement of the Net Revenues of the System for such Fiscal Year; (3) a balance sheet

as of the end of such Fiscal Year; (4) the accountants' comment regarding the manner in which the Municipality has carried out the requirements of this Resolution, and the accountants' recommendation for any changes or improvements in the accounting methods of the System; (5) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy; and (6) the number and types of connections to the System at the end of each year; and

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

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

Section 12. Application of Bond Proceeds. The Bond Proceeds (including any premium and accrued interest from their date to the date of delivery) shall be deposited and applied as follows:

(a) to the Interest and Principal Account of the Special Redemption Fund, the amount of any accrued interest and any premium received from the sale of the Bonds and not used for the Refunding;

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

(c) to the Waterworks System Refunding Fund, a special borrowed money fund hereby created and established, the balance of the Bond Proceeds, less the expenses incurred in authorizing, issuing and delivering the Bonds, to provide for the payment of the R

Sponsors: Q.A. Shakoor, II

*Steve Kornetzke/Baird & Co. appeared to speak on this topic.*

**A motion was made that this Resolution be adopted . The motion was APPROVED by the following vote:**

**AYES:** 14 - Shakoor, II, Marcus, Shields, Hart, Wisner, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

[Res.11-2586](#)

Resolution Authorizing the Issuance of \$8,295,000 General Obligation Promissory Notes and the Issuance and Sale of \$8,295,000 Note Anticipation Notes in Anticipation Thereof

WHEREAS, the City of Racine, Racine County, Wisconsin (the

"City") is presently in need of the sum of \$8,295,000 for the public purpose of financing capital improvement projects and acquisitions set forth in the City's 2011 Capital Improvement Plan (the "Project");

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

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

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

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

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

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

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

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

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

Section 2. Authorization and Sale of the Notes. In anticipation of the sale of the Securities, for the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of EIGHT MILLION TWO HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$8,295,000) 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 EIGHT MILLION TWO HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$8,295,000) 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 \$8,295,000; shall be dated June 28, 2011; 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 28, 2011 as set forth on the schedule attached hereto as Exhibit B and incorporated herein by this reference (the "Schedule"). Interest is payable at maturity. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 4. Redemption Provisions. The Notes shall be subject to redemption prior to maturity, at the option of the City, on November 28, 2011 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

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

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

Section 7. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City a separate and distinct fund account designated as the "Debt Service Fund Account for \$8,295,000 Note Anticipation Notes, dated June 28, 2011" (the "Debt Service Fund Account"), and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) any proceeds of the Notes representing capitalized interest on the Notes or other funds appropriated by the City for

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

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

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

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

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

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

(C) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness and the \$8,295,000 authorized for the issuance of the Securities shall at no time exceed its constitutional debt limit.

Section 9. Proceeds of the Notes; Segregated Borrowed Money Fund. All monies received by the City upon the delivery of the Notes to the Purchaser thereof (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited by the City Clerk into a special fund (the "Borrowed Money Fund") which shall be maintained separate and distinct from all other funds of the City and shall be used for no purpose other than the purposes for which the Notes are issued. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted

Investments, remaining in the Borrowed Money Fund after the purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes, shall be deposited in the Debt Service Fund Account created herein.

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

Section 11. Compliance with Federal Tax Laws. (a) The City represents and covenants that the 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. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall

cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

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

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

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

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

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

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

Section 17. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange



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

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") 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 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 20. Bond Insurance. If the Purchaser of the Notes determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

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

Adopted, approved and recorded June 7, 2011.

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John Dickert  
Mayor

Attest:

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

(SEAL)

Fiscal Note: 2011 Capital Projects are budgeted at \$8,343,500.00.

Sponsors: Q.A. Shakoor, II

*Steve Kornetzke, Baird & Co appeared to speak on this subject.*

**A motion was made that this Resolution be adopted . The motion was APPROVED by the following vote:**

**AYES:** 14 - Shakoor, II, Marcus, Shields, Hart, Wiser, Kaplan, Wisneski, Weidner, McCarthy, DeHahn, Holding, Mozol, Kaprelian-Becker and Morgenroth

**EXCUSED:** 1 - Fair

## I. Ordinances

### Ord.4-11

Ordinance No. 4-11

To amend Section 66-262(b) (1) and (2) of the Municipal Code of the City of Racine, Wisconsin relating to Synthetic cannabinoid prohibited - Penalties.

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

#### Part 1:

Section 66-262(b) (1) and (2) of the Municipal Code of the City of Racine be hereby amended by deleting the current subsections and inserting the following in its place:

“(1) Possession, public display, attempting to sell, giving away or bartering Synthetic cannabinoid - \$300 plus costs (\$555.00).

(2) For sale of Synthetic cannabinoid \$2,500 plus costs (\$3,201.00).”

#### 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

**Referred to Public Safety and Licensing Committee**

## **J. Adjourn**

*The meeting was adjourned at 10:42 by Alderman Shakoor. The next scheduled meeting of the Council is June 21st, 2011.*

ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK