



# City of Racine

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

## Meeting Agenda - Final Common Council

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

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Tuesday, May 21, 2013

7:00 PM

Room 205, City Hall

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

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

[13-8871](#)

**Subject:** Communication from the Public Health Administrator requesting permission to enter into an agreement with the Wisconsin Department of Natural Resources, in the amount of \$6,800.00, for the purpose of implementing the 2013 Wisconsin Beach Monitoring Program. (Grant Control #2013-012)

[13-8935](#)

**Subject:** Communication from the Public Health Administrator requesting permission to enter into agreements to provide Level I Health Services to the Villages of Elmwood Park and Wind Point. The total amount to be received is \$4,243; \$1,550 paid by Elmwood Park, and \$2,693 paid by Wind Point.

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

[13-8965](#)

**Subject:** Communication from Pentecost Lutheran Church requesting permission to close Jerome Boulevard, from Coolidge Avenue to Case Avenue, on Saturday, July 27, 2013, for a church block party.

[13-8974](#)      **Subject:** Communication from The Rhino Bar requesting to close High Street between Main Street and Chatham Street for a fundraiser on June 15, 2013.

[13-8975](#)      **Subject:** Communication from the Alderman of the 4th District inquiring how many additional radius, curb and gutter, handicap radius approaches and street repairs could be done in-house.

[13-8976](#)      **Subject:** Communication from the Alderman of the 4th District inquiring how many water main street repairs done with concrete and concrete and asphalt now done by outsourced private entities could get done by the City's DPW cement crew.

[13-8985](#)      **Subject:** Communication from the President of Fourth Fest of Greater Racine requesting permission to use city right-of-way for the 4th of July parade and permission to use North Beach for the fireworks.

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

[13-8937](#)      **Subject:** The following renewal application(s) for a Class "B" Retail Fermented Malt Beverage License for 2013-2014:

Public Golf Associates                      2801 Twelfth Street  
(Tradename) Washington Park Golf Course  
Scott Schuit, Agent

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

Clifford Wolosek                      301 Hamilton Street  
(Tradename) Cliff's Boathouse Cafe

CEC Entertainment, Inc.                      5612 Durand Avenue  
(Tradename) Chuck E. Cheese's  
Paula Zastrow, Agent

[13-8938](#)      **Subject:** The following renewal application(s) for a Class "B" Public Facility Retail Fermented Malt Beverage License for 2013-2014:

Public Golf Associates LTD.                      6200 Northwestern Avenue  
(Tradename) Johnson Park Clubhouse  
Scott A. Schuit, Agent

[13-8939](#)      **Subject:** The following renewal application(s) for a Class "A" Retail

## Fermented Malt Beverage License for 2013-2014:

Christianos, Inc. 2054 Kearney Avenue  
(Tradenname) Christiano's Supermarket  
Dixit Patel, Agent

Rapids Drive Convenience, LLC 3502 Rapids Drive  
(Tradenname) Rapids Drive Convenience  
Harjeet Walia, Agent

E & K Durand, LLC 2731 Durand Avenue  
(Tradenname) Open Pantry Food Marts  
James Schutz, Agent

Gerardo E. Flores 1775 State Street  
(Tradenname) Lincoln Supermarket

State Street BP Inc. 1975 State Street  
(Tradenname) BP  
Satish Bhardwaj, Agent

Max Supermarket, LLC 1200 Villa Street  
(Tradenname) Matranga's Shoprite  
Rajinder Kaur, Agent

Max Supermarket, LLC 1007 Washington Avenue  
(Tradenname) Max Magic Supermarket  
Sukwinder Singh, Agent

Aziz Abdul 1347 Lathrop Avenue  
(Tradenname) SF Food Mart

Batayneh Abdallah 1600 M.L. King Jr. Drive  
(Tradenname) Quick Stop Foods

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

**13-8940**

**Subject:** The following renewal application(s) for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2013-2014:

Mitraj, Inc. 3711 Douglas Avenue

(Tradenname) Pantry Foods  
Radhhesyam Patel, Agent

Taylor Liquor, Inc. 2913 Taylor Avenue  
(Tradenname) Colonial Liquor  
Ilesh Patel, Agent

Piggly Wiggly Midwest, LLC. 4011 Durand Avenue  
(Tradenname) Piggly Wiggly Supermarket #9  
Joseph Ligocki, Agent

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

Jagdish Patel & Parit Patel 1401 Washington Avenue  
(Tradenname) Liquor Depot  
Parit Patel, Agent

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

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

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

Timer's of Racine, Inc. 3800 Northwestern Avenue  
(Tradenname) Timer's Beverage Center  
Shawn D. Voss, Agent

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

Mega Marts LLC 2210 Rapids Drive  
(Tradenname) Pick N Save #6863  
Charles L. Neu, Agent

**13-8941**

**Subject:** The following renewal application(s) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2013-2014:

Infusino Pizzeria & Restaurant, Inc. 3225 Rapids Drive  
(Tradename) Infusino's Restaurant  
Emilio Infusino, Agent

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

Outbreak Billiards Inc. 1717 Douglas Avenue  
(Tradename) Outbreak Billiards  
Marko Stanosevic, Agent

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

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

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

Joey's on Taylor, LTD 1863 Taylor Avenue  
(Tradename) Joey's on Taylor  
Joseph G. Legath, Agent

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

Joey's on 6th, LLC 910 Sixth Street  
(Tradename) Joey's on 6th  
Joseph G. Legath, Agent

T.B. Hansen's Inc. 501 Goold Street  
(Tradename) Hansen's Tap  
Thomas R. Hansen, Agent

Ice Box, LLC 2328 Douglas Avenue  
(Tradename) Ice Box

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

Mario Aranda Sr. 1244 Washington Avenue

(Tradenname) The Club

Joey's on Lathrop, LTD  
(Tradenname) Joey's on Lathrop  
Joseph G. Legath, Agent

2054 Lathrop Avenue

Coy & Diane Investments, Inc.  
(Tradenname) The Boiler Room  
Coy Peterson, Agent

5200 Washington Avenue

Dewey's Restaurant & Sports Bar, Inc.  
(Tradenname) Deweys Restaurant & Sports Bar  
Dan R. Dumont, Agent

600 Main Street

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

1234 Douglas Avenue

6100 West, Inc.  
(Tradenname) The Ivanhoe Pub & Eatery  
Douglas Nicholson, Agent

231 Main Street

6200 West, Inc.  
(Tradenname) Envi  
Douglas Nicholson, Agent

316 Main Street

6200 West, Inc.  
(Tradenname) Hiram's Place  
Douglas Nicholson, Agent

1012 Main Street

Better Day BP, Inc.  
(Tradenname) Better Day BP  
Constantin Tousis, Agent

2100 Douglas Avenue

Dynasty Co, Inc.  
(Tradenname) Dynasty Restaurant  
Stanley Ginkowski, Agent

2427 Lathrop Avenue

Castle Lanes of Southeastern  
(Tradenname) Castle Lanes  
Phillip G. Ontko, Agent

5615 Castle Court

LJF Corporation  
(Tradenname) LJF Corporation  
Luciano Flores, Agent

3012 Rapids Drive

Buona Vita Corporation

3701 Durand Avenue



cost \$300,000; \$150,000 maximum State share and requires a City match of \$150,000 which is included in the 2013 Storm Water Enterprise Fund.

**13-8848**

**Subject:** Communication from the Police Chief requesting to waive formal bidding and instruct Purchasing Agent to negotiate sole-source procurement with Federal Signal, Knoxville, TN, for the purchase of Automated License Plate Reader equipment and software for use by the RPD. Funding for this purchase is budgeted.(Res. No. 13-0210)

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

**5-13-13:** Permission be granted for the Police Chief to waive formal bidding and instruct Purchasing Agent to negotiate sole-source procurement with Federal Signal, Knoxville, TN, for the purchase of Automated License Plate Reader equipment and software for use by the RPD.

**Fiscal Note:** Funding for this purchase available in the 2012 JAG Grant.

**13-8859**

**Subject:** communication from the City Attorney submitting the claim of Rosario D'Acquisto and Chuck D'Acquisto for consideration.

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

**5-13-13:** The claim of Rosario D'Acquisto and Chuck D'Acquisto, 147 Teralee Ct, Racine, WI 53402, claiming damages in the amount of \$897.72 for alleged vehicle damages be denied.

**Fiscal Note:** N/A

**13-8872**

**Subject:** Communication from the Assistant Commissioner of Public Works/City Engineer, on behalf of the Harbor Commission, requesting to transfer \$30,000 from the Harbor Commission Reserve funds into a new Capital Improvement Program budget account to assist in the funding of repairs at the 5th Street Boat Launch.(Res. No. 13-0205)

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

**5-13-13:** Permission be given to transfer \$30,000.00 of reserve funds to assist in the funding of the 5th Street Boat Launch repair.

**Fiscal Note:** The Harbor Commission approved the transfer of \$30,000.00 from reserve to be place in a new Capital Improvement program budget account to assist in the funding of repairs at the 5th Street Boat Launch. The Harbor Commission shares 50% of the revenue from boat launch fees with the Parks, Recreation and Cultural Services Department.



[13-8883](#)

**Subject:** Approval of Developer Agreement for Primrose Retirement Community in Mt. Pleasant (Res. No. 13-0213)

**Recommendation of the Racine Waterworks Commission on 4/30/13:** To approve

**Recommendation of the Finance & Personnel Committee on 5-13-13:** The Mayor and City Clerk be authorized and directed to enter into the agreement for Primrose Retirement Community in Mt. Pleasant, in accordance with City Ordinance for such matters.

**Fiscal Note:** N/A

[13-8886](#)

**Subject:** Communication from Asset Recyclers Wishing to Collect E-Waste at Household Hazardous Waste Collections (Res. No. 13-0214)

**Recommendation of the Racine Wastewater Utility on 4/30/13:** To approve

**Recommendation of the Finance & Personnel Committee on 5-13-13:** To approve for Asset Recyclers to Collect E-Waste at Household Hazardous Waste Collections.

**Fiscal Note:** N/A

[13-8889](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/City Engineer, on behalf of the Racine Harbor Commission, requesting authorization to apply for the State of Wisconsin DNR Waterways Commission Financial Assistance Grant for navigational aids. (Grant Control No. 2013-013) (Res. No. 13-0207)

**Recommendation of the Finance & Personnel Committee on 5-13-13:** Permission be granted for the Assistant Commissioner of Public Works/City Engineer, on behalf of the Racine Harbor Commission, to apply for the State of Wisconsin DNR Waterways Commission Financial Assistance Grant for navigational aids. (Grant Control No. 2013-013)

**Fiscal Note:** The navigational aids are estimated at \$3,346.00. The grant provides matching funds up to 50% of the project cost with an additional 10% for municipalities that conduct a boating safety and enforcement and education program approved by WisDNR. Funding for the local share for this project is available in account 215.000.5750, Land Improvements.

[13-8890](#)

**Subject:** Mt. Pleasant Interceptor Sewer Transmission Assignment and Assumption Agreement (Res. No. 13-0215)

**Recommendation of the Racine Wastewater Utility on 4/30/13:** To approve

**Recommendation of the Finance & Personnel Committee on 5-13-13:** The Mayor and City Clerk be authorized and directed to enter into the agreement for Mt. Pleasant Interceptor Sewer Transmission Assignment and Assumption Agreement, in accordance with City Ordinance for such matters.

**Fiscal Note:** N/A

[13-8891](#)

**Subject:** Mt. Pleasant Interceptor Sewer Transmission Agreement First Amendment (Res. No. 13-0216)

**Recommendation of the Racine Wastewater Utility on 4/30/13:** To approve

**Recommendation of the Finance & Personnel Committee on 5-13-13:** The Mayor and City Clerk be authorized and directed to enter into the agreement for Mt. Pleasant Interceptor Sewer Transmission Agreement First Amendment, in accordance with City Ordinance for such matters.

**Fiscal Note:** N/A

[13-8892](#)

**Subject:** Amend Section 98-149 of the Municipal Code of the City of Racine (Ord. 08-13)

**Recommendation of the Racine Wastewater Utility on 4/30/13:** That the Ordinance be referred to Finance and Personnel Committee.

**Recommendation of the Finance & Personnel Committee on 5-13-13:** To approve amendment of Section 98-149 of the Municipal Code of the City of Racine (Ord. 08-13).

**Fiscal Note:** N/A

[13-8911](#)

**Subject:** communication from the City Attorney submitting the claim of Janet VanSchyndel and Christian VanSchyndel for consideration.

**Recommendation of the Finance & Personnel Committee on 5-13-13:** The claim of Janet VanSchyndel and Christian VanSchyndel,

6506 San Marino Dr, Mt. Pleasant, WI 53406, claiming damages in the amount of \$68.59 for alleged vehicle damages be denied.

**Fiscal Note:** N/A

[13-8912](#)

**Subject:** communication from the City Attorney submitting the claim of Shayela Shields and Jimmy Shields for consideration.

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

**5-13-13:** The claim of Shayela Shields and Jimmy Shields, 1600 Washington Ave, Racine, WI 53403, claiming damages in the amount of \$231.22 for alleged vehicle damages be denied.

**Fiscal Note:** N/A

[13-8913](#)

**Subject:** Communication from the Director of City Development requesting that the City advance funds in anticipation of CDBG, HOME, and ESG grants from the U.S. Department of Housing and Urban Development. (Res. No. 13-0208)

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

**5-13-13:** That the City advance funds so that the subgrantees can be reimbursed. The City will be made whole when the HUD funds are received.

**Fiscal Note:** The City has regularly advanced funds for this purpose in prior years. There are sufficient funds available.

[13-8914](#)

**Subject:** Request from the Director of Fair Housing for approval to accept a \$1,000 donation from SC Johnson Wax and the Johnson family and to donate the funds to the Wisconsin Fair Housing Network (WFHN). The funds were donated to underwrite the WFHN Conference on April 25-26, 2013. (Res. No. 13-0209)

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

**5-13-13:** Permission be granted for the Director of Fair Housing to accept a \$1,000.00 donation from SC Johnson Wax and the Johnson family and to donate the funds to the Wisconsin Fair Housing Network (WFHN). The funds were donated to underwrite the WFHN Conference on April 25-26, 2013.

**Fiscal Note:** The \$1,000.00 donation from SC Johnson Wax and the Johnson family was received on April 15, 2013.

[13-8926](#)

**Subject:** Communication from the Police Chief requesting to apply for

and accept the 2013 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG). (Res. No. 13-0211)

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

**5-13-13:** Permission be granted for the Police Chief to apply for and accept the 2013 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG). The grant will be split with Racine County Sheriff's Department. Permission also be granted to renew the Memorandum of Understanding with Racine County.

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

[13-8927](#)

**Subject:** Communication from the Police Chief, requesting to appear before the appropriate committee to discuss our request to apply for the 2013-2014 Bulletproof Vest Partnership grant. (Res. No. 13-0212)

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

**5-13-13:** Permission be granted for the Police Chief to apply for the 2013-2014 Bulletproof Vest Partnership grant.

**Fiscal Note:** The 2013-2014 Bulletproof Vest Partnership grant is approximately \$15,812.50. The grant will reimburse 50% of the cost of the vests purchased in 2013-2014. City funding is budgeted in account 101.311.5430, Police Miscellaneous Equipment.

[13-8936](#)

**Subject:** Communication from the City Clerk submitting the bid(s) received for printing the Common Council Proceedings and legal notices for the period of June 1, 2013 through May 31, 2014. (Res. No. 13-0217)

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

**5-13-13:** To award the bid to The Racine Journal Times for printing of the Common Council Proceedings and all legal notices for the period June 1, 2013 through May 31, 2014.

**Fiscal Note:** Funds are available in account 101.010.5540, City Council Proceedings

[13-8955](#)

**Subject:** (Direct Referral) Communication from the Finance Director requesting to appear to discuss the 2012 to 2013 budget carry overs. (Res. No. 13-0218)

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

**5-13-13:** To approve the 2012 to 2013 budget carry overs.

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

[13-8956](#)

**Subject:** (Direct Referral) Communication from the Finance Director requesting to have Brad Viegut from Robert W. Baird & Company appear to discuss the borrowing for the 2013 Capital Projects, 2014 Capital Outlay and possible refunding opportunities. (Res. No. 13-0204)

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

**5-13-13:** To approve the issuance of Notes Anticipation Notes and Refunding of Bonds as presented.

**Fiscal Note:** N/A

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

[13-8550](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 49-12 (K2-060), Equipment Maintenance Garage-Make-Up Air Unit Replacement, Butters-Fetting Co., Inc., contractor. (Res. No. 13-0230)

**Recommendation of the Public Works and Services Committee on 2-26-13 and 3-12-13:** Defer

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

**5-14-13:** That the work done by Butters-Fetting Co., Inc. under Contract 49-12 (K2-060), Equipment Maintenance Garage-Make-Up Air Unit Replacement, be accepted and final payment authorized for a total contract amount of \$92,930.00.

**Fiscal Note:** Contract was authorized under Resolution No. 12-3230, dated July 17, 2012.

[13-8677](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works finalizing out Contract 03-11 (K1-003), PS - Design Services for Repairs to Spring Street Bridge, Ayres Associates, consultant. (Res. No. 13-0227)

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

**5-14-13:** That the professional services provided by Ayres Associates, under Contract 3-11 (K1-003), Professional Services - Design Services for Repairs to Spring Street Bridge, be accepted and final payment authorized for a total contract amount of \$55,925.32.

**Fiscal Note:** Contract was authorized under Resolution No. 10-2278, dated November 16, 2010.

[13-8819](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 2 to Contract 46-12 (K2-057), Festival Hall Roof Replacement (R1), Carlson Racine Roofing & Sheet Metal, Inc., contractor. (Res. No. 13-0232)

**Recommendation of the Public Works and Services Committee on 4-9-13 and 4-30-13:** Defer

**Recommendation of the Public Works and Services Committee on 5-14-13:** That Change Order No. 2 on Contract 46-12 (K2-057), Festival Hall-Roof Replacement (R1), Carlson Racine Roofing & Sheet Metal, Inc., contractor, be approved in the amount of \$4,915.00.

**Fiscal Note:** Funding to defray the cost of this change order be appropriated from the following accounts:

\$1,415.00 - Account 108.992.5030, Festival Hall Roof  
\$3,500.00 - Account 401.992.5760, Equipment Garage-Bldg Impr  
\$4,915.00 - Total

[13-8854](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 26-13 (K3-026), 2013 Storm & Sanitary Sewer Lining. (Res. No. 13-0226)

**Recommendation of the Public Works and Services Committee on 5-14-13:** That Contract 26-13 (K3-026), 2013 Storm & Sanitary Sewer Lining, be awarded to Musson Bros., Inc., Rhinelander, WI, at their bid price of \$470,056.20, they being the lowest responsible bidder.

**Fiscal Note:** Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 100,619.40 - Account 930.088.5850, Water & Wastewater Utility  
\$ 369,436.80 - Account 287.993.5310, Sanitary Sewer, Var. Loc.  
\$ 470,056.20 - Total

[13-8870](#)

**Subject:** Communication from Peter Henkes, Lighthouse Run Director, requesting to use city right-of-way and Monument Square on June 15, 2013 for the 35th Annual Lighthouse Run. (Res. No. 13-0221)

**Recommendation of the Public Works and Services Committee on 5-14-13:** Permission be granted to the sponsor of the Lighthouse Run to use certain city streets for the period of 6:00 a.m. to 10:30 a.m. on

Saturday, June 15, 2013, and to close the following streets:

Main Street from State Street to Sixth Street  
Lake Avenue from 8th Street to State Street  
State Street from Main Street to Lake Avenue  
Main Street from State Street to 3 Mile Road (west side two traffic lanes will remain open for two-way traffic)  
Dodge Street from Main Street to Michigan Boulevard  
Michigan Boulevard from Dodge Street to Wolff Street  
Wolff Street from Michigan Boulevard to North Main Street

Further recommends that the Commissioner of Public Works be authorized and directed to communicate with the U. S. Coast Guard requesting permission to close Main Street Bridge to boat traffic for the period of 7:40 a.m. to 10:40 a.m. on Saturday, June 15, 2013 to satisfy the needs of this run.

Further recommends that this permission is granted with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs and equipment and material loss incurred by any department in the assistance of this event shall be charged to the sponsor;
- D. Sponsor shall comply with the approved policy on parking restrictions for special events, and the sponsor shall distribute to all abutting property occupants on those streets where parking is being prohibited written notices of the ban approximately 48 hours in advance of this event.
- E. 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. 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 shall pay a \$1,400.00 special event fee.

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 in accordance with these stipulations.

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

[13-8880](#)

**Subject:** Communication from the City Attorney recommending that Resolution 12-3302, regarding the vacation of an unimproved portion of Cleveland Avenue right-of-way, be rescinded. (x-ref Item # 12-8055 and 12-8166) (Res. No. 13-0223)

**Recommendation of the Public Works and Services Committee on 5-14-13:** That Resolution 12-3302, of September 18, 2012, be rescinded.

**Fiscal Note:** N/A

[13-8896](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting Amendment No. 1 to the Three-Party design contract for engineering services for Durand Avenue (STH 11) from Kearney Avenue to Kentucky Street, State Project ID: 2260-07-70. (Res. No. 13-0233)

**Recommendation of the Public Works and Services Committee on 5-14-13:** That Amendment No. 1 on the three-party contract between the State of Wisconsin, City of Racine and Strand Associates, Inc., State Contract ID: 2260-07-70, Durand Avenue (STH 11) from Kearney Avenue to Kentucky Street, be approved in the amount of \$31,968.77, with the City's share being \$6,393.75 and the State's share being \$25,575.02.

**Fiscal Note:** Funding to defray the cost of the City's share of these professional services be appropriated from Account 993.908.6170, Durand-Kentucky to Kearney.

[13-8933](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 47-12 (K2-058), ML King Community Center Boiler Replacement, Butters-Fetting Co., Inc., contractor. (Res. No. 13-0228)

**Recommendation of the Public Works and Services Committee on 5-14-13:** That the work done by Butters-Fetting Co., Inc. under Contract 47-12 (K2-058), Dr. ML King Community Center Boiler Replacement, be accepted and final payment authorized for a total contract amount of \$139,900.00.

**Fiscal Note:** Contract was authorized under Resolution No. 12-3228, dated July 17, 2012.

[13-8934](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 48-12 (K2-059), Central Heating Plant-Boiler Upgrade, Butters-Fetting Co.,



Inc., contractor.(Res. No. 13-0229)

**Recommendation of the Public Works and Services Committee on 5-14-13:** That the work done by Butters-Fetting Co., Inc. under Contract 48-12 (K2-059), Central Heating Plant Boiler Upgrade, be accepted and final payment authorized for a total contract amount of \$156,150.00.

**Fiscal Note:** Contract was authorized under Resolution No. 12-3229, dated July 17, 2012.

[13-8948](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 7-13 (K3-007), Johnson Park Streambank Stabilization Project. (Res. No. 13-0224)

**Recommendation of the Public Works and Services Committee on 5-14-13:** That Contract 7-13 (K3-007), Johnson Park Streambank Stabilization Project, be awarded to Native Construction, Racine, WI, at their bid price of \$103,341.00, they being the lowest responsible bidder.

**Fiscal Note:** Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 62,435.00 - Account 104.992.5470, Lincoln Pk Strmbank Stabilization  
\$ 40,906.00 - Account 107.000.5750, Land Improvement  
\$ 103,341.00 - Total

[13-8949](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 23-13 (K3-023), Johnson Park Golf Course Tee and Green Rehab.(Res. No. 13-0225)

**Recommendation of the Public Works and Services Committee on 5-14-13:** That Contract 23-13 (K3-023), Johnson Park Golf Course Tee and Green Rehab, be awarded to Golf Creations, Marengo, IL, at their bid price of \$230,000.00, they being the lowest responsible bidder.

**Fiscal Note:** Funding to defray the cost of this public works project be appropriated from Account 107.001.5750, Greens & Tees-Johnson Park.

[13-8954](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Contract 40-13 (K3-045), Professional Services - State Street Bridge Roof Replacement, Industrial Roofing Services, Inc., consultant.(Res. No. 13-0231)

**Recommendation of the Public Works and Services Committee on 1-8-13:** That the Mayor and City Clerk be authorized and directed to

enter into a professional services agreement with Industrial Roofing Services, Inc. for Contract 40-13 (K3-045), Professional Services-State Street Bridge Roof Replacement, in the not-to-exceed amount of \$1,250.00.

**Fiscal Note:** Funds to defray the cost of these professional services be appropriated from Account 930.077.5810, State Street Bridge Repairs. These costs will be 100% reimbursed by the State of Wisconsin.

[13-8950](#)

**Subject:** Resolution 13-0195, created May 7, 2013, relating to street improvements on:

**PORTLAND CEMENT CONCRETE PAVING**

**Hickory Way** - Crabapple Drive to +/55' North of Ravine Drive

**Olive Street** - Ohio Street to Virginia Street

**Seventeenth Street** - Indiana Street to Kentucky Street

**Seventeenth Street** - Illinois Street to Oregon Street

**Seventeenth Street** - Kentucky Street to Orchard Street

**Seventeenth Street** - Ohio Street to Virginia Street

**Sycamore Avenue** - Byrd Avenue to the Dead End

**Alley** - Washington Ave to Wright Ave; Thurston Ave to Quincy Ave

**SEWER & WATER**

**Seventeenth Street** - Indiana Street to Kentucky Street

**Seventeenth Street** - Ohio Street to Virginia Street

**CURB & GUTTER**

**Sycamore Avenue** - Byrd Avenue to the Dead End

**SIDEWALK**

**Sycamore Avenue** - Byrd Avenue to the Dead End

**Seventeenth Street** - Indiana Street to Kentucky Street

**Recommendation of the Public Works and Services Committee on 5-14-13:** That Resolution No. 13-0195, created May 7, 2013, be amended to delete:

**PORTLAND CEMENT CONCRETE PAVING**

**Olive Street** - Ohio Street to Virginia Street

**Seventeenth Street** - Indiana Street to Kentucky Street

**Seventeenth Street** - Kentucky Street to Orchard Street

**Sycamore Avenue** - Byrd Avenue to the Dead End

**SEWER & WATER**

**Seventeenth Street** - Indiana Street to Kentucky Street

**CURB & GUTTER**

**Sycamore Avenue** - Byrd Avenue to the Dead End

**SIDEWALK**

**Sycamore Avenue** - Byrd Avenue to the Dead End

**Seventeenth Street** - Indiana Street to Kentucky Street

and, as amended, Resolution No. 13-0195, created May 7, 2013, be adopted.

**Fiscal Note:** Funds will be appropriated in the 2014 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

[13-8953](#)

**Subject:** (Direct Referral) Communication from Walden III submitting proposed design for painting the 10th and Center Street intersection as approved under Resolution 13-0166, dated April 15, 2013. (Res. No. 13-0222)

**Recommendation of the Public Works and Services Committee on 5-14-13:** That the plan for the painting of the intersection at 10th and Center Streets be approved as submitted.

**Fiscal Note:** Previous approval was granted on April 15, 2013 by the Common Council with the stipulation that they present final plans when completed.

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

[13-8916](#)

**Subject:** communication requesting authorization to enter into an agreement to indemnify and hold harmless WELBIC, LLC and GIS Rolling, LLC for the use of the property at 6200 Regency West Drive during Police Dept training on motorcycle operation.

**Recommendation of the Public Safety and Licensing Committee on 5/13/13:** The communication requesting authorization to enter into an agreement to indemnify and hold harmless WELBIC, LLC and GIS Rolling, LLC for the use of the property at 6200 Regency West Drive during Police Dept training on motorcycle operation be approved.

[13-8865](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting final payment for Contract 53-12 (K2-064) PRCS Asphalt Improvements. It is recommended that Change Order #1 for a contract reduction of \$20,941.59 and the Final Payment be approved for a total contract amount of \$119,144.81. (Res. No. 13-0235)

**Recommendation of the Public Safety and Licensing Committee on**

**5/13/13:** The communication from the Director of Parks, Recreation & Cultural Services requesting final payment for Contract 53-12 (K2-064) PRCS Asphalt Improvements be approved.

**Fiscal Note:** Funds should be appropriated from Lincoln Park Parking Lot Paving 992.700.5080 - \$33,000, Repave Johnson park Drive 992.700.5010 - \$51,1144.81 and Paving Pershing Park 992.700.5100 - \$35,000.

[13-8876](#)

**Subject: (Direct Referral)** Communication from 2 Sheets To The Wind, requesting to amend their Premise Description to include fenced in area located on southside of building at 3316 Douglas Avenue.

**Recommendation of the Public Safety and Licensing Committee on 5/13/13:** The communication from 2 Sheets To The Wind, requesting to amend their Premise Description to include fenced in area located on southside of building at 3316 Douglas Avenue be approved.

[13-8887](#)

**Subject:** Communication from the City Clerk wishing to discuss the implementation of an administrative policy as it relates to "notification of available liquor licenses for the City of Racine".

**Recommendation of the Public Safety and Licensing Committee on 5/13/13:** The Communication from the City Clerk wishing to discuss the implementation of an administrative policy as it relates to "notification of available liquor licenses for the City of Racine" be approved.

[13-8895](#)

**Subject:** (Direct Referral) Sale of Abandoned Vehicles 05-13-2013

**Recommendation of the Public Safety & Licensing Committee on 5-13-13:** That the item be received and filed as the highest responsible bidder out of the three bids was Sturtevant Auto Salvage.

**Fiscal Note:** This will generate \$27686.02 in revenue in account 101.310.7550

[13-8902](#)

**Subject:** (New) Application of Sticky Rice, Morakot Khampane, Agent for a "Class B" Fermented Malt Beverage and intoxicating Liquor License for 203 Sixth Street. (1st District)

**Recommendation of the Public Safety and Licensing Committee on 5/13/13:** The (New) Application of Sticky Rice, Morakot Khampane, Agent for a "Class B" Fermented Malt Beverage and intoxicating Liquor License for 203 Sixth Street be approved.

[13-8903](#)

**Subject:** Communication from Marina Vela, Marina's Wine Cafe at 309

Main Street wishing to appear before the Committee to request a change in the license premise address for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License from 309 Main Street to 422 Main Street.

**Recommendation of the Public Safety and Licensing Committee on 5/13/13:** The communication from Marina Vela, Marina's Wine Cafe at 309 Main Street wishing to appear before the Committee to request a change in the license premise address for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License from 309 Main Street to 422 Main Street be approved.

[13-8904](#)

**Subject:** The following renewal application(s) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2013-2014:

Morakot Khampane                      337 S. Main Street  
(Tradename) Sticky Rice, LLC  
Morakot Khampane, Agent

Javier's Restaurant Inc.              2011 Lathrop Avenue  
(Tradename) Javier's  
Yecenia Ortega, Agent

Alice F. Warren                      963 Dr. M.L. King, Jr. Drive  
(Tradename) Buck's Lounge

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

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

Blazin Wings, Inc.                      5880 Durand Avenue  
(Tradename) Buffalo Wild Wings  
Daniel Collicott, Agent

**Recommendation of the Public Safety and Licensing Committee on 5/13/13:** The following renewal application(s) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2013-2014 be approved as listed.



**5/13/13:** The (New) Application of Yolanda Maldonado,(Santa Fe Liquour) "Class A" Fermented Malt Beverage and intoxicating Liquor License for 516 High Street be approved.

[13-8929](#)

**Subject:** (New) Application of Rock Inn, LLC." Arlene Feest Agent for a "Class B" Fermented Malt Beverage and intoxicating Liquor License for 600 High Street (4th District)

**Recommendation of the Public Safety and Licensing Committee on 5/13/13:** The (New) Application of Rock Inn, LLC." Arlene Feest Agent for a "Class B" Fermented Malt Beverage and intoxicating Liquor License for 600 High Street be approved.

### City Plan Commission Report, by Ald.Wiser

[13-8919](#)

**Subject:** (Direct Referral) Request by Sheila Sheets of '2 Sheets to the Wind' located at 3316 Douglas Avenue for amendments to the existing conditional use permit. (Res. No. 13-0236)

**Recommendation of the City Plan Commission on 5-8-13:** That the item be approved, subject to conditions.

**Fiscal Note:** N/A

[13-8920](#)

**Subject:** (Direct Referral) Request by Tad Ballantyne, representing PW Partners, Inc. to modify the building located at 1637 Washington Avenue into 8 apartments and 5 office spaces. (Res. No. 13-0237)

**Recommendation of the City Plan Commission on 5-8-13:** That the item be approved, subject to conditions.

**Fiscal Note:** N/A

[13-8921](#)

**Subject:** (Direct Referral) Request from Chuck Brandt, representing Buckets Pub, for a conditional use amendment to construct an outdoor patio at 2031 Lathrop Avenue. (Res. No. 13-0238)

**Recommendation of the City Plan Commission on 5-8-13:** That the item be approved, subject to conditions.

**Fiscal Note:** N/A

[13-8923](#)

**Subject:** (Direct Referral) Request by Homeless Assistance Leadership Organization (HALO) to erect a Hoop House on an adjacent lot located

at 2200 De Koven Avenue. (Res. No. 13-0239)

**Recommendation of the City Plan Commission on 5-8-13:** That the item be approved, subject to conditions.

**Fiscal Note:** N/A

[13-8924](#)

**Subject:** (Direct Referral) Request by Deontrae Mayfield seeking a conditional use permit for a youth mentoring program and 2nd hand clothing store at 1817/1819 State Street.

**Recommendation of the City Plan Commission on 5-8-13:** That the item be received and filed.

**Fiscal Note:** N/A

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

[13-8973](#)

**Subject:** (Direct Referral) Request of the Director of City Development to accept an offer from Ernesto and Leticia Rosales to purchase 944 Villa Street, an NSP -1 property. (Res. No. 13-0241)

**Recommendation of the Loan Board of Review on May 16, 2013:** To approve the request of the Director of City Development to accept the offer of Ernesto and Leticia Rosales to purchase 944 Villa Street.

**Fiscal Note:** The property was acquired and rehabilitated through the NSP-1 program. The City will receive \$40,000 in proceeds, minus commissions and closing costs.

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

[13-8932](#)

**Subject:** (Direct Referral) Communication from the Assistant Executive Director requesting authorization to apply for a Wisconsin Economic Development Corporation Site Assessment Grant for the Harborside (Walker) property at 1129 Michigan Boulevard. (Res. No. 13-0240)

**Recommendation of Redevelopment Authority on 5-6-13:** That the Authority authorizes Brian F. O'Connell, Executive Director, or his authorized agent to act on the behalf of the Authority; submit an application to the Wisconsin Economic Development Corporation to aid in site assessment of 1129 Michigan Boulevard [a/k/a Harborside (Walker) property], sign all documents, and take necessary action to undertake, direct, and complete approved grant activities.

**Fiscal Note:** The grant request is for \$150,000 with a required match of



125% of the grant request, or \$189,056 from the City. All City matching funds will be provided by a \$200,000 USEPA cleanup grant. The environmental firm of Symbiont has offered to prepare and submit the grant application, at no cost to the City, as part of their City-wide environmental services contract.

#### **Office of the Mayor Report, By Ald. McCarthy**

[13-8984](#)

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

Appoint Alderwoman Melissa Kaprelian- Becker 2050 LaSalle St. Racine, 53402 to the Library Board for a 1 year term expiring June 1, 2014

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

[13-8833](#)

**Subject:** (Direct Referral) Communication from Victor Moreno proposing Pickleball courts be developed at Humble Park Community Center and Island Park. (Res. No. 13-0242)

**Recommendation of the Board of Parks, Recreation & Cultural Services on 5/8/13:** To approve the communication from Victor Moreno to have Pickleball courts developed at Humble Park & Island Park, in concept only, and to work with PRCS staff to finalize plans.

**Fiscal Note:** Not determined.

[13-8838](#)

**Subject:** (Direct Referral) Communication from the Greater Racine Kennel Club requesting to reserve and control parking on part of the lakefront east of Pershing Drive for the 2013 American Kennel Club All Breed Dog Show at Pershing Park August 10, 2013 through Monday, August 12, 2013. (Res. No. 13-0243)

**Recommendation of the Board of Parks, Recreation & Cultural Services on 5/8/13:** To approve the communication from the Greater Racine Kennel Club requesting to reserve and control parking on part of the lakefront east of Pershing Drive for the 2013 American Kennel Club All Breed Dog Show at Pershing Park, Saturday, August 10, 2013 through Monday, August 12, 2013 and further recommend to waive ordinance 70.104 to allow overnight parking in Pershing Park for the dates listed above.

**Fiscal Note:** N/A

**G. Consent Agenda - Resolutions****Res.13-0204** 2013 Capital Projects, 2014 Capital Outlay and Possible Refunding Opportunities

Resolved, that the borrowing for the 2013 Capital Projects, 2014 Capital Outlay and possible refunding opportunities from Robert W. Baird & Company, and to approve the issuance of Notes Anticipation Notes and Refunding of Bonds is approved.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

**Res.13-0205** Harbor Commission Reserve Funds .

Resolved, that permission is given to transfer \$30,000.00 of reserve funds to assist in the funding of the 5th Street Boat Launch repair.

Fiscal Note: The Harbor Commission approved the transfer of \$30,000.00 from reserve to be place in a new Capital Improvement program budget account to assist in the funding of repairs at the 5th Street Boat Launch. The Harbor Commission shares 50% of the revenue from boat launch fees with the Parks, recreation and Cultural Services Department.

Sponsors: Q.A. Shakoor, II

**Res.13-0206** Washington Park Streambank Stabilization Project

Resolved, that permission is granted for the Assistant Commissioner of Public Works/City Engineer to apply for the State of Wisconsin Urban Nonpoint Source & Storm Water (UNPS&SW) Program Construction Grant for the Washington Park Streambank Stabilization Project. (Grant Control No. 2013-010)

Fiscal Note: The grant is 50% maximum of eligible costs; total project cost \$300,000; \$150,000 maximum State share and requires a City match of \$150,000 which is included in the 2013 Storm Water Enterprise Fund.

Sponsors: Q.A. Shakoor, II

**Res.13-0207** State of Wisconsin DNR Waterways Commission Financial Assistance Grant

Resolved, that permission is granted for the Assistant Commissioner of Public Works/City Engineer, on behalf of the Racine Harbor Commission, to apply for the State of Wisconsin DNR Waterways

Commission Financial Assistance Grant for navigational aids. (Grant Control No. 2013-013)

Fiscal Note: The navigational aids are estimated at \$3,346.00. The grant provides matching funds up to 50% of the project cost with an additional 10% for municipalities that conduct a boating safety and enforcement and education program approved by WisDNR. Funding for the local share for this project is available in account 215.000.5750, Land Improvements.

Sponsors: Q.A. Shakoor, II

[Res.13-0208](#) City advance funds in anticipation of CDBG Home, and ESG grants from the U.S. Department of Housing and Urban Development.

Resolved, that the City advance funds so that the subgrantees can be reimbursed. The City will be made whole when the HUD funds are received.

Fiscal Note: The City has regularly advanced funds for this purpose in prior years. There are sufficient funds available.

Sponsors: Q.A. Shakoor, II

[Res.13-0209](#) \$1,000 donation from SC Johnson Wax and the Johnson family

Resolved, that permission is granted for the Director of Fair Housing to accept a \$1,000.00 donation from SC Johnson Wax and the Johnson family and to donate the funds to the Wisconsin Fair Housing Network (WFHN). The funds were donated to underwrite the WFHN Conference on April 25-26, 2013.

Fiscal Note: The \$1,000.00 donation from SC Johnson Wax and the Johnson family was received on April 15, 2013.

Sponsors: Q.A. Shakoor, II

[Res.13-0210](#) Automated License Plate Reader

Resolved, that permission is granted for the Police Chief to waive formal bidding and instruct Purchasing Agent to negotiate sole-source procurement with Federal Signal, Knoxville, TN, for the purchase of Automated License Plate Reader equipment and software for use by the RPD.

Fiscal Note: Funding for this purchase available in the 2012 JAG Grant.

Sponsors: Q.A. Shakoor, II

[Res.13-0211](#) 2013 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG)

Resolved, that permission is granted for the Police Chief to apply for and accept the 2013 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG). The grant will be split with Racine County Sheriff's Department. Permission also is granted to renew the Memorandum of Understanding with Racine County.

Fiscal Note: There is no City match required

Sponsors: Q.A. Shakoor, II

**Res.13-0212** 2013-2014 Bulletproof Vest Partnership grant.

Resolved, that permission is granted for the Police Chief to apply for the 2013-2014 Bulletproof Vest partnership grant.

Fiscal Note: The 2013-2014 Bulletproof Vest Partnership grant is approximately \$15,812.50. The grant will reimburse 50% of the cost of the vests purchased in 2013-2014. City funding is budgeted in account 101.311.5430, Police Miscellaneous Equipment.

Sponsors: Q.A. Shakoor, II

**Res.13-0213** Approval of Developer Agreement for Primrose Retirement Community in Mt. Pleasant

Resolved, that the Mayor and City Clerk are authorized and directed to enter into the agreement for Primrose Retirement Community in Mt. Pleasant, in accordance with City Ordinance for such matters.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

**Res.13-0214** Asset Recyclers

Resolved, to approve for Asset Recyclers to Collect E-Waste at Household Hazardous Waste Collections.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

**Res.13-0215** Mt. Pleasant Interceptor Sewer Transmission Assignment and Assumption Agreement

Resolved, that the Mayor and City Clerk are authorized and directed to enter into the agreement for Mt. Pleasant Interceptor Sewer Transmission Assignment and Assumption Agreement, in accordance with City Ordinance for such matters.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

**Res.13-0216** Mt. Pleasant Interceptor Sewer Transmission Agreement First Amendment

Resolved, that the Mayor and City Clerk are authorized and directed to enter into the agreement for Mt. Pleasant Interceptor Sewer Transmission Agreement First Amendment, in accordance with City Ordinance for such matters.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

**Res.13-0217** Common Council Proceedings and legal notices

Resolved, to award the bid to The Racine Journal Times for printing of the Common Council Proceedings and all legal notices for the period June 1, 2013 through May 31, 2014.

Fiscal Note: Funds are available in account 101.010.5540, City Council Proceedings

Sponsors: Q.A. Shakoor, II

**Res.13-0218** 2012 to 2013 budget carry overs

Resolved to approve the 2012 to 2013 budget carry overs.

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

Sponsors: Q.A. Shakoor, II

**Res.13-0221** 35th Annual Lighthouse Run

Resolved, that permission is granted to the sponsor of the Lighthouse Run to use certain city streets for the period of 6:00 a.m. to 10:30 a.m. on Saturday, June 15, 2013, and to close the following streets:

Main Street from State Street to Sixth Street  
Lake Avenue from 8th Street to State Street  
State Street from Main Street to Lake Avenue  
Main Street from State Street to 3 Mile Road (west side two traffic lanes will remain open for two-way traffic)  
Dodge Street from Main Street to Michigan Boulevard  
Michigan Boulevard from Dodge Street to Wolff Street  
Wolff Street from Michigan Boulevard to North Main Street

Further resolved, that the Commissioner of Public Works is authorized and directed to communicate with the U. S. Coast Guard requesting permission to close Main Street Bridge to boat traffic for the period of 7:40 a.m. to 10:40 a.m. on Saturday, June 15, 2013 to satisfy the needs of this run.

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

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs and equipment and material loss incurred by any department in the assistance of this event shall be charged to the sponsor;
- D. Sponsor shall comply with the approved policy on parking restrictions for special events, and the sponsor shall distribute to all abutting property occupants on those streets where parking is being prohibited written notices of the ban approximately 48 hours in advance of this event.
- E. 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. 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 shall pay a \$1,400.00 special event fee.

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 in accordance with these stipulations.

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

Sponsors: Sandy Weidner

**Res.13-0222** Walden III Painting the 10th and Center Street intersection

Resolved, that the plan for the painting of the intersection at 10th and Center Streets is approved as submitted under Resolution 13-0166, dated April 15, 2013.

Fiscal Note: Previous approval was granted on April 15, 2013 by the Common Council with the stipulation that they present final plans when completed.

**Sponsors:** Sandy Weidner

**Res.13-0223**

Rescind Resolution 12-3302

Resolved, that Resolution 12-3302, of September 18, 2012, regarding the vacation of an unimproved portion of Cleveland Avenue right-of-way, be rescinded. (x-ref Item # 12-8055 and 12-8166)

**Fiscal Note:** N/A

**Sponsors:** Sandy Weidner

**Res.13-0224**

Contract 7-13 (K3-007), Johnson Park Streambank Stabilization Project

Resolved, that Contract 7-13 (K3-007), Johnson Park Streambank Stabilization Project, is awarded to Native Construction, Racine, WI, at their bid price of \$103,341.00, they being the lowest responsible bidder.

**Fiscal Note:** Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 62,435.00 - Account 104.992.5470, Lincoln Pk Strmbank Stabilization

\$ 40,906.00 - Account 107.000.5750, Land Improvement

\$ 103,341.00 - Total

**Sponsors:** Sandy Weidner

**Res.13-0225**

Contract 23-13 (K3-023), Johnson Park Golf Course Tee and Green Rehab

Resolved, that Contract 23-13 (K3-023), Johnson Park Golf Course Tee and Green Rehab, is awarded to Golf Creations, Marengo, IL, at their bid price of \$230,000.00, they being the lowest responsible bidder.

**Fiscal Note:** Funding to defray the cost of this public works project be appropriated from Account 107.001.5750, Greens & Tees-Johnson Park.

**Sponsors:** Sandy Weidner

**Res.13-0226**

Contract 26-13 (K3-026)

Resolved, that Contract 26-13 (K3-026), 2013 Storm & Sanitary Sewer Lining, is awarded to Musson Bros., Inc., Rhinelander, WI, at their bid price of \$470,056.20, they being the lowest responsible bidder.

**Fiscal Note:** Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 100,619.40 - Account 930.088.5850, Water & Wastewater Utility  
\$ 369,436.80 - Account 287.993.5310, Sanitary Sewer, Var. Loc.  
\$ 470,056.20 - Total

**Sponsors:** Sandy Weidner

**Res.13-0227** Contract 03-11 (K1-003)

Resolved, that the professional services provided by Ayres Associates, under Contract 3-11 (K1-003), Professional Services - Design Services for Repairs to Spring Street Bridge, is accepted and final payment authorized for a total contract amount of \$55,925.32.

**Fiscal Note:** Contract was authorized under Resolution No. 10-2278, dated November 16, 2010.

**Sponsors:** Sandy Weidner

**Res.13-0228** Final payment on Contract 47-12 (K2-058)

Resolved, that the work done by Butters-Fetting Co., Inc. under Contract 47-12 (K2-058), Dr. ML King Community Center Boiler Replacement, is accepted and final payment authorized for a total contract amount of \$139,900.00.

**Fiscal Note:** Contract was authorized under Resolution No. 12-3228, dated July 17, 2012.

**Sponsors:** Sandy Weidner

**Res.13-0229** Final payment on Contract 48-12 (K2-059)

Resolved, that the work done by Butters-Fetting Co., Inc. under Contract 48-12 (K2-059), Central Heating Plant Boiler Upgrade, is accepted and final payment authorized for a total contract amount of \$156,150.00.

**Fiscal Note:** Contract was authorized under Resolution No. 12-3229, dated July 17, 2012.

**Sponsors:** Sandy Weidner

**Res.13-0230** Contract 49-12 (K2-060)

Resolved, that the work done by Butters-Fetting Co., Inc. under Contract 49-12 (K2-060), Equipment Maintenance Garage-Make-Up Air Unit Replacement, is accepted and final payment authorized for a total contract amount of \$92,930.00.

**Fiscal Note:** Contract was authorized under Resolution No. 12-3230, dated July 17, 2012.

**Sponsors:** Sandy Weidner



**Res.13-0231** Contract 40-13 (K3-045)

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a professional services agreement with Industrial Roofing Services, Inc. for Contract 40-13 (K3-045), Professional Services-State Street Bridge Roof Replacement, in the not-to-exceed amount of \$1,250.00.

**Fiscal Note:** Funds to defray the cost of these professional services be appropriated from Account 930.077.5810, State Street Bridge Repairs. These costs will be 100% reimbursed by the State of Wisconsin.

**Sponsors:** Sandy Weidner

**Res.13-0232** Change Order No. 2 to Contract 46-12 (K2-057)

Resolved, that Change Order No. 2 on Contract 46-12 (K2-057), Festival Hall-Roof Replacement (R1), Carlson Racine Roofing & Sheet Metal, Inc., contractor, is approved in the amount of \$4,915.00.

**Fiscal Note:** Funding to defray the cost of this change order be appropriated from the following accounts:

\$1,415.00 - Account 108.992.5030, Festival Hall Roof  
\$3,500.00 - Account 401.992.5760, Equipment Garage-Bldg Impr  
\$4,915.00 - Total

**Sponsors:** Sandy Weidner

**Res.13-0233** Amendment No. 1 to the Three-Party design contract

Resolved, that Amendment No. 1 on the three-party contract between the State of Wisconsin, City of Racine and Strand Associates, Inc., State Contract ID: 2260-07-70, Durand Avenue (STH 11) from Kearney Avenue to Kentucky Street, is approved in the amount of \$31,968.77, with the City's share being \$6,393.75 and the State's share being \$25,575.02.

**Fiscal Note:** Funding to defray the cost of the City's share of these professional services be appropriated from Account 993.908.6170, Durand-Kentucky to Kearney.

**Sponsors:** Sandy Weidner

**Res.13-0235** Final payment for Contract 53-12 (K2-064) PRCS Asphalt Improvements

Resolved, that Change Order #1 for a contract reduction of \$20,941.59 and the Final Payment is approved for a total contract amount of

\$119,144.81.

Fiscal Note: Funds should be appropriated from Lincoln Park Parking Lot Paving 992.700.5080 - \$33,000, Repave Johnson park Drive 992.700.5010 - \$51,1144.81 and Paving Pershing Park 992.700.5100 - \$35,000

Sponsors: Gregory Holding

Res.13-0236 '2 Sheets to the Wind' located at 3316 Douglas Avenue

Resolved, that the request by Sheila Sheets of the bar/restaurant "2 sheets to the wind" for amendments to the conditional use permit at 3316 Douglas Avenue are approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on May 8, 2013 are approved, subject to the conditions contained herein.
- b. That all codes and ordinances be complied with and all required permits be acquired.
- c. That the applicant shall submit to City Development Staff a lighting cut sheet indicating full cut-off shields will be added to the proposed lighting fixtures.
- d. That the existing sign conduit shall be painted to match the building.
- e. That the applicant shall adhere to the decision of the Safety and Licensing Committee concerning the request to serve alcohol outside of the structure.
- f. That any requirements from the Health Department for serving food outdoors shall be complied with at all times.
- g. That the outdoor amenities, including the shuffleboard and horseshoes, shall cease by 12:00 a.m. nightly.
- h. That all conditions of the original approval per Resolution 12-3216 shall be adhered to.
- i. That all banners and window signage shall be brought into compliance with Article X of the Zoning Code.
- j. That all requirements outlined in this list of conditions shall be addressed no later than June 30, 2013.
- k. That the tent located on the premises may be erected from May 1st - November 1st annually.
- l. 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.
- m. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Dennis Wisser

Res.13-0237 1637 Washington Avenue

Resolved, that the request by Tad Ballantyne, representing PW Partners, Inc., for remodel of the structure at 1637 Washington Avenue to allow for main level residential and office space is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on May 8, 2013, are approved subject to the conditions contained herein.
- b. That all codes and ordinances be complied with and all applicable permits obtained.
- c. That this property shall not function as a community living arrangement, or house any persons under supervision or monitoring of the judicial, mental health, or probation and parole systems.
- d. That all building/sign plans be presented to the Director of City Development for review and approval prior to permits being obtained from the Building Department.
- e. That the following be accomplished prior to the issuance of an occupancy permit:
  1. Install a dumpster enclosure constructed of 6-foot high wood or masonry material, the design of which shall be presented to the Director of City Development for review and approval.
  2. Repair and paint all non-brick building surfaces in a color scheme to be presented to the Director of City Development for review and approval.
  3. Implement a landscape plan in accordance with an approved plan. Said plan shall be submitted to the Director of City Development for review and approval.
  4. Remove the south-side shed addition.
  5. Repair, re-seal, and re-stripe the parking lot. Install wheel stops at parking spaces, and install wheel stops and /or curbing along sidewalks where parking is directly adjacent.
  6. Install new air conditioner covers. The design and color of said covers shall be presented to the Director of City Development for review and approval.

f. If any improvements listed in condition “e” cannot be completed prior to the request for an occupancy permit, than 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.

g. That any future proposed changes to the exterior of the building shall be subject to review by the Director of City Development or City Plan Commission and the Uptown Design Review Board.

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

Fiscal Note: N/A

Sponsors: Dennis Wiser

**Res.13-0238** Buckets Pub 2031 Lathrop Avenue

Resolved, that the request by Chuck Brandt, representing Buckets Pub, to construct a covered patio addition to buckets pub located at 2031 Lathrop Avenue is approved subject to the following conditions:

a. That approval shall be subject to plans reviewed and presented at the May 8, 2013 Plan Commission meeting.

- b. That all codes and ordinances be complied with and required permits acquired.
- c. That the applicant shall obtain all necessary permits for the serving of food and alcohol in the patio area prior to occupying the patio area.
- d. That the applicant shall not install or place any lighting in the patio area without the review and approval of the Department of City Development.
- e. That the hours of operation of the interior bar and restaurant shall be from 11:00 a.m. - 2:30 a.m., and the patio hours shall be from 11:00 a.m. - 12:00 a.m.
- f. That, if required by Building Inspection, two additional handicapped spaces shall be added to the east side of the main entrance, and shall meet all required handicapped striping, signage and accessibility requirements.
- g. That no signage is approved with this request.
- h. That any minor changes to this request be approved by the Plan Commission and any major changes to this request be approved by the Common Council.

Fiscal Note: N/A

Sponsors: Dennis Wiser

**Res.13-0239** Hoop House 2200 De Koven Avenue

Resolved, that the request by HALO to install a hoop house at 2200 De Koven Avenue is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on May 8, 2013, are approved subject to the conditions contained herein.
- b. That no outdoor storage of gardening equipment, materials, or supplies shall be allowed.
- c. That no minors shall be on-site without adult supervision, and shall not be on-site before dawn or after dusk on any occasion.
- d. That a copy of the agreement between HALO and Kranz, Inc. allowing use of the property by HALO shall be provided to the Department of City Development prior to issuance of a building permit.
- e. That all trash and debris shall be removed from the site on a daily basis.
- f. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- g. That this permit is subject to Plan Commission review for compliance

with the listed conditions.

Fiscal Note: N/A

Sponsors: Dennis Wiser

**Res.13-0240** Harborside (Walker) property at 1129 Michigan Boulevard

Resolved, that the Authority authorizes Brian F. O'Connell, Executive Director, or his authorized agent to act on the behalf of the Authority; submit an application to the Wisconsin Economic Development Corporation to aid in site assessment of 1129 Michigan Boulevard [a/k/a Harborside (Walker) property], sign all documents, and take necessary action to undertake, direct, and complete approved grant activities.

Fiscal Note: The grant request is for \$150,000 with a required match of 125% of the grant request, or \$189,056 from the City. All City matching funds will be provided by a \$200,000 USEPA cleanup grant. The environmental firm of Symbiont has offered to prepare and submit the grant application, at no cost to the City, as part of their City-wide environmental services contract.

Sponsors: Q.A. Shakoor, II

**Res.13-0241** Purchase 944 Villa Street, an NSP -1 property

Resolved, to approve the request of the Director of City Development to accept an offer from Ernesto and Leticia Rosales to purchase 944 Villa Street. Further resolved, that the Mayor, the City Clerk and the Director of City Development are authorized to execute any documents necessary to complete the sale.

Fiscal Note: The property was acquired and rehabilitated through the NSP-1 program. The City will receive \$40,000 in proceeds, minus commissions and closing costs

Sponsors: Dennis Wiser

**Res.13-0242** Pickleball Courts

Resolved, to approve the communication from Victor Moreno to have Pickleball courts developed at Humble Park & Island Park, in concept only, and to work with PRCS staff to finalize plans.

Fiscal Note: Not determined

Sponsors: Terry McCarthy

Res.13-0243 2013 American Kennel Club All Breed Dog Show

Resolved, to approve the Greater Racine Kennel Club requesting to reserve and control parking on part of the lakefront east of Pershing Drive for the 2013 American Kennel Club All Breed Dog Show at Pershing Park, Saturday, August 10, 2013 through Monday, August 12, 2013;

Further resolved, that it is approved to waive ordinance 70.104 to allow overnight parking in Pershing Park for the dates listed above.

Fiscal Note: N/A

Sponsors: Terry McCarthy

## H. Resolutions

Res.13-0219 RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$4,785,000 General Obligation Refunding Bonds

WHEREAS, the Common Council of the City of Racine, Racine County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of refunding obligations of the City, including interest on them, specifically, the 2017 through 2019 maturities of the General Obligation Refunding Bonds, dated October 15, 2005 (the "Refunded 2005 Bonds") and the 2019 and 2020 maturities of the General Obligation Refunding Bonds, Series 2006A, dated October 5, 2006 (the "Refunded 2006 Bonds") (collectively, the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service cost savings;

WHEREAS, cities are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations; and

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

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

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of FOUR MILLION SEVEN HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$4,785,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Bonds aggregating the principal amount of FOUR MILLION SEVEN HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$4,785,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$4,785,000; shall be dated July 9, 2013; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on December 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on June 1 and December 1 of each year commencing on December 1, 2013. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

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

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2013 through 2019 for the payments due in the years 2013 through 2020 in the amounts set forth on the Schedule. The amount of tax levied in the



year 2013 shall be the total amount of debt service due on the Bonds in the years 2013 and 2014; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Bonds in the year 2013.

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

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

(D) Appropriation. The City hereby appropriates from amounts levied to pay debt service on the Refunded Obligations or other funds of the City on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the principal of and interest on the Bonds coming due on December 1, 2013 as set forth on the Schedule.

Section 6. Segregated Debt Service Fund Account.

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

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$4,785,000 General Obligation Refunding Bonds, dated July 9, 2013" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of

and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

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

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

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. In order to accomplish the purpose for which the Bonds are issued, proceeds of the Bonds shall be transferred to the Escrow Account, as provided in Section 17 hereof. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the

Debt Service Fund Account.

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

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

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

Section 10. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the

"Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 11. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit D and incorporated herein by this reference.

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

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

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

to effect any such transfer.

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

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

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

Section 16. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

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

Section 17. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the City, for the purpose of ensuring the payment of the principal of and interest on the

Refunded Obligations (the "Escrow Agent").

The Mayor and City Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit E (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of such agreement by said officers to constitute full approval of the Common Council of any such modifications), with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

The Bond Proceeds allocable to refunding the Refunded Obligations shall be deposited in a refunding escrow account which is hereby created with the Escrow Agent, pursuant to the Escrow Agreement, for the purpose of retaining the required amount of cash, if any, and acquiring the United States obligations provided for in the Escrow Agreement.

Upon transfer of the Bond Proceeds and any other necessary funds allocable to refunding the Refunded Obligations to the Escrow Account, the taxes heretofore levied to pay debt service on the Refunded Obligations shall be abated to the extent such transfer together with investment earnings thereon is sufficient to pay the principal of and interest on the Refunded Obligations, but such abatement shall not affect the City's pledge of its full faith, credit and resources to make such payments. The refunding escrow account created by the Escrow Agreement shall hereinafter serve as the debt service (or sinking) fund account for the Refunded Obligations. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

Section 18. Escrow Securities. The Escrow Agent and the Purchaser are authorized to purchase direct obligations of the U.S. Government on behalf of the City in such amount as is necessary in order to carry out the Refunding.

Section 19. Redemption of the Refunded Obligations. The Refunded 2005 Bonds are hereby called for prior payment and redemption on December 1, 2015, and the Refunded 2006 Bonds are hereby called for prior payment and redemption on December 1, 2016, all at a price of par plus accrued interest to the date of redemption.

The City hereby directs the Escrow Agent appointed above to cause timely notice of redemption, in substantially the forms attached to the Escrow Agreement (the "Notices"), to be provided at the times, to the parties and in the manner set forth on the Notices.

Section 20. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 21. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers

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

Section 22. Conflicting Resolutions; Severability; Effective Date.

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

Adopted, approved and recorded June 18, 2013.

\_\_\_\_\_  
John Dickert  
Mayor

ATTEST:

\_\_\_\_\_  
Janice M. Johnson-Martin  
City Clerk (SEAL)

Sponsors: Q.A. Shakoor, II

Res.13-0220

RESOLUTION AUTHORIZING THE ISSUANCE OF \$11,040,000 general obligation promissory notes AND THE ISSUANCE AND SALE OF \$11,040,000 note anticipation notes in ANTICIPATION thereof

WHEREAS, the City of Racine, Racine County, Wisconsin (the "City") is presently in need of the sum of \$11,040,000 for public purposes, including paying the cost of various capital improvement and acquisition projects set forth in the City's Capital Improvement Plan and acquisition of municipal equipment (the "Project");

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

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

WHEREAS, it is the finding of the Common Council that it is

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

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

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

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

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

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

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

Section 2. Authorization and Sale of the Notes. In anticipation of the sale of the Securities, for the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of ELEVEN MILLION FORTY THOUSAND DOLLARS (\$11,040,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Notes aggregating the principal amount of ELEVEN MILLION FORTY THOUSAND DOLLARS (\$11,040,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 3. Terms of the Notes. The Notes shall be designated "Note Anticipation Notes"; shall be issued in the aggregate principal amount of \$11,040,000; shall be dated July 9, 2013; shall be in the



denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rate and mature on June 9, 2014 as set forth on the schedule attached hereto as Exhibit B and incorporated herein by this reference (the "Schedule"). Interest is payable at maturity. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 4. Redemption Provisions. The Notes shall be subject to redemption prior to maturity, at the option of the City, on December 9, 2013 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

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

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

Section 7. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City a separate and distinct fund account designated as the "Debt Service Fund Account for \$11,040,000 Note Anticipation Notes, dated July 9, 2013" (the "Debt Service Fund Account"), and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) any proceeds of the Notes representing capitalized interest on the Notes or other

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

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

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

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

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

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

(C) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness and the \$11,040,000 authorized for the issuance of the Securities shall at no time exceed its constitutional debt limit.

Section 9. Proceeds of the Notes; Segregated Borrowed Money Fund. All monies received by the City upon the delivery of the Notes to the Purchaser thereof (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt

Service Fund Account created above) shall be deposited by the City Clerk into a special fund (the "Borrowed Money Fund") which shall be maintained separate and distinct from all other funds of the City and shall be used for no purpose other than the purposes for which the Notes are issued. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes, shall be deposited in the Debt Service Fund Account created herein.

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

Section 11. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

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

period of time in which to comply.

Section 12. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

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

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

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

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

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

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

Section 17. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

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

Section 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record

Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

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

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

Adopted, approved and recorded June 18, 2013.

\_\_\_\_\_  
John Dickert  
Mayor

Attest:

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

(SEAL)

Sponsors: Q.A. Shakoor, II

Res.13-0234

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 14th day of May, 2013 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**

**Georgia Avenue** - Cecelia Park Drive to Goold Avenue

**Domanik Drive** - Domanik Drive to the vacated Fairchild Street

**Eaton Lane** - Rapids Drive to Cul-de-sac

**Echo Lane** - Ridgeway Avenue to Westway Avenue

**Elisa Drive** - Ostergaard Avenue to City Limits

**Westway Avenue** - Ohio Street to Crabtree Lane

**West Lawn Avenue** - Victory Avenue to Republic Avenue

**SEWER & WATER**

**Domanik Drive** - Domanik Drive to the vacated Fairchild Street

**Eaton Lane** - Rapids Drive to Cul-de-sac

**SIDEWALK**

**Eaton Lane** - Rapids Drive to Cul-de-sac

**Elisa Drive** - Ostergaard Avenue to City Limits

**Westway Avenue** - Ohio Street to Crabtree Lane

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

1. That the report of the Commissioner of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.
2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner of Public Works.
3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.
4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.
5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.

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

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

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

Dated

Signed

Mayor

Published

Attest

City Clerk

Sponsors: Sandy Weidner

## I. Adjourn

Office of The City Clerk

If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 636-9171 at least 48 hours prior to this meeting.