



City of Racine

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

Meeting Agenda - Final Common Council

Mayor Cory Mason
Alderman Jeff Coe
Alderman Mollie Jones
Alderman John Tate II
Alderman Tracey Larrin
Alderman Steve Smetana
Alderman Sandy Weidner
Alderman Raymond DeHahn
Alderman Q.A. Shakoor II
Alderman Terry McCarthy
Alderman Dennis Wisner
Alderman Mary Land
Alderman Henry Perez
Alderman James Morgenroth
Alderman Jason Meekma
Alderman Melissa Lemke

Wednesday, January 17, 2018

7:00 PM

City Hall, Room 205

Wednesday due to Election

A. Call To Order

B. Pledge of Allegiance To The Flag

C. Approval of Journal of Council Proceedings (Minutes) December 20, 2018

D. Public Hearings

[Ord.0017-17](#) Ordinance 17-17 - Prohibiting Bullying and Harassment - An ordinance to amend Chapter 66, Article II, of the Municipal Code of the City of Racine, Wisconsin

WHEREAS, bullying and harassment disrupt a safe environment in the city; interfere with one's ability to succeed or excel in a safe environment in the city and interfere with one's ability to participate and benefit from programs, activities, worksites, and opportunities offer to the community; and

WHEREAS, the Common Council finds it is in the public interest to assure that every person is valued and respected regardless of perceived differences, and may live free from bullying, harassment and intimidation

NOW, THEREFORE, the Common Council of the City of Racine, Racine County, Wisconsin, does ordain as follows:

Part 1: Create Sec. 66-35. - Unlawful use of computerized communication systems, of the Municipal Code of the City of Racine, Wisconsin as follows:

(1) As used in this section, message means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, or any transfer of a computer program, as defined in Wis. Stat. sec. 943.70(1)(c).

(2) No person shall:

(a) With intent to frighten, intimidate, threaten, abuse, or harass another person, send a message to the person on an electronic mail or other computerized communication system and in that message threatens to inflict injury or physical harm to any person or the property of any person.

(b) With intent to frighten, intimidate, threaten, abuse, or harass another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message threatens to inflict injury or physical harm to any person or the property of any person.

(c) With intent to frighten, intimidate, threaten, or abuse another person, send a message to the person on an electronic mail or other computerized communication system and in that message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act.

(d) With intent to frighten, intimidate, threaten, or abuse another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message uses any obscene, lewd, or profane, language or suggests any lewd or lascivious act.

(e) With intent to frighten, intimidate, threaten, or abuse another person, send a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

(f) While intentionally preventing or attempting to prevent the disclosure of his or her identity and with intent to frighten, intimidate, threaten, or abuse another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message.

(g) With intent to harass, annoy, or offend another person, send a message to the person on an electronic mail or other computerized communication system and in that message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act.

(h) With intent to harass, annoy, or offend another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act.

(i) With intent solely to harass another person, send repeated messages to the person on an electronic mail or other computerized communication system.

(j) With intent solely to harass another person, sends repeated messages on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the messages.

(k) With intent to harass or annoy another person, send a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

(l) While intentionally preventing or attempting to prevent the disclosure of his or her identity and with intent to harass or annoy another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message.

(m) Knowingly permit or direct another person to send a message prohibited by this section from any computer terminal or other device that is used to send messages on an electronic mail or other computerized communication system and that is under his or her control.

Part 2: Create Sec. 66-36. - Harassment, of the Municipal Code of the City of Racine, Wisconsin as follows:

(1) As used in this section, course of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

(2) No person, with intent to harass or intimidate another person, shall:

(a) Strike, shove, kick, or otherwise subject the person to physical contact or attempts or threatens to do the same.

(b) Engage in a course of conduct or repeatedly commits acts that harass or intimidate the person and which serve no legitimate purpose.

Part 3: Create Sec. 66-37. - Bullying, of the Municipal Code of the City of Racine, Wisconsin as follows:

(1) As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Bullying is a form of harassment and is defined as an intentional course of conduct which is reasonably likely to intimidate, emotionally abuse, slander, threaten or intimidate another person and which serves no legitimate purpose.

Course of conduct is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

Harassment is any conduct, whether verbal, physical, written, or by means of any mode of communication, which is prohibited by section 66-31, 66-32, 66-33, 66-34, 66-35, or 66-36 of the City of Racine Code of Ordinances, or is any intentional course of conduct that is likely to create an intimidating, hostile, or offensive environment, and that serves no legitimate purpose.

(2) No person shall engage in any bullying or harassment of a person or induce another person to engage in such bullying or harassment.

(3) No person shall retaliate against any person who reports any conduct that is prohibited by this section.

(4) No custodial parent or guardian of any unemancipated person under eighteen years of age to allow or permit such unemancipated person to violate the provisions of this section. The fact that prior to the present offenses a parent, guardian, or custodian was informed in writing by a law enforcement officer of a separate violation this section by the same minor occurring within ninety days prior to the present offense shall constitute a rebuttable presumption that such parent, guardian, or custodian allowed or permitted the present violation.

(5) This section shall not be construed to apply to any constitutionally protected activity or speech.

Part 4: Create Sec. 66-38. - Penalty for violation, of the Municipal Code of the City of Racine, Wisconsin as follows:

Any person convicted of a violation of this article shall forfeit an amount as provided in section 1-15.

Part 5: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A

Sponsors: Jeff Coe

E. Public Comments

F. Communications

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

[1265-17](#) **Subject:** Communication from the Director of City Development representing the Racine County Economic Development Corporation (RCEDC) requesting semi-annual plan certifications for the period ending September 30, 2017 for the City Revolving Loan Fund (City-RLF).

[1270-17](#) **Subject:** Communication from the Director of City Development recommending approval of a professional services contract between the City of Racine and the Racine County Economic Development Corporation (RCEDC) for general economic development services.

[0053-18](#) **Subject:** Communication from the Purchasing Agent submitting results for Official Notice #19-2017, Request for Proposal - Legislative software.

[0054-18](#) **Subject:** Communication for the Director of PRCS requesting permission to sole source Concession Services for the North Beach Bathhouse.

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

[0042-18](#) **Subject:** Communication from the Assistant Commissioner of Public Works/City Engineer submitting an estimate from WisDOT for State Project ID: 2440-12-60, Washington Avenue - West Blvd. to Marquette St., indicating the City's non-participating cost for the project.

Refer to Wastewater Commission, by Ald. Morgenroth

[1271-17](#) **Subject:** Communication from the Director of City Development and the General Manager of the Racine Water and Wastewater Utilities requesting approval of a joint agreement between the City of Racine and the Wastewater Utility for a force main installation on Hamilton Street between Main Street and Wisconsin Street and the design of sewerage

infrastructure for the Harborside Site.

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

[1269-17](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting May 12, 2018 be proclaimed as International Migratory Bird Day in the City of Racine, Wisconsin and all citizens are urged to celebrate this observance and to support efforts to protect and conserve migratory birds and their habitat in our community and the world at large. (Res. No. 0106-17).

[0048-18](#)

Subject: Communication from Alisa Aviles requesting a waiver or discount of rental fees for use of the Dr. John Bryant Community Center for a Cancer Benefit on March 10, 2018.

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor II

[1254-17](#)

Subject: Communication from the Finance Director requesting to add Standard Retirement Services, Inc. as a Section 457B provider for deferred compensation and termination of Security Benefits as a Section 457B provider for deferred compensation.

Recommendation of the Finance & Personnel Committee on

01.08.2018: The City add Standard Retirement Services, Inc. as a Section 457B provider for deferred compensation and terminate Security Benefits as a Section 457B provider for deferred compensation as negotiated and agreed to in the 2018-2020 Racine Police Association Collective Bargaining Agreement.

Fiscal Note: There are minimal administrative costs associated with the switch over of providers which are basically covered in the 2018 Operating Budget.

[1258-17](#)

Subject: Communication from the Manager of Housing and Community Development to apply for and accept an \$8,000 grant from Associated Bank to be used for fair housing and fair lending education. (Res. 0001-18)

Recommendation of the Finance & Personnel Committee on

01.08.2018: Permission be granted for City Development to apply for and accept an \$8,000 grant from Associated Bank to be used for fair housing and fair lending education.

Further, that the Mayor and City Clerk be directed to enter into an agreement with Associated Bank.

Fiscal Note: There is no required match.

Public Works and Services Committee Report, by Ald. McCarthy

[1248-17](#)

Subject: Communication from the Assistant Commissioner of Public Works/City Engineer submitting a proposal for Contract 20180006, PS - 2018 Stormwater Utility Support Services, AECOM, consultant. (Res. 0004-18)

Recommendation of the Public Works and Services Committee on 01-09-18: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM on Contract 20180006, PS - 2018 Stormwater Utility Support Services for the not-to-exceed amount of \$50,000.

Further recommends that funding to defray the costs of these professional services are available in Org-Object 60484-52100, Professional Services, Storm Water Utility.

Fiscal Note: Funds are available as herein delineated.

[1249-17](#)

Subject: Communication requesting authorization and direction that certain City-owned parcels of real estate may be utilized by the City of Racine and/or the State of Wisconsin for the STH 20 Washington Avenue (Roosevelt Av-West Blvd) Road Improvement Project (R/W Project ID 2440-09-20), including the right to construct, cut and/or fill slopes and including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable in and to the following lands in City of Racine, Racine County, Wisconsin, described as follows: (Res. 0005-18)

Parcel 72 of Transportation Project Plat 2440-09-20 - 4.05 recorded as Document # 2468376, at the Register of Deeds office in Racine County, Wisconsin. (Fire Station #4)

Parcel 125 of Transportation Project Plat 2440-09-20 - 4.08 recorded as Document #2468379, at the Register of Deeds office in Racine County, Wisconsin. (Peder C. Beck monument and drinking fountain)

Parcel 127 of Transportation Project Plat 2440-09-20 - 4.08 recorded as Document # 2468379, at the Register of Deeds office in Racine County,

Wisconsin. (Pierce Park)

Recommendation of the Public Works and Services Committee on

01-09-18: That the City of Racine authorizes and directs that certain City-owned parcels of real estate may be utilized by the City of Racine and/or the State of Wisconsin for the STH 20 Washington Avenue (Roosevelt Av-West Blvd) Road Improvement Project (R/W Project ID 2440-09-20), including the right to construct, cut and/or fill slopes and including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable in and to the following lands in City of Racine, Racine County, Wisconsin, described as follows:

Parcel 72 of Transportation Project Plat 2440-09-20 - 4.05 recorded as Document # 2468376, at the Register of Deeds office in Racine County, Wisconsin. (Fire Station #4)

Parcel 125 of Transportation Project Plat 2440-09-20 - 4.08 recorded as Document #2468379, at the Register of Deeds office in Racine County, Wisconsin. (Peder C. Beck monument and drinking fountain)

Parcel 127 of Transportation Project Plat 2440-09-20 - 4.08 recorded as Document # 2468379, at the Register of Deeds office in Racine County, Wisconsin. (Pierce Park)

Fiscal Note: N/A

[1262-17](#)

Subject: (Direct Referral) Amendment No. 3 to the Three-Party design contract between the City of Racine, WisDOT and Strand Associates, Inc. for State Project ID: 2260-07-00, Durand Avenue (STH 11) from Kentucky Street to Kearney Avenue. (Res. 0006-18)

Recommendation of the Public Works and Services Committee on

01-09-18: That Amendment No. 3 to the Three-Party Contract between the City of Racine, WisDOT and Strand Associates, Inc. for State Project ID: 2260-07-00, Durand Avenue (STH 11) - Kentucky Street to Kearney Avenue, as submitted, be approved.

Fiscal Note: Amendment No. 3 is in the not-to-exceed amount of \$11,380.03 with the City's share being \$2,276.01 (20%), and the State's share being \$9,104.02 (80%), bringing the total contract amount to \$1,234,382.95. Funding to defray the cost of this amendment be appropriated from Org-Object 45040-57500, Durand Avenue - Kearney Avenue to Sheridan Road.

[1263-17](#)

Subject: Final Payment on Contract 20170038, PS - 2017 Bridge Inspections - Memorial Drive Bridge and West 6th Street Bridge, Ayres Associates, consultant. (Res. 0003-18)

Recommendation of the Public Works and Services Committee on 01-09-18: That the work done by Ayres Associates under Contract 20170038, PS - 2017 Bridge Inspections - Memorial Drive Bridge and West 6th Street Bridge, be accepted and final payment authorized for a total contract amount of \$3,000.00.

Fiscal Note: Contract was authorized under Resolution 0264-17, dated August 2, 2017.

[0003-18](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations wishing to amend Res. 0429-17 relating to the Rehrig Pacific Company Agreement. (Res. 0002-18)

Recommendation of the Public Works and Services Committee on 01-09-18: That Res. 0429-17, of December 20, 2017, be amended to enter into a 10-year agreement with Rehrig Pacific Company - Residential Cart Maintenance Program, Contract 20180002, at the not-to-exceed monthly amount of \$1,625.00.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Org-Object 22140-52100, Recycling Professional Services.

Public Safety and Licensing Committee Report, by Ald. Coe

[1246-17](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the report on the bids received for the sale of Abandoned Vehicles, December 14, 2017.

Recommendation of the Public Safety and Licensing Committee on 01-09-2018: That the item be received and filed as the highest responsible bidder from two bids was Sturtevant Auto Salvage.

Fiscal Note: This will generate \$12,244.00 in revenue for account 13101 48301.

[0005-18](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the report on the bids received for the sale of Abandoned Vehicles, January 4, 2018.

Recommendation of the Public Safety and Licensing Committee on

01-09-2018: That the item be received and filed as the highest responsible bidder from the three bids was Sturtevant Auto Salvage.

Fiscal Note: This will generate \$11,154.00 in revenue for account 13101 48301.

[1257-17](#)

Subject: Ordinance 0017-17 - Prohibiting Bullying and Harassment

An Ordinance to amend Chapter 66, Article II, of the Municipal Code of the City of Racine, Wisconsin.

Recommendation of the Public Safety and Licensing Committee on

12-12-17: That Ordinance 0017-17 to create the Code of the City of Racine, Wisconsin be approved.

Recommendation of the Common Council on 12-20-17: That the Ordinance be Deferred until a Public Hearing is held at the next Common Council meeting on January 17, 2018.

Fiscal Note: N/A

Traffic Commission Report, by Ald. Jones

[832-17](#)

Subject: Communication from the Alderwoman of the 15th District requesting stop signs on Carlton Drive and Charles Street.

Recommendation of the Traffic Commission on 09-18-17: Defer

Recommendation of the Traffic Commission on 12-18-17: Receive and file.

Fiscal Note: N/A

[833-17](#)

Subject: Communication from the Alderwoman of the 15th District requesting stop signs on Carlton Drive and Carter Street.

Recommendation of the Traffic Commission on 09-18-17: Defer

Recommendation of the Traffic Commission on 12-18-17: Receive and file.

Fiscal Note: N/A

[878-17](#)

Subject: Communication from the Alderwoman of the 2nd District wishing to discuss concerns of her constituents with the constant speeding on Park Avenue from 14th to 16th Street.

Recommendation of the Traffic Commission on 09-18-17: Defer

Recommendation of the Traffic Commission on 11-20-17: Defer

Recommendation of the Traffic Commission on 12-18-17: Receive and file.

Fiscal Note: N/A

City Plan Commission Report, by Ald. Wiser

[0018-18](#)

Subject: (Direct Referral) A request from Emily Marquis and Charles Kirchner of Body 360 seeking a Conditional Use Permit to operate a body piercing facility at 4003 Durand Avenue, Suite 8. (LPC-18) (Res. 0007-18)

Recommendation of the City Plan Commission on 01-10-18: That the request be approved, subject to conditions with an amendment to condition A. to read January 10, 2018.

Fiscal Note: N/A

[0019-18](#)

Subject: (Direct Referral) A request from Justin and Angela Martin seeking a conditional use permit for a carry out restaurant at 3841-3843 Douglas Avenue. (LPC-18) (Res. 0008-18)

Recommendation of the City Plan Commission on 01-10-18: That the request be approved, subject to conditions with an amendment to condition A. to read January 10, 2018.

Fiscal Note: N/A

[0020-18](#)

Subject: (Direct Referral) A request from Kristen Peterson of Innovative Signs, representing Victory Lane Car Wash, seeking a conditional use permit for an electronic message center at 5310 Washington Avenue. (LPC-18) (Res. 0009-18)

Recommendation of the City Plan Commission on 01-10-18: That the request be approved, subject to conditions with an amendment to condition A. to read January 10, 2018 and condition C. to include a pavement plan be submitted with the landscaping plan.

Fiscal Note: N/A

Office of the Mayor Report, by Ald. Wiser

[0052-18](#)

Subject: Communication from Mayor Mason nominating the following to the Sister City Committee:

Reappoint Heather Godley, 5331 Millbank Rd, Greendale WI 53129 to fill a vacancy expiring December 31 2018.

Reappoint Tom Kennedy, 3114 Michigan Blvd, 53402 , to fill a vacancy expiring December 31 2018.

Reappoint Linda O'Connell, 2326 Main St Racine, 53402, for a three year term expiring December 31 2020.

Reappoint Francesco Martinez, 6607 Whitewater St.53402, for a three year term expiring December 31 2020.

Reappoint Al Guetzlaff, 3821 Alden Ct. Racine 53405, for a three year term expiring December 31 2020.

Appoint Marvin B. Austin, 34 Harborview Dr Racine, 53403 to the City Plan Commission, filling a vacancy expiring April 30, 2019.

Appoint Alderman Henry Perez, 1017 Kentucky St, Racine 53405, to the Cemetery Board, filling a vacancy, expiring April 30, 2018.

Water Works Committee Report, by Ald. Morgenroth

[1242-17](#)

Subject: Amendment No. 1 to the Retail Water Agreement with Mt. Pleasant

Recommendation of the Waterworks Commission on 12/19/17:

Approve

FURTHER RECOMMEND THAT THIS ITEM BE REFERRED TO THE FINANCE AND PERSONNEL COMMITTEE

Fiscal Note: All costs will be provided for by the Mount Pleasant TID 5.

Wastewater Commission Report, by Ald. Morgenroth

[1239-17](#)

Subject: Intergovernmental Agreement with the City of Racine for Interceptor Coordination on Durand Ave. Wisconsin Department of Transportation Contract Work between Kearney Ave. and Kentucky St.

Recommendation of the Wastewater Commission on 12/19/17:

Approve

FURTHER RECOMMENDS THAT THIS ITEM BE REFERRED TO THE PUBLIC WORKS & SERVICES COMMITTEE

Fiscal Note: The Wastewater Utility will reimburse the City of Racine in the

amount not to exceed \$10,000.00

Board of Parks, Recreation, and Cultural Services Report, by Ald. Meekma

[0010-18](#)

Subject: (Direct Referral) Communication from Kelly Kruse, Executive Director Downtown Racine Corporation, requesting to include open fire pits on Monument Square for the Fire and Ice Festival being held on January 20, 2018. (Res. 0010-18)

Recommendation of the Board of Parks, Recreation, and Cultural Services on January 10, 2018: That this item be recommended for approval.

Fiscal Note: None

[0014-18](#)

Subject: (Direct Referral) Communication from Dave Giordano, Executive Director Root Pike Watershed Initiative Network, requesting a resolution to pursue implementation grants for the ravine and wetland restoration from Valley View Drive to the Root River (Root River Watershed Restoration Plan) in cooperation with the City of Racine. (Res. 0011-18)

Recommendation of the Board of Parks, Recreation and Cultural Services on January 10, 2013: That this item be recommended for approval.

Fiscal Note: None

H. Consent Resolutions

[Res.0438-17](#)

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

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

"Act" means Section 66.0621 of the Wisconsin Statutes;

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

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

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

"Bond Year" means the one-year period ending on a principal

payment date for the Bonds;

"Bonds" means \$6,135,000 Waterworks System Mortgage Revenue Refunding Bonds of the Municipality dated December 28, 2017, authorized to be issued by this Resolution;

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

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

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

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

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

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

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

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

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

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

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

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

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

"System" means the entire Waterworks System of the Municipality

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

Section 2. Authorization of the Bonds. For the purpose of paying costs of the Refunding (including legal, fiscal and other expenses), there shall be borrowed on the credit of the income and revenue of the System the sum of SIX MILLION ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$6,135,000), and registered revenue bonds of the Municipality are hereby authorized to be issued in evidence thereof to Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin (the "Original Purchaser") in accordance with the terms and conditions of its purchase proposal (the "Proposal") attached hereto as Exhibit A and incorporated herein by this reference.

Section 3. Terms of the Bonds. The revenue bonds shall be designated "Waterworks System Mortgage Revenue Refunding Bonds" (the "Bonds"); shall be dated December 28, 2017; 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 set forth in the Proposal and shall mature on September 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest on the Bonds shall be payable semi-annually on March 1 and September 1 of each year commencing on September 1, 2018. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Book.

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

It is hereby determined and declared that:

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

Section 3A. Call Provisions. The Bonds maturing on September 1, 2028 and thereafter shall be subject to redemption prior to maturity, at the option of the Municipality, on September 1, 2027 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the Municipality and within each maturity, by lot, at

the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the Municipality shall direct.

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

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

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

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

the Reserve Requirement.

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds, certain funds of the System were created by an Ordinance adopted on April 17, 1978, continued by the Prior Resolutions, and are hereby continued to be used solely for the following respective purposes:

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

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

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

(i) There shall be deposited in the Interest and Principal Account from Bond Proceeds and any Parity Bond proceeds all accrued interest. In addition, there shall be deposited in said account in the manner specified in Section 7 hereof, an amount sufficient (after giving effect to available amounts in said account from accrued interest, investment earnings and any other source) to pay the principal of and interest on, first, the Prior Bonds, the Bonds and any Parity Bonds and second, the Safe Drinking Water Bonds, as the same becomes due. The Interest and Principal Account shall be used solely for the purposes of paying principal of and interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds in accordance with the provisions of this Resolution.

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

(ii) There shall be deposited into the Reserve Account an amount sufficient to make the amount on deposit therein equal to the Reserve Requirement. The Reserve Account shall be used solely for the purpose of paying principal of or interest on the Prior Bonds, the Bonds or any Parity Bonds at any time when there shall be insufficient money in the Interest and Principal Account. The Reserve Account shall be funded and replenished in the manner

specified in Section 7 hereof. The Safe Drinking Water Bonds are not secured by the Reserve Account.

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

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

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

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

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

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

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

(b) to the Special Redemption Fund, for monthly transfer to the Interest and Principal Account thereof, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds

coming due on the next succeeding principal payment date (after giving effect to available amounts in said account from accrued interest, investment earnings or any other source). It is the express intent of the Governing Body that at all times the Interest and Principal Account constitute a "bona fide debt service account" and be depleted (except for a reasonable carryover as defined in the Regulations) at least once a year. Prior to each interest and principal payment date, the Municipality shall transfer from the Interest and Principal Account to the Bond Registrar the amounts required for the payment of the interest and principal coming due on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds;

(c) to the Special Redemption Fund, for monthly transfer to the Reserve Account thereof, an amount equal to one-twelfth of the Reserve Requirement until the amount accumulated in the Reserve Account (after giving effect to amounts deposited in the Reserve Account from Bond Proceeds pursuant to Section 12 hereof, from any investment earnings or any other source) equals the Reserve Requirement. It is the intent of the Municipality that at all times the Reserve Account constitutes a "reasonably required reserve fund" under Section 148 of the Code and any applicable Regulations;

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

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

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

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

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

Section 8. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing waterworks services for public purposes, shall be charged against the Municipality and shall be paid by it as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System, and out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. However such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if necessary, (b) yearly appropriations therefor and (c) applicable levy limitations, if any; but neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of services rendered to the Municipality and its inhabitants or make any subsequent payment over and above such reasonable cost and value. Such compensation for such service rendered to the Municipality shall, in the manner hereinabove provided, be paid into the Revenue Fund referred to in Section 6 hereof.

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

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

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

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

have been met:

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

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

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

(iv) The Reserve Account is funded to an amount equal to the Reserve Requirement applicable upon the issuance of Parity Bonds set forth in Section 1 hereof to the extent such funding complies with the applicable provisions of the Code and any applicable Regulations.

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

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

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

acquisition or construction of capital facilities for use in the normal operation of the System, and such payment shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund;

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

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

(e) The Municipality will keep proper books and accounts relative to the System, separate from all other records of the Municipality, and will cause such books and accounts to be audited annually not later than six months after the close of each Fiscal Year by a recognized independent firm of certified public accountants, and will make available to the holders of any of the Bonds or any Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants. Any owner shall have the right at any reasonable time to inspect the System and the records, accounts and data of the System and the Municipality relating thereto. Each such audit, in addition to whatever matters may be thought proper by the accountant, shall include the following in accordance with generally accepted accounting practices: (1) a statement in detail of the income and expenditures of the System for the Fiscal Year; (2) a statement of the Net Revenues of the System for such Fiscal Year; (3) a balance sheet as of the end of such Fiscal Year; (4) the accountants' comment regarding the manner in which the Municipality has carried out the requirements of this Resolution, and the accountants' recommendation for any changes or improvements in the accounting methods of the System; (5) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy; and (6) the number and types of connections to the System at the end of each year; and

(f) So long as any of the Bonds or Parity Bonds are outstanding, the Municipality will carry, for the benefit of the owners of the Bonds and any Parity Bonds, insurance of a kind and in such amounts as would usually be carried by private companies or other public bodies engaged in operating a similar waterworks system. All money received for losses under any of such insurance policies, except public liability, shall be used in repairing the damage or in replacing the property destroyed, but in the

event that the Governing Body shall find it inadvisable to repair such damage or replace such property, and that the operation of the System shall not have been impaired thereby, such money may be deposited in the Revenue Fund, but shall not reduce the amount otherwise required to be paid into said Revenue Fund.

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

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

(a) to the Interest and Principal Account of the Special Redemption Fund, the amount of any accrued interest;

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

(c) to the Escrow Account described in Section 21 an amount of Bond Proceeds sufficient to provide for the payment of the Refunded Obligations. Any balance, less the expenses incurred in authorizing, issuing and delivering the Bonds, remaining in said Escrow Account after payment of the Refunded Obligations shall be transferred to the Special Redemption Fund for use in payment of principal of or interest on the Bonds and any Parity Bonds.

Any funds on deposit in the Reserve Account which, upon issuance of the Bonds, exceed the amount required to be on deposit therein, shall be transferred to the Escrow Account and applied to pay costs of the Refunding.

Section 13. Discharge and Satisfaction of Bonds. The covenants, liens and pledges entered into, created or imposed pursuant to this Resolution may be fully discharged and satisfied with respect to outstanding Bonds and any Parity Bonds, or any of them, in any one or more of the following ways:

(a) By paying such Bonds and any Parity Bonds when the same shall become due and payable at maturity or upon prior redemption in the manner herein provided;

(b) By depositing with the Bond Registrar designated herein or with any fiduciary designated by subsequent resolution of this Governing Body, or in trust for such purpose, at or before the date of maturity or redemption, money in the necessary amount to fully pay or redeem such Bonds and any Parity Bonds, and to pay interest thereon to maturity or to the date of redemption; or,

(c) By depositing with the Bond Registrar designated herein or with any fiduciary designated by subsequent resolution of this Governing Body, or in trust for such purpose, at or before the date of maturity or redemption, money or direct obligations of, or obligations the principal of and interest

on which are fully guaranteed by the United States of America, in such amount as, together with the income or increment to accrue thereon, will be fully sufficient to pay or redeem (when redeemable) and discharge the indebtedness of the Bonds and any Parity Bonds at or before their respective maturity dates; provided, that if such Bonds or any Parity Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been made or provided for; and provided further, that any such deposit shall be made only in a manner which does not render interest on such Bonds and any Parity Bonds subject to federal income taxation.

Upon such payment or deposit, in the amount and manner provided by this Section, all liability of the Municipality with respect to the Bonds and any Parity Bonds shall cease, determine and be completely discharged, and the holders thereof shall be entitled only to payment out of the money so deposited.

Section 14. Amendments to Resolution. After the issuance of any Bond or Parity Bond, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds and any Parity Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except:

(a) The Municipality may, from time to time, amend this Resolution without the consent of any owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and,

(b) This Resolution may be amended, in any respect, with the written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds and any Parity Bonds then outstanding, exclusive of Bonds and any Parity Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System, or in the maturity of or interest payment date of any Bond or Parity Bond issued hereunder, or a reduction in the rate of interest on any Bond or Parity Bond, or in the amount of the principal obligation thereof, or change the terms upon which the Bonds or any Parity Bonds may be redeemed, or make any other modification in the terms of the payment of such principal or int

[Res.0439-17](#)

Section 17. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the Municipality by the manual or facsimile signatures of the Mayor and City Clerk, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Original Purchaser upon payment to the Municipality of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents, certificates and acknowledgements as may be necessary and convenient for effectuating the

Closing. The Municipality hereby authorizes the officers and agents of the Municipality 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 18. 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 Municipality's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Municipality hereby authorizes the Mayor and City Clerk or other appropriate officers of the Municipality to enter a Fiscal Agency Agreement between the Municipality and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 19. 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 Municipality agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed and on file in the City Clerk's office.

Section 20. Undertaking to Provide Continuing Disclosure. The Municipality hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (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 Original Purchaser on behalf of such owners (provided that the rights of the owners and the Original Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the Municipality to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk, or other officer of the Municipality 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 Municipality's Undertaking.

Section 21. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the Municipality (the "Escrow Agent"), for the purpose of ensuring the payment of the principal of and interest on the Refunded Obligations.

The Mayor and City Clerk, or other appropriate officers of the Municipality, are hereby authorized and directed to execute an escrow agreement (the "Escrow Agreement") 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.

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 22. Escrow Securities. The Escrow Agent and appropriate officers and agents of the Municipality are authorized to submit subscriptions for United States Treasury Securities - State and Local Government Series and/or to purchase other U.S. government securities on behalf of the Municipality, in such amount as is necessary in order to carry out the refunding of the Refunded Obligations.

Section 23. Redemption of the Refunded Obligations. The Refunded 2009 Bonds are hereby called for prior payment and redemption on September 1, 2019, and the Refunded 2011 Bonds are hereby called for prior payment and redemption on September 1, 2021, all at a price of par plus accrued interest to the date of redemption.

The Municipality hereby directs the Escrow Agent appointed above to cause timely notice of redemption of the Refunded Obligations, in substantially the forms attached to the Escrow Agreement, to be provided at the times, to the parties and in the manner set forth on such notices.

Section 24. Official Statement. The Governing Body 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 the Rule. All actions taken by officers of the Municipality 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 municipal 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 Original Purchaser.

Section 25. Bond Insurance. The Mayor and City Clerk and other officers of the Municipalities are authorized to obtain bond insurance for the Bonds from Assured Guaranty Municipal Corp. ("AGM"), to accept the commitment provided by AGM to issue the Bonds, and to agree to such additional provisions as AGM 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, appropriate reference to the municipal bond insurance policy shall be made in the Form of Bond provided herein.

Section 26. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds and any Parity Bonds, and after issuance of any Bond or any Parity Bond no change or alteration of any kind in the provisions of this Resolution may be made except as provided in Section 14 hereof, until all of the Bonds and any Parity Bonds have been paid in full as to both principal and interest. The owner or owners of any Bond or any Parity Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce his or their rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof, including, but without limitation, the right to require the Municipality, its Governing Body and other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 27. Conflucting Resolutions, Ordianances, Severability, Closeing and Effective Date.

All prior ordinances and resolutions, other than the Prior Resolutions and the Safe Drinking Water Bond Resolutions, rules or other actions of the Governing Body or any parts thereof in conflict with the provisions hereof shall be and the same are hereby rescinded insofar as they 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.

In case of any conflict between the terms of the Prior Resolutions and this Resolution, the Prior Resolutions shall prevail as long as any of the Prior Bonds authorized by such Resolutions are outstanding. The appropriate officers and agents of the Municipality are hereby directed and authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the closing of this transaction. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded December 20, 2017.

Fiscal Note: The Waterworks Commission hopes to save between \$75,000.00 and \$300,000.00 on refinancing bonds from 2009 and 2011.

[Res.0001-18](#) \$8,000.00 Grant From Associated Bank for Fair Housing & Fair Lending Education

Resolved, that permission is granted for City Development to apply for and

accept an \$8,000.00 grant from Associated Bank to be used for fair housing and fair lending education.

Further resolved, that the Mayor and City Clerk are directed to enter into an agreement with Associated Bank.

Fiscal Note: There is no required match.

Sponsors:

Q.A. Shakoor II

Res.0002-18

Amend Res. 0429-17 Relating to the Rehrig Pacific Company Agreement

Resolved, that Res. 0429-17, of December 20, 2017, is amended to enter into a 10-year agreement with Rehrig Pacific Company - Residential Cart Maintenance Program, Contract 20180002, at the not-to-exceed monthly amount of \$1,625.00.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Org-Object 22140-52100, Recycling Professional Services.

Sponsors:

Terry McCarthy

Res.0003-18

Final Payment on Contract 20170038, PS - 2017 Bridge Inspections - Memorial Drive Bridge & West 6th Street Bridge

Resolved, that the work done by Ayres Associates under Contract 20170038, PS - 2017 Bridge Inspections - Memorial Drive Bridge and West 6th Street Bridge, is accepted and final payment authorized for a total contract amount of \$3,000.00.

Fiscal Note: Contract was authorized under Resolution 0264-17, dated August 2, 2017.

Sponsors:

Terry McCarthy

Res.0004-18

Contract 20180006, PS - 2018 Stormwater Utility Support Services

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a professional services agreement with AECOM on Contract 20180006, PS - 2018 Stormwater Utility Support Services for the not-to-exceed amount of \$50,000.00.

Fiscal Note: Funds to defray the costs of these professional services are available in Org-Object 60484-52100, Professional Services, Storm Water Utility.

Sponsors:

Terry McCarthy

Res.0005-18

STH 20 Washington Avenue (Roosevelt Avenue - West Boulevard) Road Improvement Project (R/W Project ID 2440-09-20)

Resolved, that the City of Racine is authorized and directs that certain City-owned parcels of real estate are utilized by the City of Racine and/or the State of Wisconsin for the STH 20 Washington Avenue (Roosevelt Ave. -West Blvd.) Road Improvement Project (R/W Project ID 2440-09-20). Including the right to construct, cut and/or fill slopes and including for such purpose the right to operate the necessary equipment thereon. The right of ingress and egress as long as required for such public purpose including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable in and to the following lands in City of Racine, Racine County, Wisconsin, described as follows:

Parcel 72 of Transportation Project Plat 2440-09-20 - 4.05 recorded as Document # 2468376, at the Register of Deeds office in Racine County, Wisconsin. (Fire Station #4);

Parcel 125 of Transportation Project Plat 2440-09-20 - 4.08 recorded as Document #2468379, at the Register of Deeds office in Racine County, Wisconsin. (Peder C. Beck monument and drinking fountain);

Parcel 127 of Transportation Project Plat 2440-09-20 - 4.08 recorded as Document # 2468379, at the Register of Deeds office in Racine County, Wisconsin. (Pierce Park).

Fiscal Note: N/A

Sponsors:

Terry McCarthy

Res.0006-18

Amendment No. 3 - State Project ID: 2260-07-00, Durand Avenue (STH 11) from Kentucky Street to Kearney Avenue

Resolved, that Amendment No. 3 to the Three-Party Contract between the City of Racine, WisDOT and Strand Associates, Inc. for State Project ID: 2260-07-00, Durand Avenue (STH 11) - Kentucky Street to Kearney Avenue, as submitted, is approved.

Fiscal Note: Amendment No. 3 is in the not-to-exceed amount of \$11,380.03 with the City's share being \$2,276.01 (20%), and the State's share being \$9,104.02 (80%), bringing the total contract amount to \$1,234,382.95. Funding to defray the cost of this amendment be appropriated from Org-Object 45040-57500, Durand Avenue - Kearney Avenue to Sheridan Road.

Sponsors:

Terry McCarthy

Res.0007-18

Body Piercing Establishment at 4003 Durand Avenue

Resolved, that the request from Emily Marquis and Charles Kirchner of Body 360 seeking a conditional use permit to allow a body piercing

establishment at 4003 Durand Avenue is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on January 10, 2018, be approved subject to the conditions contained herein.
- b. That all license requirements from the State of Wisconsin and City of Racine be obtained, complied with, and kept current at all times.
- c. That all equipment used in administering piercings shall be maintained and/or disposed of in accordance with State and local regulations.
- d. That piercing stations be screened from view during customer preparation, piercing, and finishing/wrap-up procedures.
- e. That no loitering in or around the building shall be permitted.
- f. That all codes and ordinances are complied with and required permits acquired.
- g. That the hours be 10:00 a.m. to 9:00 p.m., Monday thru Friday, 10:00 a.m. to 8 p.m., Saturday, and 11 a.m. to 6 p.m., Sunday
- h. That all signs shall be professionally made and shall comply with all zoning ordinance requirements and the Badger Plaza sign standards (individual red channel letters, internally illuminate, located within the sign band), and be approved by the Director of City Development prior to issuance of a sign permit.
- i. That all terms of the memorandum of understanding for temporary occupancy dated December, 14, 2017, be complied with.
- j. That no minor changes be made from the conditions of this permit without approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- k. That this conditional use permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors:

Dennis Wiser

Res.0008-18

Carry Out Restaurant at 3841-3843 Douglas Avenue

Resolved, that the request from Justin and Angela Martin seeking a conditional use permit to allow a carry out restaurant at 3841-3843

Douglas Avenue is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on January 10, 2018, be approved subject to the conditions contained herein.
- b. That all codes and ordinances are complied with and required permits acquired.
- c. That all signs shall be professionally made and shall comply with all zoning ordinance requirements and the established sign standards (white letters on a red background, internally illuminated, located within the sign band), and be approved by the Director of City Development prior to issuance of a sign permit.
- d. That the hours be 10:00 a.m. to 3:00 a.m., Monday thru Sunday.
- e. That no minor changes be made from the conditions of this permit without approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- f. That this conditional use permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors:

Dennis Wiser

Res.0009-18

Electronic Message Sign at 5310 Washington Avenue

Resolved, that the request from Victory Lane Car Wash seeking a conditional use permit to allow an electronic message sign at 5310 Washington Avenue is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on January 10, 2018, is approved subject to the conditions contained herein.
- b. That all codes and ordinances are complied with and required permits acquired.
- c. That a landscaping and pavement plan be submitted to and approved by the Director of City Development to create compliance with the City of Racine Municipal Code of Ordinances in regards to landscaping and parking.
- d. That if item listed under condition "c" above cannot be completed before the implementation date, then the applicant shall submit to the Director of

City Development a financial surety, such as a bond, letter of credit, cash, or other recognized assurance. An estimate of the cost of completing said items is to be provided by the applicant and the financial assurance issued in an amount equal of the value of the incomplete items. The financial assurance shall be kept on file with the Department of City Development, with the content and format of said assurance subject to review and approval of the City Attorney.

e. For the electronic message center:

1. Each message change shall be accomplished in one second or less, and each message shall remain in a fixed position for a minimum of four seconds.

2. It shall not be illuminated to a degree of brightness greater than necessary for adequate visibility.

3. That there shall be no traveling messages or animations.

f. That all plans proposed be completed within eighteen months of approval.

g. That no minor changes be made from the conditions of this permit without approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.

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

Fiscal Note: N/A

Sponsors:

Dennis Wiser

Res.0010-18

Open Fire Pits on Monument Square for the Fire and Ice Festival

Resolved, that the request by Kelly Kruse, Executive Director Downtown Racine Corporation, to include open fire pits on Monument Square for the Fire and Ice Festival being held on January 20, 2018, is approved.

Fiscal Note: N/A

Sponsors:

Jason Meekma

Res.0011-18

Implementation Grants for the Ravine & Wetland Restoration from Valley View Drive to the Root River (Root River Watershed Restoration Plan)

Resolved, that pursuing implementation grants for the ravine and wetland restoration from Valley View Drive to the Root River (Root River

Watershed Restoration Plan) in cooperation with the City of Racine is approved.

Fiscal Note: N/A

Sponsors:

Jason Meekma

I. Consent Agenda

J. Common Council Announcements

Announcements are limited to recognition of City residents and employees, memorials, and non-political community events. Discussion of matters related to governmental business is prohibited.

K. Adjourn

Office of The City Clerk

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