



City of Racine

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

Meeting Minutes - Final Common Council

*Mayor John T. Dickert,
Alderman Jeff Coe, Alderman Krystyna Sarrazin,
Alderman Michael Shields, Alderman Jim Kaplan,
Alderman Sandy Weidner, Alderman Q.A. Shakoor, II,
Alderman Terry McCarthy, Alderman Dennis Wisner, Alderman
Henry Perez, Alderman James Morgenroth, Alderman Ronald
Hart, Alderman Melissa Lemke,
Alderman Mary Land, Alderman Steve Smetana,
Alderman Raymond DeHahn*

Tuesday, May 19, 2015

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 13 - Coe, Sarrazin, Shields, Kaplan, Smetana, Weidner, DeHahn, Shakoor III,
Wiser, Land, Perez, Hart and Lemke
EXCUSED: 2 - McCarthy and Morgenroth

B. Pledge of Allegiance To The Flag

Mayor Dickert led the Council in the 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
Wiser, seconded by Alderman DeHahn.*

D. A Piece Performed By Violinist Simeon Gray

E. Public Comments

No one was signed up to speak for the public comment.

F. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[15-00431](#)

Subject: Communication from the City Attorney submitting the claim of
Jeffrey Callewaert for consideration.

**Staff Recommendation to the Finance & Personnel Committee on
5-26-15:** That the claim be denied.

Fiscal Note: N/A

Referred to Finance and Personnel Committee[15-00440](#)

Subject: Communication from the Chief of Police requesting to apply for and accept the 2015 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG). (Grant Control #00043)

Staff Recommendation to the Finance & Personnel Committee on 5-26-15: Permission be granted to the Chief of Police to apply for the 2015 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG). (Grant Control #00043)

Fiscal Note: The grant is in the amount of \$34,889.00 to be split with Racine County Sheriff's Department.

Referred to Finance and Personnel Committee[15-00444](#)

Subject: Communication from the Public Health Administrator requesting permission to enter into a Memorandum of Agreement with the WI DATCP for Weights and Measures Inspection services.

Staff Recommendation to the Finance & Personnel Committee on 5-26-15: Permission be granted to the Public Health Administrator to enter into a Memorandum of Agreement with the WI DATCP for Weights and Measures Inspection services.

Fiscal Note: The City will be charged for 35 days, at \$400 per day to cover the cost of services rendered. Annual fees payable to the Department shall be in the amount of \$14,000.00, except as otherwise agreed upon for succeeding contract periods.

Referred to Finance and Personnel Committee[15-00445](#)

Subject: Communication from the Public Health Administrator requesting the reclassification of the vacant part-time Public Health Nursing position to that of a Public Health Education II position.

Staff Recommendation to the Finance & Personnel Committee on 5-26-15: Permission be granted to the Public Health Administrator for the reclassification of the vacant part-time Public Health Nursing position to that of a Public Health Education II position.

Fiscal Note: The vacant position is approved / funded within the Health Department's current budget.

Referred to Finance and Personnel Committee[15-00446](#)

Subject: Communication from the Public Health Administrator requesting permission for the Health Department Laboratory to accept the award of a firm fixed price purchase order in the amount of \$49,570.26 from the US Environmental Protection Agency for specified services as they relate to the Grant Park Beach (South Milwaukee, WI) Great Lakes Beach Study.

Staff Recommendation to the Finance & Personnel Committee on 5-26-15: Permission be granted to the Public Health Administrator, for the Health Department Laboratory, to accept the award of a firm fixed price purchase order in the amount of \$49,570.26 from the US Environmental Protection Agency for specified services as they relate to the Grant Park Beach (South Milwaukee, WI) Great Lakes Beach Study.

Fiscal Note: Amount of \$49,570.26 from the US Environmental Protection Agency

Referred to Finance and Personnel Committee[15-00456](#)

Subject: Communication from the Purchasing Agent submitting bid results on Official Notice #5-2015, for one Compact Articulated Wheel Loader with Salt Spreader and Snow Plow.

Staff Recommendation to the Finance & Personnel Committee on 5-26-15: Permission be granted to the Purchasing Agent to award the purchase to Mid-State Equipment at their bid price of \$67,177.17.

Fiscal Note: Bid price of \$67,177.17. Funds for this purchase are available in account 45150 57300, GOB Equipment.

Referred to Finance and Personnel Committee[15-00459](#)

Subject: Communication from the Public Health Administrator requesting permission to accept \$445,400 from the State of Wisconsin Department of Health Services (DHS) for Racine Healthy Babies / Infant Mortality-Racine. (Grant Control # 00045)

Staff Recommendation to the Finance & Personnel Committee on 5-26-15: Permission be granted to the Public Health Administrator to accept \$445,400 from the State of Wisconsin Department of Health Services (DHS) for Racine Healthy Babies / Infant Mortality-Racine. (Grant Control # 00045)

Fiscal Note: \$445,400 from the State of Wisconsin Department of

Health Services (DHS). There is no City match required.

Referred to Finance and Personnel Committee

[15-00460](#)

Subject: Communication from the Public Health Administrator requesting permission to accept funds of \$21,377 from the Wisconsin Department of Health Services, Public Health Emergency Preparedness program for Ebola Preparedness and Response. (Grant Control # 00044)

Staff Recommendation to the Finance & Personnel Committee on 5-26-15: Permission be granted to the Public Health Administrator to accept funds of \$21,377 from the Wisconsin Department of Health Services, Public Health Emergency Preparedness program for Ebola Preparedness and Response. (Grant Control # 00044)

Fiscal Note: \$21,377 from the Wisconsin Department of Health Services, Public Health Emergency Preparedness program for Ebola Preparedness and Response. There is no City match required.

Referred to Finance and Personnel Committee

[15-00464](#)

Subject: Communication from the City Attorney submitting the claim of Keith Sisk and Elizabeth Sisk for consideration.

Staff Recommendation to the Finance & Personnel Committee on 5-26-15: That the claim be denied.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

[15-00465](#)

Subject: Communication from the Public Health Administrator requesting permission to enter into an agreement with MH Imaging, LLC, in which they would provide specified medical imaging services at no charge to qualified TB clients through the City of Racine Health Department.

Staff Recommendation to the Finance & Personnel Committee on 5-26-15: Permission be granted to the Public Health Administrator to enter into an agreement with MH Imaging, LLC, in which they would provide specified medical imaging services at no charge to qualified TB clients through the City of Racine Health Department.

Fiscal Note: There is no City match.

Referred to Finance and Personnel Committee

[15-00467](#)

Subject: Communication from the Public Health Administrator requesting permission to enter into a contract between the Racine Bicycle and Pedestrian Advisory Council and the Bicycle Federation of Wisconsin to provide consultant engineering services for the transportation improvement project under the City of Racine Bicycle and Pedestrian Master Plan.

Staff Recommendation to the Finance & Personnel Committee on 5-26-15: Permission be granted to enter into a contract between the Racine Bicycle and Pedestrian Advisory Council and the Bicycle Federation of Wisconsin to provide consultant engineering services for the transportation improvement project under the City of Racine Bicycle and Pedestrian Master Plan.

Fiscal Note: The preparation of the plan has an estimated total cost of \$60,000.00 of which the city share is estimated to be 10 percent (\$6,000.00). Funds for the city share are available in account no. 40014.57550 (TID 14).

Referred to Finance and Personnel Committee

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

[15-00435](#)

Subject: Communication from Pentecost Lutheran Church requesting permission to close Jerome Boulevard, from Coolidge Avenue to Case Avenue, on Saturday, July 18, 2015, for a church block party. **Thomas Hasko invited to the meeting.**

Referred to Public Works and Services Committee

[15-00437](#)

Subject: Request to apply for funds from the WisDOT 2016-2020 CMAQ Program Cycle for the West Bluff portion of the Root River Pathway.

Referred to Public Works and Services Committee

[15-00438](#)

Subject: Change Order No. 1 for Contract 16-15 (K5-016), Samuel Myers Park Renovation, A.W. Oakes & Son, Inc., contractor.

Referred to Public Works and Services Committee

[15-00439](#)

Subject: Street dedication for Three Mile Road from west of La Salle Street to North Main Street.

Referred to Public Safety and Licensing Committee

[15-00443](#)

Subject: West Racine Business and Professional Association requesting permission to use the northeast section of the parking lot behind Bendtsen's Bakery for the West Racine Farmer's Market. (Res No. 15-0215)

Recommendation of the Common Council on 05/19/15: The West Racine Business and Professional Association request to use the northeast section of the parking lot behind Bendtsen's Bakery for the West Racine Farmer's Market be approved.

Fiscal Note: N/A

Alderman Coe requested to suspend the rules and act on this item. There were no objections.

A motion was made by Alderman Coe, seconded by Alderman Wisner, that this Communication be Approved. The motion was APPROVED by the following vote:

AYES: 13 - Coe, Sarrazin, Shields, Kaplan, Smetana, Weidner, DeHahn, Shakoor III, Wisner, Land, Perez, Hart and Lemke

ABSENT: 2 - McCarthy and Morgenroth

[15-00469](#)

Subject: Request of DeMark, Kolbe and Brodek, S.C., on behalf of Marlo Incorporated of Racine, Wisconsin (2227 South Street), to use City right-of-way to stage construction materials. **Micheal Bannon invited to the meeting.**

Referred to Public Works and Services Committee

[15-00457](#)

Subject: Request to use Monument Square and to close 5th Street, from Main Street to Wisconsin Avenue, from 5:00 P.M. Friday, May 29, 2015 until 7:00 P.M. Sunday, May 31, 2015, for the Monument Square Art Fair. (Res No. 15-0216)

Recommendation of the Common Council on 05/19/15: The request to use Monument Square and to close 5th Street, from Main Street to Wisconsin Avenue, from 5:00 P.M. Friday, May 29, 2015 until 7:00 P.M. Sunday, May 31, 2015, for the Monument Square Art Fair be approved.

Fiscal Note: N/A

Alderman Coe requested to suspend the rules and act on this item. There were no objections.

A motion was made by Alderman Kaplan, seconded by Alderman Shakoor, that this Communication be Approved. The motion was APPROVED by the following vote:

AYES: 13 - Coe, Sarrazin, Shields, Kaplan, Smetana, Weidner, DeHahn, Shakoor III, Wisner, Land, Perez, Hart and Lemke

ABSENT: 2 - McCarthy and Morgenroth

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

[15-00416](#)

Subject: The following renewal application(s) for a Class "A" Retail Fermented Malt Beverage License for 2015-2016:

Lauro Davalos Street (Tradename) La Tapatia	1951 Mead
Christianos, Inc. Ave (Tradename) Christiano's Supermarket Dixit Patel, Agent	2054 Kearney
Speedway LLC Washington Ave (Tradename) Speedway #2089 Steven A Hill, Agent (Change of Agent)	4620
Priya, Corporation Ave (Tradename) Priya Corp. DBA Andy's Kavita Khullar, Agent	3818 Durand
Max's Magic Supermarket, LLC Washington Ave (Tradename) Max Magic Supermarket Sukwinder Singh, Agent	1007
Tops 3 Supermarket Inc Street (Tradename) Top High Street Pantry Manpreet Singh, Agent	704 High
Tops Supermarket Inc Street (Tradename) Top Matrangas Supermarket Manpreet Singh, Agent	1200 Villa
Dipsha Inc Ave (Tradename) Pantry Plus Tushar Patel, Agent	2056 Taylor
Abdallah Batayneh Martin Luther King Dr (Tradename) Quick Stop Foods	1600 Dr

 Referred to Public Safety and Licensing Committee
[15-00417](#)

Subject: The following renewal application(s) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2015-2016:

Thang D Pham Northwestern Ave (Tradenname) River Run Restaurant	3616
T.B. Hansen's Inc. Goold St (Tradenname) Hansen's Tap Thomas R Hans, Agent	501
Coasters Inc Main St (Tradenname) Coasters Charles Beth, Agent	1301 N
Char-Grill, Inc., The (Tradenname) Charcoal Grill Jeff Marsh, Agent	3839 Douglas Ave
Fides F. Wagner-Richardson Mound Ave (Tradenname) Blues & R/B	1102
Demark's Bar and Restaurant Inc. Albert St (Tradenname) Demark's Tavern Sharon A. Bur, Agent	1600
Alice F. Warren Martin Luther King Drive (Tradenname) Bucks Lounge (Publication Fee Only)	963
Kenny's On Main LLC Main St (Tradenname) Kenny's On Main Kenneth R. Meyer, Agent	1300 N
Joey's On Taylor Ltd. Taylor Ave (Tradenname) Joey's On Taylor Joseph G. Legath, Agent	1863

Joey's On 6th LLC St (Tradename) Joey's On 6th Joseph G. Legath, Agent	910 Sixth
Joey's On Lathrop Lathrop Ave (Tradename) Joey's On Lathrop Joseph G. Legath, Agent	2054
Apple Hospitality Group, LLC Green Bay Road (Tradename) Applebee's Timothy Geniesse, Agent	2521 S
TTDH, Inc. Douglas (Tradename) Gus's Gyros/Better Day BP Constantin Tousis, Agent	2100
Mi Jacalito, LLC Douglas Avenue (Tradename) Mi Jacalito Restaurant	1318
George's Of Racine, WI, INC. Main St (Tradename) George's Tavern David Popoff, Agent (Publication Fee Only)	1201 N
Infusino Pizzeria & Restaurant, Inc Rapids Drive (Tradename) Infusino's Italian Village Emilio Infusino, Agent	3201
Infusino Pizzeria & Restaurant, Inc Rapids Drive (Tradename) Infusino's Restaurant Emilio Infusino, Agent	3225
The Rhino Bar, LLC Main Street (Tradename) The Rhino Bar	1659 N
Restaurant Of Racine, Inc	207

Gaslight Drive
 (Tradename) Chancery
 Robert Frederickson, Agent

Caste Lanes Of Southeastern, WI 5615
 Castle Court
 (Tradename) Castle Lanes
 Phillip G Ontko, Agent

3EMINEE, LLC 501 Sixth
 Street
 (Tradename) Henry & Wanda's
 Elizabeth R Walton, **(Change of Agent)**

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

Referred to Public Safety and Licensing Committee

[15-00426](#)

Subject: The following renewal application(s) for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2015-2016:

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

Timer's Of Racine, Inc.
 3800 Northwestern Ave
 (Tradename) Timer's Beverage Center
 Shawn D Voss, Agent

Dan's Liquor Inc
 1856 Taylor Ave
 (Tradename) Dan's Liquor & Video
 Jagdish R. Patel, Agent

Aldi Inc. (Wisconsin)
 3110 Douglas Ave
 (Tradename) Aldi #28
 Anthony E Besario, Agent
(Change of Agent)

Phesal E Ckadan
 1812 Sixteenth Street

(Tradenname) Twin's Food Mart

Max's Family Supermarket
1201 S Memorial Drive
(Tradenname) Family Supermarket
Sukjinder Singh, Agent

Siddi Vinayak Inc
2062 Lathrop Ave
(Tradenname) Arbee's Liquor Store
Jagdish Patel, Agent

Referred to Public Safety and Licensing Committee

[15-00430](#)

Subject: The following renewal applications for "CLASS B" **CLUB** Retail Fermented Malt Beverage and intoxicating Liquor Licenses for 2015-2016.

Racine Country Club 2801 Northwestern Avenue
(Tradenname) Racine Country Club
CHANGE OF AGENT
John Schneider, NEW AGENT

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

Referred to Public Safety and Licensing Committee

[15-00447](#)

Subject: (New) Application of Gibson Promotions LLC; Gary Clark Gibson, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1201 N Main St. (4th District).

Referred to Public Safety and Licensing Committee

[15-00458](#)

Subject: (New) Application of Meridian Healthcare LLC DBA Sana Acupuncture and Apothecary for a Massage Establishment Permit for 1228 Lathrop Avenue, 2015-2016. (12th District)

Referred to Public Safety and Licensing Committee

[15-00466](#)

Subject: The following renewal application(s) for a Class "B" Retail Fermented Malt Beverage License for 2015-2016:

PH Hospitality Group LLC 5000
Washington Ave
(Tradenname) Pizza Hut
Illyria Shores, Agent

Referred to Public Safety and Licensing Committee

[15-00468](#)

Subject: (New) Application of Krung Thai, Phaylakhone Alounlangsy, Agent for a "Class C" and Class "B" Fermented Malt Beverage and Wine License for 515 Sixth Street. (1st District)

Referred to Public Safety and Licensing Committee

[15-00455](#)

Subject: (Direct Referral) (Renewal) Application of Jensen & Jensen Inc., for a 2015-2016 Motor Vehicle Towing License.

Referred to Public Safety and Licensing Committee

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor

[15-00349](#)

Subject: Communication from the General Manager of the Water Utility Wishing to Discuss the Financial Assistance Agreement for the Safe Drinking Water Loan Fund Program (SDWLFP), Project No. 4887-05, Modifications to High Lift Station. (Res No. 15-0193)

Recommendation of the Racine Waterworks Commission on 4/28/15: To approve.

Recommendation of the Finance & Personnel Committee on 5/11/15: Recommends that the Mayor and City Clerk be authorized to sign and enter into a Financial Assistance Agreement (FAA) with the Department of Natural Resources, in association with the Safe Drinking Water Loan Program, Project No. 4887-05, Modifications to High Lift Station for the Racine Water Utility. Further recommends that the Mayor and City Clerk be authorized to sign the Municipal Obligation Resolution associated with this Safe Drinking Water Loan.

Fiscal Note: The loan is in the amount of \$1,931,200 at an interest rate of 1.65% and repayment of the loan will be provided by revenues of the Racine Water Utility.

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

[15-00353](#)

Subject: Communication from the City Attorney submitting the claim of Steven Schoene for consideration.

Recommendation of the Finance & Personnel Committee on 05/11/15: The claim of Steven Schoene be denied.

Fiscal Note: N/A

A motion was made that this claim be received and filed as reported. The motion was APPROVED on a voice vote.

[15-00355](#)

Subject: Communication submitting the claim of Target Corporation, based on the alleged excessive 2014 taxes for property located at 5300 Durand Avenue, for consideration.

Recommendation of the Finance & Personnel Committee on 05/11/15: The claim of Target Corporation be denied.

Fiscal Note: N/A

A motion was made that this claim be received and filed as reported. The motion was APPROVED on a voice vote.

[15-00375](#)

Subject: Inter-municipal Water Main Agreement between Racine Water Utility and the Village of Mt. Pleasant Regarding 22nd Street, from Clark to Howe. (Res No. 15-0194)

Recommendation of the Racine Waterworks Commission on 4/28/15: To approve.

Recommendation of the Finance & Personnel Committee on 5/11/15: To authorize Mayor Dickert and City Clerk to enter into a Joint Agreement with the Village of Mt. Pleasant for the reconstruction of 22nd Street in Mt. Pleasant from Clark Street to Howe Street.

Fiscal Note: Funds have been provided for in the Water Utility 2015 Capital Improvement Program.

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

[15-00391](#)

Subject: Communication from the Fire Chief requesting the Mayor and City Clerk be authorized to sign the Wisconsin Emergency Management/State Regional Hazardous Materials Response Team contract for the period of July 1, 2015 through June 30, 2017. (Res No. 15-0195)

Recommendation of the Finance & Personnel Committee on 5/11/15: The Mayor and City Clerk enter into an agreement for the Wisconsin Emergency Management/State Regional Hazardous Materials Response Team contract for the period of July 1, 2015 through June 30, 2017.

Fiscal Note: The City will receive \$98,000 annually for the services rendered.

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

[15-00392](#)

Subject: Communication from the Fire Chief requesting permission to accept bariatric patient handling equipment from RAMAC and Wheaton Franciscan All Saints Foundation. (Res No. 15-0196)

Recommendation of the Finance & Personnel Committee on 5/11/15: The Fire Chief accept bariatric patient handling equipment from RAMAC and Wheaton Franciscan All Saints Foundation.

Fiscal Note: The Fire Department will be providing an in-kind support for the bariatric patient handling equipment and will cover the estimated installation cost of \$300 from existing budgetary sources.

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

[15-00405](#)

Subject: Communication from the City Administrator desiring to meet with the Finance and Personnel Committee to discuss reorganization of the Department of City Development. (Res No. 15-0197)

Recommendation of the Finance & Personnel Committee on 5/11/15: Approve the reorganization plan of the Department of City Development.

Fiscal Note: None at this time.

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

[15-00424](#)

Subject: (Direct Referral) Communication from the City Clerk submitting the bid received for printing the Common Council Proceedings and legal notices for the period of June 1, 2015 through May 31, 2016. (Res No. 15-0196)

Recommendation of the Finance & Personnel Committee on 5/11/15: The contract for printing the Common Council Proceedings and legal notices for the period of June 1, 2015 through May 31, 2016 be awarded to the Journal Times.

Fiscal Note: Funds are budgeted in account 11001 52315.

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

Public Works and Services Committee Report, by Ald. Kaplan

[15-00365](#)

Subject: (Direct Referral) Change Order No. 1 on Contract 29-14 (K4-029) City Hall Annex - Boiler Replacement, Core Mechanical, Inc., contractor. (Res No. 15-0204)

Recommendation of the Public Works and Services Committee on 04-28-15: Deferred

Recommendation of the Public Works and Services Committee meeting on 05-12-15: That Change Order No. 1 on Contract 29-14 (K4-029), City Hall Annex - Boiler Replacement, Core Mechanical, Inc., contractor, as submitted, be approved in the amount of \$4,395.00.

Further recommends that funding to defray the cost of the change order be appropriated from Org-Object 45040-57200, Annex-Boiler Replacement.

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 on a voice vote.

[15-00366](#)

Subject: Final payment on Contract 29-14 (K4-029), City Hall Annex - Boiler Replacement, Core Mechanical, Inc., contractor. (Res No. 15-0205)

Recommendation of the Public Works and Services Committee on 04-28-15: Deferred

Recommendation of the Public Works and Services Committee meeting on 05-12-15: That the work done by Core Mechanical, Inc., under Contract 29-14 (K4-029), City Hall Annex-Boiler Replacement, be accepted and final payment authorized for a total contract amount of \$532,290.00.

Fiscal Note: Contract was authorized under Resolution 14-0221, dated May 20, 2014.

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

[15-00399](#)

Subject: (Direct Referral) Three-Party Design Engineering Services Agreement between the City of Racine, State of Wisconsin and Ayres Associates, Inc., for State Project ID: 2703-00-02, West 6th Street Bridge. (Res No. 15-0207)

Recommendation of the Public Works and Services Committee meeting on 05-12-15: That the Mayor and City Clerk be authorized and directed to enter into a three-party agreement with the City of Racine, WisDOT and Ayres Associates, Inc. for design engineering services for State Project ID: 2703-00-02, West 6th Street Bridge in the not-to-exceed amount of \$398,902.13. The City's share is \$79,780.43 (20%) and the State's share is \$319,121.17 (80%).

Fiscal Note: Funding is available in Org-Object 45040-57540, West 6th Street Bridge.

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

[15-00402](#)

Subject: Bid results for Contract 06-15 (K5-006), 2015 Street and Alley Paving - Southside Assessable (R1). (Res No. 15-0201)

Recommendation of the Public Works and Services Committee meeting on 05-12-15: That Contract 06-15 (K5-006), 2015 Street and Alley Paving - Southside Assessable (R1) be awarded to LaLonde Contractors, Inc., at their bid price of \$618,768.60, it being the lowest responsible bidder.

Further recommends that funds to defray the cost of this public works project be appropriated from the following Org-Objects:

\$246,597.24 - Org-Object 40104-57500, Concrete Street Paving
\$ 74,954.25 - Org-Object 40104-57500, Concrete Alley Paving
\$ 12,032.10 - Org-Object 40104-57510, Concrete Curb & Gutter
\$131,867.35 - Org-Object 45040-57500, Concrete Street Paving Misc
\$ 85,261.66 - Org-Object 45040-57500, Concrete Alley Paving Misc
\$ 12,761.00 - Org-Object 22640-57560, Sanitary Sewers Misc
\$ 55,295.00 - Org-Object 60484-57570, Storm Sewers, Misc Loc
\$618,768.60 - 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 on a voice vote.

[15-00403](#)

Subject: Bid results for Contract 13-15 (K5-013), Traffic Signal Replacement - 6th Street and Memorial Drive. (Res No. 15-0202)

Recommendation of the Public Works and Services Committee meeting on 05-12-15: That Contract 13-15 (K5-013), Traffic Signal Replacement - 6th Street and Memorial Drive be awarded to Outdoor Lighting Construction Company, Inc., at their bid price of \$188,564.61, it being the lowest responsible bidder.

Further recommends that funds to defray the cost of this public works project be appropriated from the following Org-Objects:

\$133,700.00 - Org-Object 45040-57530, Traffic Signal Replacement
\$ 54,864.61 - Org-Object 45040-57500, Concrete Street Paving Misc
Loc

\$188,564.61 - 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 on a voice vote.

[15-00404](#)

Subject: Bid results for Contract 19-15 (K5 -019), Lake Michigan Pathway - Phase III.

Recommendation of the Public Works and Services Committee meeting on 05-12-15: That the bids for Contract 19-15 (K5-019), Lake Michigan Pathway - Phase III, be rejected.

Fiscal Note: N/A

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

[15-00407](#)

Subject: Bid results for Contract 35-15 (K5-035), 2015 CCTV & Manhole Inspections. (Res No. 15-0203)

Recommendation of the Public Works and Services Committee meeting on 05-12-15: That Contract 35-15 (K5-035), 2015 CCTV & Manhole Inspections be awarded to Northern Pipe Equipment, Inc., at their bid price of \$126,662.64, it being the lowest responsible bidder.

Further recommends that funds to defray the cost of this public works project be appropriated from the following Org-Objects:

\$ 29,807.50 - Org-Object 40102-57560, Racine Waste Water Interceptor CCTV

\$ 51,123.60 - Org-Object 60484-57570, Storm Sewers, Misc Loc

\$ 45,731.54 - Org-Object 22640-57560, Sanitary Sewer, Var Loc
\$126,662.64

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 on a voice vote.

[15-00413](#)

Subject: Resolution 15-0187, created May 5, 2015, being a final resolution relating to street improvements on:

Portland Cement Concrete Paving

Chatham Street - Kewaunee Street to Barker Street

Davis Place - Tenth Street to Eleventh Street

Franklin Street - Thirteenth Street to Fourteenth Street

Harrington Drive - Vista Drive to North Osborne Boulevard

Kewaunee Street - Michigan Boulevard to Chatham Street
Spring Valley Drive - Frances Drive to Vista Drive

Sewer & Water

Chatham Street - Kewaunee Street to Barker Street

Sewer Lateral

Kewaunee Street - Michigan Boulevard to Chatham Street

Sanitary Sewer

Kewaunee Street - Michigan Boulevard to Chatham Street

Recommendation of the Public Works and Services Committee on 05-12-15: That Resolution 15-0187, of May 5, 2015, be approved and adopted.

Fiscal Note: N/A

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

[15-00414](#)

Subject: (Direct Referral) Professional services agreement for Contract 37-15 (K5-037), PS-2015 Sewer Asset Management Services, AECOM, consultant. (Res No. 15-0206)

Recommendation of the Public Works and Services Committee meeting on 05-12-15: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM, on Contract 37-15 (K5-037), PS-2015 Sewer Asset Management Services, in the not-to-exceed amount of \$59,900.00.

Further recommends that funds to defray the cost of these professional services be appropriated from the following Org-Objects:

\$27,470.00 - Org-Object 60484-57570, Storm Sewer Misc Loc
\$27,470.00 - Org-Object 22640-57560, Sanitary Sewer Var Loc
\$ 4,960.00 - Org-Object 40102-57560, Water/Wastewater Projects
\$59,900.00 - 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 on a voice vote.

[15-00419](#)

Subject: (Direct Referral) Change Order No. 1 on Contract 18-14 (K4-018), 2014 Street Paving-Southside Assessable (R1), A.W. Oakes

& Son, Inc., contractor. (Res No. 15-0208)

Recommendation of the Public Works and Services Committee meeting on 05-12-15: That Change Order No. 1 on Contract 18-14 (K4-018), 2014 Street Paving-Southside Assessable (R1), A.W. Oakes & Son, Inc., contractor, as submitted, be approved in the amount of \$6,186.71.

Further recommends that funding to defray the cost of the change order be appropriated from the following Org-Objects:

\$ 304.00 - Org-Object 40104-57510, New Curb & Gutter
\$ 896.00 - Org-Object 40104-57515, Sidewalks - New
\$1,454.71 - Org-Object 45040-57500, DPW Concrete Street Paving, Misc
\$3,532.00 - Org-Object 60484-57570, Storm Sewer Misc Loc
\$6,186.71 - 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 on a voice vote.

[15-00420](#)

Subject: Final payment on Contract 18-14 (K4-018), 2014 Street Paving-Southside Assessable (R1), A.W. Oakes & Son, Inc., contractor. (Res No. 15-0209)

Recommendation of the Public Works and Services Committee meeting on 05-12-15: That the work done by A.W. Oakes & Son, Inc., under Contract 18-14 (K4-018), 2014 Street Paving-Southside Assessable (R1), be accepted and final payment authorized for a total contract amount of \$689,539.46.

Fiscal Note: Contract was authorized under Resolution 14-0220, dated May 20, 2014.

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

[15-00421](#)

Subject: (Direct Referral) Tristin Erickson (5K Events) requesting to use City right-of-way on September 5, 2015 for the Bacon 5Kegs event. (Res No. 15-0200)

Recommendation of the Public Works and Services Committee meeting on 05-12-15: That Tristin Erickson (5K Events) be granted permission to use City right-of-way on September 5, 2015, for the 2015 Bacon 5Kegs event with the following stipulations:

A. A hold harmless agreement be executed and a \$75.00 processing

fee paid.

B. A liability insurance certificate be filed prior to this event.

C. Any overtime costs incurred by any City department be charged to the sponsor.

D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.

E. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.

F. If required, sponsor shall provide a detour plan for the closure of all State Connecting Highways, arterial and collector streets to the City Engineer for approval.

G. Sponsor is responsible for cleaning the streets.

H. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event, and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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

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

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

[15-00423](#)

Subject: Final payment on Contract 04-14 (K4-014), PS-2014 Pavement Inspections & Planning, AECOM, consultant. (Res No. 15-0210)

Recommendation of the Public Works and Services Committee meeting on 05-12-15: That the work done by AECOM, under Contract 04-14 (K4-014), PS-2014 Pavement Inspections & Planning, be accepted and final payment authorized for a total contract amount of \$77,825.63.

Fiscal Note: Contract was authorized under Resolution 14-0024, dated January 21, 2014.

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

[15-00429](#)

Subject: (Direct Referral) Request for approval and authorization for the City Attorney to draft an agreement with the Village of Mount Pleasant for reimbursement of paving expenses at 215 Oregon Street. (Res No. 15-0211)

Recommendation of the Public Works and Services Committee meeting on 05-12-15: Authorize the City Attorney to draft an agreement with the Village of Mount Pleasant for reimbursement for paving the street in front of 215 Oregon Street.

Fiscal Note: N/A

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

[15-00432](#)

Subject: (Direct Referral) Real Racine requesting use of City right-of-way for the Ironman Racine 70.3 Triathlon on Sunday, July 19, 2015. (Res No. 15-0199)

Recommendation of the Public Works and Services Committee meeting on 05-12-15: That permission be granted to Real Racine and Ironman to use City right-of-way for the Ironman Racine 70.3 Triathlon on Sunday, July 19, 2015.

Further recommends that Real Racine and Ironman be granted permission to close the following streets and to utilize certain other City streets, as indicated, on their race map, for the Ironman Racine 70.3 Triathlon to be held on Sunday, July 19, 2015.

Barker Street from Main Street to its terminus with Lake Michigan
Goold Street from Main Street to Michigan Boulevard
Augusta Street from Main Street to Michigan Boulevard
Wolff Street from Main Street to Michigan Boulevard
William Street from Main Street to Michigan Boulevard
Lombard Avenue from Main Street to Michigan Boulevard
Lakecrest Drive from Main Street to Michigan Boulevard

with the following stipulations:

- A. A hold harmless agreement be executed and a \$100.00 processing fee paid.
- B. Proof of liability insurance be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$700.00 special event fee.
- F. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.
- G. If required, sponsor shall provide a detour plan for the closure of all State Connecting Highways, arterial and collector streets to the City Engineer for approval.
- H. Sponsor is responsible for cleaning the streets.

I. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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

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

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

Public Safety and Licensing Committee Report, by Ald. Coe

[15-00346](#)

Subject: (Direct Referral) (Renewal) Application for IGR Corporation, for Secondhand Jewelry & Article Dealer's Licenses for 5556 Durand Ave B280. (14th District)

Recommendation of the Public Safety and Licensing Committee

5/12/2015: That the application for IGR Corporation, for Secondhand Jewelry & Article Dealer's Licenses for 5556 Durand Ave B280 be approved.

Fiscal Note: N/A

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

[15-00347](#)

Subject: (Direct Referral) (Renewal) Application for Ancient Infinity LLC, for Secondhand Jewelry & Article Dealer's Licenses for 5734 Durand Ave. (14th District)

Recommendation of the Public Safety and Licensing Committee

5/12/2015: That the application for Ancient Infinity LLC, for Secondhand Jewelry & Article Dealer's Licenses for 5734 Durand Ave., be approved.

Fiscal Note: N/A

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

[15-00384](#)

Subject: The following renewal application(s) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2015-2016:

Mario Aranda Sr.
(Tradename) The Club

1244 Washington Avenue

Yardarm Bar & Grill, LTD. 920 Erie Street
(Tradename) Yardarm
Laura Tomasek, Agent

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

Rudy's LLC 2515 Douglas Avenue
(Tradename) Rudy's
Dale Decker, Agent

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

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

Michigan's Pub, LLC 1300 Michigan Blvd
(Tradename) Michigan's Pub
George R. Seater, Agent

Mark Gill K & DAFH LLC 1333 Douglas Ave
(Tradename) King Daddies
Lavonda Perkins, Agent

Recommendation of the Public Safety and Licensing Committee

5/12/2015: That the above renewal application(s) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2015-2016 listed be approved.

Fiscal Note: N/A

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

[15-00385](#)

Subject: The following renewal application(s) for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2015-2016:

MITRAJ, INC. 3711 Douglas Avenue
(Tradename) Pantry Foods
Radhhesyam Patel, Agent

Taylor Liquor Inc. 2813 Taylor Ave

(Tradename) Colonial Liquor
Ilesh Patel, AG, Agent

3 Mile Station LLC
(Tradename) Kwik Pantry Food Mart

600 Three Mile Rd

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

918 West

Recommendation of the Public Safety and Licensing Committee

5/12/2015: That the above renewal application(s) for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2015-2016 be approved.

Fiscal Note: N/A

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

[15-00386](#)

Subject: (Direct Referral) (Renewal) Application of Floyd and Sons, Inc., for a 2015-2016 Motor Vehicle Towing License.

Recommendation of the Public Safety and Licensing Committee

5/12/2015: That the application of Floyd and Sons, Inc., for a 2015-2016 Motor Vehicle Towing License be approved.

Fiscal note: N/A

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

[15-00387](#)

Subject: The following renewal application(s) for a Class "A" Retail Fermented Malt Beverage License for 2015-2016:

Lee's Deli Inc
Washington Ave
(Tradename) Lee's Deli
John P. Henes, Agent

2615

V S Gill LLC
Northwestern Ave
(Tradename) Northwestern Citgo
Virinder S Gill, Agent

2240

Recommendation of the Public Safety and Licensing Committee

5/12/2015: That the above renewal application(s) for a Class "A" Retail Fermented Malt Beverage License for 2015-2016 be approved.

Fiscal Note: N/A

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

[15-00390](#)

Subject: (Renewal)(Direct Referral) Application of Don's Towing and Truck Service LLC., Don Durham, for a Motor Vehicle Towing License Expiring June 30 2016, 8100 Washington Ave.

Recommendation of the Public Safety and Licensing Committee

5/12/2015: That the application of Don's Towing and Truck Service LLC, Don Durham, for a 2015-2016 Motor Vehicle Towing License be approved.

Fiscal Note: N/A

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

[15-00393](#)

Subject: Communication from the Fire Chief requesting permission to implement a Tactical Emergency Medical Support (TEMS) team in support of area law enforcement agencies. (Res No. 15-0213)

Recommendation of the Public Safety and Licensing Committee

5/12/2015: The communication from the Fire Chief requesting permission to implement a Tactical Emergency Medical Support (TEMS) team in support of area law enforcement agencies be approved.

Fiscal Note: N/A

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

[15-00394](#)

Subject: Communication from the Fire Chief requesting permission to implement a Mobile Integrated Health Care program in support of area Health Care Systems. (Res No. 15-0214)

Recommendation of the Public Safety and Licensing Committee

5/12/2015: The communication from the Fire Chief requesting permission to implement a Mobile Integrated Health Care program in support of area Health Care Systems be approved.

Fiscal Note: N/A

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

[15-00398](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the report on bids received for the sale of Abandoned Vehicles, April 28, 2015.

Recommendation of the Public Safety and Licensing Committee

5/12/2015: That the item be Recommended to be Received and Filed as the highest responsible bidder out of the three bids was Sturtevant Auto Salvage.

Fiscal Note: This will generate \$8,229.00 in revenue for account 13101 48301.

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

[15-00410](#)

Subject: (New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for McAuliffe's Squared LLC, located at 213 Sixth Street, John McAuliffe's, Agent. (1st District)

Recommendation of the Public Safety and Licensing Committee

5/12/2015: The application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for McAuliffe's Squared LLC, located at 213 Sixth Street, John McAuliffe's, Agent, be approved.

Fiscal Note: N/A

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

[15-00411](#)

Subject: (New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for McAuliffe Productions LLC, located at 3700 Meachem Road, John McAuliffe's, Agent. (11th District)

Recommendation of the Public Safety and Licensing Committee

5/12/2015: The application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for McAuliffe Productions LLC, located at 3700 Meachem Road, John McAuliffe's, Agent, be approved.

Fiscal Note: N/A

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

[15-00412](#)

Subject: (New) Application of King Daddies II, LLC; Lavonda Perkins, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1300 Sixteenth Street. (3rd District)

Recommendation of the Public Safety and Licensing Committee

5/12/2015: The application of King Daddies II, LLC; Lavonda Perkins, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1300 Sixteenth Street be approved.

Fiscal Note: N/A

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

City Plan Commission Report, by Ald. Wiser

[15-00380](#)

Subject: (Direct Referral) A request by Meredith WC LLC for a conditional use permit to operate an activity/event facility at 740 Lake Avenue. (Res No. 15-0190)

Recommendation of the City Plan Commission on 4-29-15: That the item be approved subject to conditions.

Fiscal Note: N/A

Separate consideration was requested by Alderman Wiser.

A motion was made by Alderman Wiser, seconded by Alderman Coe, that this Conditional Use Permit be Approved. The motion was APPROVED by the following vote:

AYES: 8 - Coe, Smetana, DeHahn, Shakoor III, Wiser, Land, Hart and Lemke

NOES: 5 - Sarrazin, Shields, Kaplan, Weidner and Perez

ABSENT: 2 - McCarthy and Morgenroth

Committee of the Whole Report, by Ald. Wiser

[15-00397](#)

Subject: (Direct Referral) Request from the President of the Council for the Assistant Director of Development to present information concerning Item 14-10831, consideration of an amendment to the 2035 Comprehensive Land Use Plan Map designation for properties at 1223 Ohio Street and 1212, 1218 & 1222 Virginia Street from Medium Density Residential to Commercial.

Recommendation of the Committee of the Whole on 05-05-2015: the Item 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 on a voice vote.

Office of the Mayor Report, by Ald. Wiser

[15-00433](#)

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

Appoint Greg Holding 2001 Thurston Ave Racine, 53403 to the

Redevelopment Authority for a 5 year term, expiring April 1, 2020

Appoint Alderwoman Mary Land 2211 Hayes Ave. Racine, 53405 to the Loan Board of Review for a 1 year term, expiring May 1, 2016

Reappoint Alderman James Kaplan 400 Kewaunee St. Racine, 53402 to the Affirmative Action Human Rights Commission for a 1 year term, expiring May 1, 2016

Reappoint Tony Veranth 737 Blaine Ave Racine, 53405 to the City Plan Commission for a 3 year term, expiring April 1, 2018

Appoint Tom Durkin 412 Melvin Ave Racine, 53402 to the City Plan Commission for a 3 year term, expiring April 1, 2018

Appoint Carolyn Moskonas 1606 Lathrop Avenue Racine, 53405 to the Board of Review, filling the current vacancy, expiring March 1, 2018

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

Office of the City Attorney, by Ald. Wisner

[14-10502](#)

Subject: (Direct Referral) Request by Adams Outdoor Advertising for a major amendment to the Regency Mall Planned Development to erect a billboard at 5200 Durand Avenue. (Res. No. 15-0173)

Recommendation of the City Plan Commission on 9-10-14: That the request be denied for the following reasons:

1. The proposed billboard degrades one of Racine's premier shopping areas by imposing visual clutter.
2. The proposed billboard negatively impacts the degree of visual repose/retreat citizen should be able to anticipate at Prichard Park or at the residences to the south.
3. The billboard's visual impact may adversely affect residential property values in the area.
4. The presence of the billboard will likely impede future development of adjacent lands due to the obstructions of sight lines to buildings and other appropriate building signage allowed in the Regency Mall Planned Development.
5. The installation of the billboard is contrary to the objectives of the Regency Mall Planned Development.
6. The design and height of the billboard does not meet the intentions of the current ordinance which was the ordinance intended to be adopted by the City at the beginning of 2013 as demonstrated by the

legislative history even though there were errors in the ordinance adoption process.

7. The location of the billboard in a B-2 district does not meet the intentions the City had in early 2013 to no longer allow billboards in the B-2 district as demonstrated by the legislative history even though there were errors in the ordinance adoption process.

Recommendation of the City Attorney on 4-16-15: That a settlement has been negotiated and to approve subject to the attached agreement in lieu of an appeal.

Fiscal Note: N/A

Alderman Weidner requested separate consideration. There were no objections. A motion was made by Alderman Wisner, seconded by Alderman Coe, that this Conditional Use Permit be Approved. The motion was APPROVED by the following vote:

AYES: 12 - Coe, Sarrazin, Shields, Kaplan, Smetana, DeHahn, Shakoor III, Wisner, Land, Perez, Hart and Lemke

NOES: 1 - Weidner

H. Consent Agenda Resolutions

[Res.15-0173](#)

Adam's Outdoor Advertising - Billboard at 5200 Durand Avenue

Resolved, that the agreement with Adams Outdoor Advertising, Inc. and Adams Outdoor Advertising Limited Partnership titled "Agreement in Lieu of Board of Appeals Consideration of an Appeal to the City of Racine Board of Appeals" is approved.

Further resolved, that the Mayor and City Clerk are authorized to execute the agreement and necessary documents associated with it.

Further resolved, that the request by Adams Outdoor Advertising for a major amendment to the Regency Mall planned development to erect a billboard at 5200 Durand Avenue is approved, subject to the following conditions:

- a. That the plans presented to the Common Council on May 5, 2015 be approved subject to the conditions contained herein.
- b. That all codes and ordinances be complied with unless exceptions thereto are granted herein.
- c. That all applicable permits are acquired.
- d. That through the approval of this conditional use permit, and in

consideration of the physical characteristics of the lands and uses surrounding the subject location, the Common Council authorizes the following exceptions to Municipal Code Section 114-1028(c):

1. Decrease required offsets of 75 feet to offsets no less than 30.55 feet for the billboard's (advertising sign) distance to a residence district boundary line.
2. Waving of the requirement for the complete screening of the view of a billboard (advertising sign) from a residential district.

e. That the following design objectives shall be complied with:

1. The overall height of this installation (from yard grade at base of planter area to top of sign) shall not exceed 20 feet.
2. Lighting of the sign face shall be via downcast fixtures.
3. A three-course decorative block planter shall be provided around the base of the sign.
4. A landscape plan shall be implemented in accordance with an approved plan.
5. All plans, materials and colors are subject to the review and approval of the Director of City Development.
6. That the display shall be a static display and in no case shall be a digital billboard. The face of the display shall consist of vinyl or other outdoor material with a static, non-moving display. Any use of LED or other electronic variable message technology to create a digital and/or rotating or variable or moving display is strictly prohibited.

f. That this permit is void if within 60 calendar days of the execution of the Agreement in Lieu of Board of Appeals Consideration of an Appeal to the City of

Racine Board of Appeals, Adams Outdoor Advertising, its assignee(s), or successor(s) fails to accomplish the following:

1. Permanent removal of three billboards, the building and other structures and appurtenances from the property located at 1601 Racine Street (Parcel ID 09088000). The concrete foundation and slab for the building may remain. Any resulting exposed soil shall be restored, at a minimum, with topsoil and grass within 12 months of the removal of structures and appurtenances. No new billboards, buildings, structures or appurtenances shall be constructed on this parcel and all prior or existing approvals or permissions are terminated.
2. Record with the Racine County Register of Deeds a deed restriction for a prohibition at 5200 Durand Avenue (Parcel ID 23876031) of the installation of any electronic message signs as defined in Municipal Code Section 114-1033. Upon applying for a major amendment to this Conditional Use Permit, and the consent of the City of Racine Common Council, said prohibition may be lifted but no sooner than (5)

years from the date of recording of said deed restriction. The form of the deed restriction shall be submitted to the Director of City Development for review and approval prior its recording.

g. If any improvements listed in condition “e. 3. & 4.” cannot be completed prior to the affixing of advertising thereon, then the applicant or owner shall provide the City with a letter of credit, bond, or other acceptable financial security, equal in value to the required improvements, subject to the following:

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

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

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

h. That per Municipal Code Section 114-159 this conditional use permit shall be deemed null and void if it has not been established (substantially under way) within one year from the date of granting. For the purposes of this conditional use permit, “established (substantially underway)” shall mean that the main vertical support pylon (pipe column) has been properly installed following satisfaction of condition “f” above and the obtaining by Adams Outdoor Advertising of all applicable permits.

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 approval without the approval of the Common Council.

j. That Adams agrees to hold harmless the City, its departments, officers, agents and employees from and against any and call costs, without limitation, attorneys fees, damages, expenses or liability for actions included but not limited to personal injuries, bodily injuries, death or property damage or takings claims arising out of the acts or

omissions of Adams Outdoor, its officers, employees, agents, volunteer workers, or frequenters of said area arising from Adams' erection of its billboard on the property.

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

Fiscal Note: N/A

Sponsors: Dennis Wisner

A motion was made by Alderman Wisner, seconded by Alderman Coe, that this Resolution be Approved. The motion was APPROVED by the following vote:

AYES: 12 - Coe, Sarrazin, Shields, Kaplan, Smetana, DeHahn, Shakoor III, Wisner, Land, Perez, Hart and Lemke

NOES: 1 - Weidner

ABSENT: 2 - McCarthy and Morgenroth

[Res.15-0190](#)

Activity/Event Facility at 740 Lake Avenue

Resolved, that the request from Meredith WC LLC for a conditional use permit to operate an activity/event facility at 740 Lake Avenue is approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on April 29, 2015, be approved subject to the conditions contained herein.

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

c. That the hours and days the facilities is open to the general public for functions, activities and events shall be 7:00 a.m. to 12:00 a.m., daily.

d. That the types of functions, activities and events to be accommodated by this facility may include those such as club meetings, church services and events, weddings ceremonies and receptions, funeral receptions and services, music recitals, community events, pageants, special family events/receptions, fundraising events, general management offices, maintenance, event scheduling.

e. That by July 1, 2015 a security plan for the building and information addressing safety, loitering, after-hours policies and any other potential security issues shall be submitted to the Department of City Development for review and approval.

- f. That all signs shall be professionally made, comply with zoning requirements, and be submitted for the review and approval of the Downtown Area Design Review Commission prior to issuance of building permits and installation.
- g. That all trash and recyclables be stored in closed containers and screened from view.
- h. That any modifications to the exterior of the building be presented to the Downtown Area Design Review Commission prior to implementation.
- 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 review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Dennis Wisner

A motion was made by Alderman Wisner, seconded by Alderman Kaplan, that this Resolution be Approved. The motion was APPROVED by the following vote:

AYES: 8 - Coe, Smetana, DeHahn, Shakoor III, Wisner, Land, Hart and Lemke

NOES: 5 - Sarrazin, Shields, Kaplan, Weidner and Perez

ABSENT: 2 - McCarthy and Morgenroth

[Res.15-0193](#)

Safe Drinking Water Loan Fund Program (SDWLFP)

Resolved, that the Mayor and City Clerk are authorized to sign and enter into a Financial Assistance Agreement (FAA) with the Department of Natural Resources, in association with the Safe Drinking Water Loan Program, Project No. 4887-05, Modifications to High Lift Station for the Racine Water Utility.

Further resolved, that the Mayor and City Clerk are authorized to sign the Municipal Obligation Resolution associated with this Safe Drinking Water Loan.

Fiscal Note: The loan is in the amount of \$1,931,200.00 at an interest rate of 1.65% and repayment of the loan will be provided by revenues

of the Racine Water Utility.

Sponsors: Q.A. Shakoor III

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0194](#)

Inter-municipal Water Main Agreement between Racine Water Utility and Village of Mt. Pleasant

Resolved, that the Mayor and City Clerk are authorized enter into a Joint Agreement with the Village of Mt. Pleasant for the reconstruction of 22nd Street in Mt. Pleasant from Clark Street to Howe Street.

Fiscal Note: Funds have been provided for in the Water Utility 2015 Capital Improvement Program.

Sponsors: Q.A. Shakoor III

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0195](#)

Wisconsin Emergency Management/State Regional Hazardous Materials Response Team Contract

Resolved, that the Mayor and City Clerk are authorized to enter into an agreement for the Wisconsin Emergency Management/State Regional Hazardous Materials Response Team contract for the period of July 1, 2015 through June 30, 2017.

Fiscal Note: The City will receive \$98,000.00 annually for the services rendered.

Sponsors: Q.A. Shakoor III

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0196](#)

Bariatric Patient Handling Equipment

Resolved, that the Fire Chief is authorized to accept bariatric patient handling equipment from RAMAC and Wheaton Franciscan All Saints Foundation.

Fiscal Note: The Fire Department will be providing an in-kind support for the bariatric patient handling equipment and will cover the estimated installation cost of \$300.00 from existing budgetary sources.

Sponsors: Q.A. Shakoor III

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0197](#)

Reorganization of the Department of City Development

Resolved, that the reorganization plan of the Department of City Development is approved.

Fiscal Note: None at this time.

Sponsors: Q.A. Shakoor III

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0198](#)

Printing of Common Council Proceedings and Legal Notices

Resolved, that the contract for printing the Common Council Proceedings and legal notices for the period of June 1, 2015 through May 31, 2016 is awarded to the Journal Times.

Fiscal Note: Funds are budgeted in account 11001 52315.

Sponsors: Q.A. Shakoor III

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0199](#)

2015 Ironman Racine 70.3 Triathlon

Resolved, that permission is granted to Real Racine and Ironman to use City right-of-way for the Ironman Racine 70.3 Triathlon on Sunday, July 19, 2015.

Further resolved, that Real Racine and Ironman are granted permission to close the following streets and to utilize certain other City streets, as indicated, on their race map:

Barker Street from Main Street to its terminus with Lake Michigan
Goold Street from Main Street to Michigan Boulevard
Augusta Street from Main Street to Michigan Boulevard
Wolff Street from Main Street to Michigan Boulevard
William Street from Main Street to Michigan Boulevard
Lombard Avenue from Main Street to Michigan Boulevard
Lakecrest Drive from Main Street to Michigan Boulevard

with the following stipulations:

A. A hold harmless agreement be executed and a \$100.00 processing fee paid.

B. Proof of liability insurance be filed prior to this event.

C. Any overtime costs incurred by any City department be charged to the sponsor.

D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.

E. The sponsor shall pay a \$700.00 special event fee.

F. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.

G. If required, sponsor shall provide a detour plan for the closure of all State Connecting Highways, arterial and collector streets to the City Engineer for approval.

H. Sponsor is responsible for cleaning the streets.

I. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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

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

Sponsors: James Morgenroth

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0200](#)

2015 Bacon 5Kegs Event

Resolved, that Tristin Erickson (5K Events) is granted permission to use City right-of-way on September 5, 2015, for the 2015 Bacon 5Kegs event with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.
- F. If required, sponsor shall provide a detour plan for the closure of all State Connecting Highways, arterial and collector streets to the City Engineer for approval.
- G. Sponsor is responsible for cleaning the streets.
- H. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event, and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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

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

Sponsors: James Morgenroth

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0201](#)

Contract 06-15 (K5-006), 2015 Street and Alley Paving - Southside Assessable (R1)

Resolved, that Contract 06-15 (K5-006), 2015 Street and Alley Paving - Southside Assessable (R1) is awarded to LaLonde Contractors, Inc., at its bid price of \$618,768.60, it being the lowest responsible bidder.

Fiscal Note: Funds to defray the cost of this public works project be appropriated from the following Org-Objects:

\$246,597.24 - Org-Object 40104-57500, Concrete Street Paving
 \$ 74,954.25 - Org-Object 40104-57500, Concrete Alley Paving
 \$ 12,032.10 - Org-Object 40104-57510, Concrete Curb & Gutter
 \$131,867.35 - Org-Object 45040-57500, Concrete Street Paving Misc
 \$ 85,261.66 - Org-Object 45040-57500, Concrete Alley Paving Misc
 \$ 12,761.00 - Org-Object 22640-57560, Sanitary Sewers Misc
 \$ 55,295.00 - Org-Object 60484-57570, Storm Sewers, Misc Loc
 \$618,768.60 - Total

Sponsors: James Morgenroth

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0202](#)

Contract 13-15 (K5-013), Traffic Signal Replacement - 6th Street and Memorial Drive

Resolved, that Contract 13-15 (K5-013), Traffic Signal Replacement - 6th Street and Memorial Drive is awarded to Outdoor Lighting Construction Company, Inc., at its bid price of \$188,564.61, it being the lowest responsible bidder.

Fiscal Note: Funds to defray the cost of this public works project be appropriated from the following Org-Objects:

\$133,700.00 - Org-Object 45040-57530, Traffic Signal Replacement
 \$ 54,864.61 - Org-Object 45040-57500, Concrete Street Paving Misc Loc
 \$188,564.61 - Total

Sponsors: James Morgenroth

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0203](#)

Contract 35-15 (K5-035), 2015 CCTV & Manhole Inspections

Resolved, that Contract 35-15 (K5-035), 2015 CCTV & Manhole Inspections is awarded to Northern Pipe Equipment, Inc., at its bid price of \$126,662.64, it being the lowest responsible bidder.

Fiscal Note: Funds to defray the cost of this public works project be appropriated from the following Org-Objects:

\$ 29,807.50 - Org-Object 40102-57560, Racine Waste Water Interceptor CCTV
 \$ 51,123.60 - Org-Object 60484-57570, Storm Sewers, Misc Loc
 \$ 45,731.54 - Org-Object 22640-57560, Sanitary Sewer, Var Loc

\$126,662.64

Sponsors: James Morgenroth

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0204](#)

Change Order No. 1 on Contract 29-14 (K4-029) City Hall Annex - Boiler Replacement

Resolved, that Change Order No. 1 on Contract 29-14 (K4-029), City Hall Annex - Boiler Replacement, Core Mechanical, Inc., contractor, as submitted, is approved in the amount of \$4,395.00.

Fiscal Note: Funding to defray the cost of the change order be appropriated from Org-Object 45040-57200, Annex-Boiler Replacement.

Sponsors: James Morgenroth

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0205](#)

Final payment on Contract 29-14 (K4-029), City Hall Annex - Boiler Replacement

Resolved, that the work done by Core Mechanical, Inc., under Contract 29-14 (K4-029), City Hall Annex-Boiler Replacement, is accepted and final payment authorized for a total contract amount of \$532,290.00.

Fiscal Note: Contract was authorized under Resolution 14-0221, dated May 20, 2014.

Sponsors: James Morgenroth

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0206](#)

Contract 37-15 (K5-037), PS-2015 Sewer Asset Management Services

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a professional services agreement with AECOM, on Contract 37-15 (K5-037), PS-2015 Sewer Asset Management Services, in the not-to-exceed amount of \$59,900.00.

Fiscal Note: Funds to defray the cost of these professional services be appropriated from the following Org-Objects:

\$27,470.00 - Org-Object 60484-57570, Storm Sewer Misc Loc

\$27,470.00 - Org-Object 22640-57560, Sanitary Sewer Var Loc
\$ 4,960.00 - Org-Object 40102-57560, Water/Wastewater Projects
\$59,900.00 - Total

Sponsors: James Morgenroth

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0207](#)

State Project ID: 2703-00-02, West 6th Street Bridge

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a three-party agreement with the City of Racine, WisDOT and Ayres Associates, Inc. for design engineering services for State Project ID: 2703-00-02, West 6th Street Bridge in the not-to-exceed amount of \$398,902.13.

Fiscal Note: The City's share is \$79,780.43 (20%) and the State's share is \$319,121.17 (80%). Funding is available in Org-Object 45040-57540, West 6th Street Bridge.

Sponsors: James Morgenroth

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0208](#)

Change Order No. 1 on Contract 18-14 (K4-018), 2014 Street Paving-Southside Assessable (R1)

Resolved, that Change Order No. 1 on Contract 18-14 (K4-018), 2014 Street Paving-Southside Assessable (R1), A.W. Oakes & Son, Inc., contractor, as submitted, is approved in the amount of \$6,186.71.

Fiscal Note: Funding to defray the cost of the change order be appropriated from the following Org-Objects:

\$ 304.00 - Org-Object 40104-57510, New Curb & Gutter
\$ 896.00 - Org-Object 40104-57515, Sidewalks - New
\$1,454.71 - Org-Object 45040-57500, DPW Concrete Street Paving, Misc
\$3,532.00 - Org-Object 60484-57570, Storm Sewer Misc Loc
\$6,186.71 - Total

Sponsors: James Morgenroth

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0209](#)

Final payment on Contract 18-14 (K4-018), 2014 Street Paving-Southside Assessable (R1)

Resolved, that the work done by A.W. Oakes & Son, Inc., under Contract 18-14 (K4-018), 2014 Street Paving-Southside Assessable (R1), is accepted and final payment authorized for a total contract amount of \$689,539.46.

Fiscal Note: Contract was authorized under Resolution 14-0220, dated May 20, 2014.

Sponsors: James Morgenroth

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0210](#)

Final payment on Contract 04-14 (K4-014), PS-2014 Pavement Inspections & Planning

Resolved, that the work done by AECOM, under Contract 04-14 (K4-014), PS-2014 Pavement Inspections & Planning, is accepted and final payment authorized for a total contract amount of \$77,825.63.

Fiscal Note: Contract was authorized under Resolution 14-0024, dated January 21, 2014.

Sponsors: James Morgenroth

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0211](#)

Agreement with Village of Mount Pleasant for Reimbursement of Paving Expenses at 215 Oregon Street

Resolved, that the City Attorney is authorized to draft an agreement with the Village of Mount Pleasant for reimbursement for paving the street in front of 215 Oregon Street.

Fiscal Note: N/A

Sponsors: James Morgenroth

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0213](#)

Tactical Emergency Medical Support (TEMS) Team

Resolved, that the request of the Fire Chief to implement a Tactical Emergency Medical Support (TEMS) team in support of area law enforcement agencies is approved.

Fiscal Note: N/A

Sponsors: Jeff Coe

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0214](#)

Mobile Integrated Health Care Program

Resolved, that the request of the Fire Chief to implement a Mobile Integrated Health Care program in support of area Health Care Systems is approved.

Fiscal Note: N/A

Sponsors: Jeff Coe

A motion was made that this Resolution be Adopted. The motion was APPROVED on a voice vote.

[Res.15-0215](#)

2015 Racine Farmer's Market

Resolved, that West Racine Business and Professional Association's request to use the northeast 1/4 of the West Racine # 3 Lot (1131 Hayes Avenue) behind Bendtsen's Bakery for the West Racine Farmer's Market during the months of May through October 2015 is approved, with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. That vendors acquire all necessary licenses required by Municipal Code and compliance be verified by the Health Department.
- D. The sponsor is responsible for the removal of all debris and produce at the end of each market day.

Fiscal Note: N/A

Sponsors: James Morgenroth

A motion was made by Alderman Wiser, seconded by Alderman Coe, that this Resolution be Approved. The motion was APPROVED by the following vote:

AYES: 13 - Coe, Sarrazin, Shields, Kaplan, Smetana, Weidner, DeHahn, Shakoor III, Wiser, Land, Perez, Hart and Lemke

ABSENT: 2 - McCarthy and Morgenroth

[Res.15-0216](#) 2015 Monument Square Art Fair

Resolved, that Art Metals Studio is granted permission to close 5th Street for the Monument Square Art Fair, on Friday, May 29, 2015 until Sunday, May 31, 2015 for the Monument Square Art Fair, with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.
- F. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.
- G. If required, sponsor shall provide a detour plan for the closure of all State Connecting Highways, arterial and collector streets to the City Engineer for approval.
- H. Sponsor is responsible for cleaning the streets.
- I. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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

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

Sponsors: James Morgenroth

A motion was made by Alderman Wisner, seconded by Alderman Coe, that this

Resolution be Approved. The motion was APPROVED by the following vote:

AYES: 13 - Coe, Sarrazin, Shields, Kaplan, Smetana, Weidner, DeHahn, Shakoor III, Wisner, Land, Perez, Hart and Lemke

ABSENT: 2 - McCarthy and Morgenroth

I. Resolutions

[Res.15-0192](#)

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$1,931,200 WATERWORKS SYSTEM REVENUE BONDS, SERIES 2015, AND PROVIDING FOR 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; and

WHEREAS, the Municipality has previously issued and has outstanding: (a) its Waterworks System Mortgage Revenue Bonds, dated November 1, 2004 (the "2004 Bonds") pursuant to an ordinance adopted on April 17, 1978 (the "1978 Ordinance"), as supplemented by an ordinance adopted on October 5, 2004 (the "2004 Ordinance"), (b) its Waterworks System Mortgage Revenue Bonds, dated April 2, 2007 (the "2007 Bonds") pursuant to the 1978 Ordinance, as supplemented by a resolution adopted on March 6, 2007 (the "2007 Resolution"), (c) its Waterworks System Mortgage Revenue Bonds, dated December 8, 2009 (the "2009 Bonds") pursuant to the 1978 Ordinance, as supplemented by a resolution adopted on November 17, 2009 (the "2009 Resolution"), (d) its Waterworks System Mortgage Revenue Refunding Bonds, dated June 28, 2011 (the "June 2011 Bonds") pursuant to the 1978 Ordinance, as supplemented by a resolution adopted on June 7, 2011 (the "June 2011 Resolution"), (e) its Waterworks System Mortgage Revenue Bonds, dated October 25, 2011 (the "October 2011 Bonds") pursuant to the 1978 Ordinance, as supplemented by a resolution adopted on October 4, 2011 (the "October 2011 Resolution"), and (f) its Waterworks System Mortgage Revenue Refunding Bonds, dated July 10, 2012 (the "2012 Bonds") pursuant to the 1978 Ordinance, as supplemented by a resolution adopted on June 19, 2012 (the "2012 Resolution"), which are payable from the income and revenues of the System; and

WHEREAS, the 2004 Bonds, the 2007 Bonds, the 2009 Bonds, the June 2011 Bonds, the October 2011 Bonds and the 2012 Bonds shall be referred to collectively as the "Senior Bonds"; and

WHEREAS, the 1978 Ordinance, as supplemented by the 2004 Ordinance, the 2007 Resolution, the 2009 Resolution, the June 2011

Resolution, and the October 2011 Resolution, and the 2012 Resolution shall be referred to collectively as the "Senior Resolutions"; and

WHEREAS, the Municipality has heretofore also issued and has outstanding its (a) Waterworks System Revenue Bonds, Series 1999, dated February 10, 1999 (the "1999 SDW Bonds") pursuant to a resolution adopted on January 5, 1999 (the "1999 SDW Resolution") and (b) Waterworks System Revenue Bonds, Series 2004, dated December 22, 2004 (the "2004 SDW Bonds") pursuant to a resolution adopted on December 7, 2004 (the "2004 SDW Resolution"), which are payable from a pledge of revenues of the System on a basis junior and subordinate to the Senior Bonds; and

WHEREAS, certain improvements to the System are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Safe Drinking Water Loan Program Project No. 4887-05 by the Department of Natural Resources, and as described in the Department of Natural Resources approval letter for the plans and specifications of the Project, or portions thereof, issued under Section 281.41, Wisconsin Statutes, assigned No. W-2014-0406 and dated July 15, 2014 by the DNR; and

WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility 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

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell waterworks system revenue bonds of the Municipality payable solely from the revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, to pay the cost of the Project; and

WHEREAS, the 1999 SDW Resolution and 2004 SDW Resolution permit the issuance of additional bonds on a parity with the 1999 SDW Bonds and 2004 SDW Bonds (collectively, the "Prior Safe Drinking Water Bonds") upon certain conditions, and those conditions have been met; and

WHEREAS, other than the Senior Bonds and the Prior Safe Drinking Water Bonds, no 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:

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;
- (c) "Bonds" means the \$1,931,200 Waterworks System Revenue Bonds, Series 2015, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;
- (d) "Bond Year" means the twelve-month period ending on each May 1;
- (e) "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 and capital expenditures;
- (f) "Debt Service Fund" means the Waterworks Special Redemption Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;
- (g) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;
- (h) "Fiscal Year" means the twelve-month period ending on each December 31;
- (i) "Governing Body" means the Common Council, or such other body as may hereafter be the chief legislative body of the Municipality;
- (j) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from waterworks charges imposed by the Municipality, all payments to the Municipality under any service agreements between the Municipality and any contract users of the System, and any other monies received from any source including all rentals and fees and any special assessments levied and collected in connection with the Project;
- (k) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;
- (l) "Municipality" means the City of Racine, Racine County, Wisconsin;
- (m) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;

- (n) "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 Section 11 of this Resolution;
- (o) "Prior Safe Drinking Water Bonds" means the Municipality's Waterworks System Revenue Bonds, Series 1999, dated February 10, 1999 and Waterworks System Revenue Bonds, Series 2004, dated December 22, 2004;
- (p) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Municipality as part of the System as described in the preamble hereto;
- (q) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;
- (r) "Senior Bonds" means the 2004 Bonds, the 2007 Bonds, the 2009 Bonds, the June 2011 Bonds, the October 2011 Bonds and the 2012 Bonds and any future bonds issued by the Municipality that qualify as "Additional Senior Bonds" under Section 11(a) of this Resolution (the Senior Bonds are intended to be senior to the Bonds and any Parity Bonds);
- (s) "Senior Resolutions" means the 1978 Ordinance, as supplemented by the 2004 Ordinance, the 2007 Resolution, the 2009 Resolution, the June 2011 Resolution, and the October 2011 Resolution, and the 2012 Resolution and any resolutions adopted in the future authorizing the issuance of additional Senior Bonds;
- (t) "System" means the entire waterworks system of the Municipality specifically including that portion of the Project owned by the Municipality and including all property of every nature now or hereafter owned by the Municipality for the extraction, collection, treatment, storage and distribution 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;
- (u) "1978 Ordinance" means an ordinance adopted by the Governing Body on April 17, 1978;
- (v) "2004 Bonds" means the Municipality's Waterworks System Mortgage Revenue Bonds, dated November 1, 2004;
- (w) "2004 Ordinance" means an ordinance adopted by the Governing Body on October 5, 2004 authorizing the issuance of the 2004 Bonds;
- (x) "2007 Bonds" means the Municipality's Waterworks System Mortgage Revenue Bonds, dated April 2, 2007;
- (y) "2007 Resolution" means a resolution adopted by the Governing Body on March 6, 2007 authorizing the issuance of the 2007 Bonds;

- (z) "2009 Bonds" means the Municipality's Waterworks System Mortgage Revenue Bonds, dated December 8, 2009;
- (aa) "2009 Resolution" means a resolution adopted by the Governing Body on November 17, 2009 authorizing the issuance of the 2009 Bonds;
- (bb) "June 2011 Bonds" means the Municipality's Waterworks System Mortgage Revenue Refunding Bonds, dated June 28, 2011;
- (cc) "June 2011 Resolution" means a resolution adopted by the Governing Body on June 7, 2011 authorizing the issuance of the June 2011 Bonds;
- (dd) "October 2011 Bonds" means the Municipality's Waterworks System Mortgage Revenue Bonds, dated October 25, 2011;
- (ee) "October 2011 Resolution" means a resolution adopted by the Governing Body on October 4, 2011 authorizing the issuance of the October 2011 Bonds;
- (ff) "2012 Bonds" means the Municipality's Waterworks System Mortgage Revenue Refunding Bonds, dated July 10, 2012; and
- (gg) "2012 Resolution" means a resolution adopted by the Governing Body on June 19, 2012 authorizing the issuance of the 2012 Bonds.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System up to the sum of \$1,931,200; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Safe Drinking Water Loan Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the Mayor and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Waterworks System Revenue Bonds, Series 2015" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 1.650% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on November 1, 2015 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

The schedule of maturities of the Bonds is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

Section 4. Form, Execution, Registration and Payment of the Bonds. The Bonds shall be issued as registered obligations in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

The Bonds shall be executed in the name of the Municipality by the manual signatures of the Mayor and City Clerk, and shall be sealed with its official or corporate seal, if any.

The principal of, premium, if any and interest on the Bonds shall be paid by the Municipal Treasurer, who is hereby appointed as the Municipality's Bond Registrar.

Both the principal of and interest on the Bonds shall be payable in lawful money of the United States of America by the Bond Registrar. Payment of principal of the final maturity on the Bond will be payable upon presentation and surrender of the Bond to the Bond Registrar. Payment of principal on the Bond (except the final maturity) and each installment of interest shall be made to the registered owner of each Bond who shall appear on the registration books of the Municipality, maintained by the Bond Registrar, on the Record Date and shall be paid by check or draft of the Municipality and mailed to such registered owner at his or its address as it appears on such registration books or at such other address may be furnished in writing by such registered owner to the Bond Registrar.

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 Debt Service Fund hereinafter created and established, and shall be a valid claim of the registered owner or owners thereof only against such Debt Service Fund and the revenues of the System pledged to such fund, junior and subordinate to the pledge granted to the holders of the Senior Bonds and on a parity with the pledge granted to the holders of the Prior Safe Drinking Water Bonds. Sufficient revenues are hereby pledged to said Debt Service Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Senior Bonds, the Prior Safe Drinking Water Bonds, the Bonds and any Parity Bonds as the same becomes due.

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 Senior Bonds, the Prior Safe Drinking Water Bonds, the Bonds and Parity Bonds, certain funds of the System which were created and established by 1978 Ordinance are hereby continued and shall be used solely for the following respective purposes:

(a) Waterworks Revenue Fund (the "Revenue Fund"), into which shall be deposited as received the Gross Earnings of the System, which money shall then be divided among the Operation and Maintenance Fund, the Debt Service 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 "Debt Service Fund"), which shall be divided into two separate accounts to be known as the "Interest and Principal Account" and the "Reserve Account". The Interest and Principal Account shall be used for the payment of the principal of, premium, if any, and interest on, first, the Senior Bonds and, second, the Prior Safe Drinking Water Bonds, the Bonds and Parity Bonds as the same becomes due. The Reserve Account established by the Senior Resolutions for the Senior Bonds is not pledged to the payment of the principal of or interest on the Prior Safe Drinking Water Bonds or the Bonds and moneys on deposit therein shall under no circumstances be used to pay principal of or interest on the Prior Safe Drinking Water Bonds or the Bonds.

(d) Waterworks Depreciation Fund (the "Depreciation Fund"), which shall be used to provide a proper and adequate depreciation account for the System.

(e) Waterworks Surplus Fund (the "Surplus Fund"), which shall first be used whenever necessary to pay principal of, premium, if any, or interest on the Senior Bonds, the Prior Safe Drinking Water Bonds, the Bonds and Parity Bonds when the Debt Service 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 provided in this Section 6 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 or to reimburse the general fund of the Municipality for advances made by the Municipality to the System.

Section 7. Application of Revenues. After the delivery of the Bonds, the Gross Earnings 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, in an amount equal to the estimated Current Expenses for such month and for the following month (after giving effect to available amounts in said Fund from prior deposits);

(b) to the Debt Service 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 Senior Bonds, the Prior Safe Drinking Water Bonds, the Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Senior Bonds, the Prior Safe Drinking Water Bonds, the Bonds and any Parity Bonds coming due during such Bond Year (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source) and for monthly transfer to the Reserve Account thereof, the amount required to be deposited in the Reserve Account by the Senior Resolutions;

(c) to the Depreciation Fund, an amount determined by the Governing Body to be sufficient to provide a proper and adequate depreciation account for the System; and

(d) 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 Debt Service Fund, the Depreciation Fund and the Surplus Fund shall be made monthly not later than the tenth day of each month, and such transfer shall be applicable to monies on deposit in the Revenue Fund as of the last day of the month preceding. Any other transfers and deposits to any fund required or permitted by subsection (a) through (d) of this Section, except transfers or deposits which are required to be made immediately or annually, shall be made on or before the tenth 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 tenth 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 Debt Service Fund shall be sufficient in any event to pay the interest on the Senior Bonds, the Prior Safe Drinking Water Bonds, the 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 8. Deposits and Investments. The Interest and Principal Account of the Debt Service Fund shall be kept apart from monies in the other funds and accounts of the Municipality and the same shall be used for no purpose other than the prompt payment of principal of and interest on, first, the Senior Bonds and, next, the Prior Safe Drinking Water Bonds, the Bonds and any Parity Bonds as the same becomes due and payable. All monies therein shall be deposited in special and segregated accounts in a public depository selected under Chapter 34, Wisconsin Statutes and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes. The other funds herein created (except the Waterworks System SDWLP Project Fund) may be combined in a single account in a public depository selected in the manner set forth above and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Section 9. 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 in monthly installments 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; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Fiscal Year Net Revenues equivalent to not less than the annual principal and interest requirements on the Senior Bonds, the Prior Safe Drinking Water Bonds, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding.

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 applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and 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 the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 10. Operation of System; Municipality Covenants. It is covenanted and agreed by the Municipality with the owner or owners of the Bonds, and each of them, that the Municipality will perform all of the obligations of the Municipality as set forth in the Financial Assistance Agreement.

Section 11. Additional Bonds.

(a) Additional Senior Bonds. The Bonds are issued on a basis junior and subordinate to the Senior Bonds. The Municipality may issue obligations payable from the revenues of the System in such a manner as to enjoy priority over the Bonds or any Parity Bonds ("Additional Senior Bonds"), provided that all of the following conditions are met:

(1) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such Additional Senior Bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all obligations outstanding payable from the revenues of the System, and on the bonds then to be issued, times the greater of (i) 1.10 or (ii) the highest debt service coverage ratio to be required with respect to the Additional Senior Bonds to be issued or any other obligations payable from the revenues of the System then outstanding. Should an increase in permanent rates and charges, including those made to the Municipality, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Net Revenues for purposes of such computation shall include such additional revenues as an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may certify would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

(2) Upon such issuance, the rating classification of the Additional Senior Bonds would be confirmed by a publicly released municipal rating of the "A" quality investment group, or better, as assigned by Moody's Investors Service, Inc. or Standard & Poor's Ratings Services, or by a similar nationally recognized rating agency, without regard to any credit enhancement provided for such Additional Senior Bonds.

(3) The payments required to be made into the funds enumerated in Section 6 of this Resolution must have been made in full.

(4) The Additional Senior Bonds must have principal maturing on September 1 of each year in which principal falls due and interest falling due on March 1 and September 1 of each year.

(5) The proceeds of the Additional Senior Bonds must be used only for the purpose of providing extensions or improvements to the System, or to refund obligations issued for such purpose.

(b) Additional Junior and Parity Bonds. Additional obligations may be

issued if the lien and pledge is junior and subordinate to that of the Bonds. Parity Bonds may be issued only under the following circumstances:

(1) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Safe Drinking Water Loan Program. However, such additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or

(2) Additional Parity Bonds may also be issued if all of the following conditions are met:

(i) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all bonds outstanding payable from the revenues of the System, and on the bonds then to be issued, times the greater of (i) 1.10 or (ii) the highest debt service coverage ratio to be required with respect to the Additional Parity Bonds to be issued or any other obligations payable from the revenues of the System then outstanding. Should an increase in permanent rates and charges, including those made to the Municipality, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Net Revenues for purposes of such computation shall include such additional revenues as an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may certify would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

(ii) The payments required to be made into the funds enumerated in Section 6 of this Resolution must have been made in full.

(iii) The additional bonds must have principal maturing on May 1 of each year and interest falling due on May 1 and November 1 of each year.

(iv) The proceeds of the additional bonds must be used only for the purpose of providing extensions or improvements to the System, or to refund obligations issued for such purpose.

(v) The additional bonds may be secured by a reserve account.

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Safe Drinking Water Loan Program for the purchase price of up to \$1,931,200 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution

as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Waterworks System SDWLP Project Fund." The Waterworks System SDWLP Project Fund shall be used solely for the purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Waterworks System SDWLP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

Section 14. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except: (a) the Municipality may, from to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and (b) this Resolution may be amended, in any respect, with a written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System or the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 15. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The Municipality may discharge all Bonds due on any date by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates

required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the Municipality's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the Municipality's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for.

Section 16. Rebate Fund. Unless the Bonds are exempt from the rebate requirements of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality shall establish and maintain, so long as the Bonds and any Parity Bonds are outstanding, a separate account to be known as the "Rebate Fund." The sole purpose of the Rebate Fund is to provide for the payment of any rebate liability with respect to the Bonds under the relevant provisions of the Code and the Treasury Regulations promulgated thereunder (the "Regulations"). The Rebate Fund shall be maintained by the Municipality until all required rebate payments with respect to the Bonds have been made i

Sponsors: Q.A. Shakoor III

A motion was made by Alderman Wisner, seconded by Alderman Coe, that this Resolution be Approved. The motion was APPROVED by the following vote:

AYES: 13- Coe, Sarrazin, Shields, Kaplan, Smetana, Weidner, DeHahn, Shakoor II, Wisner, Land, Perez, Hart and Lemke

ABSENT: 2 - McCarthy and Morgenroth

[Res.15-0212](#)

Final - Ten (10) Year
Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 p.m. on the 12th day of May, 2015 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

Biscayne Avenue - Southwood Drive to Sovereign Drive

Blaine Avenue - Pierce Boulevard to Durand Avenue

Chatham Street - Melvin Avenue to William Street

Emstan Hills Road - Victorian Drive to Dead End

Fifteenth Street - Wisconsin Avenue to College Avenue

Bituminous Concrete Paving

Biscayne Avenue - Southwood Drive to Sovereign Drive
Emstan Hills Road - Victorian Drive to Dead End

Curb & Gutter

Biscayne Avenue - Southwood Drive to Sovereign Drive
Emstan Hills Road - Victorian Drive to Dead End

Sewer & Water Laterals

Emstan Hills Road - Victorian Drive to Dead End
Fifteenth Street - Wisconsin Avenue to College Avenue

Sanitary Sewer

Fifteenth Street - Wisconsin Avenue to College Avenue

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 6% per annum on the unpaid balance.

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: James Morgenroth

A motion was made by Alderman Wiser and seconded by Alderman Coe to referred to Public Works and Services Committee. The motion was approved.

J. Council Vote on Consent Agenda Items (Communications, Committee Reports, Resolutions)

Council Action on Consent Agenda Items

A motion was made by Alderman Wiser, seconded by Alderman Shakoor, that this item be Approved

K. Adjourn

The meeting was adjourned by Alderman DeHahn. The next scheduled meeting of the Council is Tuesday, June 2, 2015.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK