



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 Raymond DeHahn
Alderman Dennis Wisner, 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 Terry McCarthy, Alderman Gregory Holding,
Alderman James Morgenroth,
Alderman Edward E. Diehl,
Alderman Henry Perez*

Tuesday, November 18, 2014

7:00 PM

Room 205, City Hall

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

[Res.14-0401](#) Vacation of Alley

Since public interest requires it, the following parcel of land, more particularly described as follows, is hereby vacated and discontinued:

That part of Block 7 in Jay Eye See Land Co's Subdivision No 3 and Jay Eye See Addition No. 4, a recorded plat in the City of Racine, Racine County, Wisconsin that is part of the Southeast ¼ of Section 18 Township 3 North, Range 23 East described as follows:

Vacate the east-west alley between lot 6 and the west 19 feet of lot 27, and lots 5 through 3 and the west 20 feet of lot 2, which lies south of Washington Ave. and east of the east line of Grove Ave. to previously vacated portion of said alley. Said described tract containing 2,235 square feet more-or-less; and

That part of Block 7 in Jay Eye See Land Co's Subdivision No 3 and Jay Eye See Addition No. 4, a recorded plat in the City of Racine, Racine County, Wisconsin that is part of the Southeast ¼ of Section 18 Township 3 North, Range 23 East described as follows:

Vacate the north-south alley between lots 6 through 8 and lots 25 through 27, which lies south of Washington Ave. and east of the east line of Grove Ave and west of the west line of West Blvd. Said described tract containing 1,680 square feet more-or-less.

Fiscal Note: N/A

Sponsors: Jim Kaplan

ZOrd.004-14 ZOrd. 004-14 - An Ordinance Rezoning 3701 Durand Avenue (Res No. 14-0452)

To amend the map of the Zoning Ordinance of the City of Racine.

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

Part 1: That the property located at 3701 Durand Avenue and more particularly described as follows:

“Said lands being in Racine County, WI, City of Racine, in the NE 1/4 Section 30-3-23, Beginning on the South Line Durand Avenue to a point 113.6 feet East of the East Line of Lathrop Avenue, then South 135 feet, then West 113.6 feet, then South 252.5 feet, then East 344 feet, then South 232.5 feet, then East 1037.38 feet to the West Line of Wheelock Drive, then North-Easterly along said line to the South Line of Durand Avenue, then West along the South Line of Durand Avenue 1505 feet to the point of beginning, and;

the property located at 3709 Durand Avenue and more particularly described as follows:

“Said lands being in Racine County, WI, City of Racine, in the NE 1/4 Section 30-3-23, Beginning at the West Line of Section 30 and proceed 660 feet south of the North Line of Said Section, then South 680 feet, then East 307.73 feet North 53 degrees East for 38.3 feet, then North 35 degrees East 243.45 feet, then North 36 degrees East 110 FT, then North 69 degrees East 207 FT, then South 85 degrees East 220 feet, then North 59 degrees East 71.93 feet, then North 33 degrees East 329.94 feet, then West 1199.43 feet to the point of beginning, except Elmwood Subdivision Lot No. 6.

be rezoned from B2 Community Shopping District to B2 Community Shopping District with FD Flex development Overlay.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Dennis Wiser

E. Public Comments

F. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[14-10737](#) **Subject:** Communication from the Fire Chief requesting permission to apply for a grant in the amount not to exceed \$15,000 from the Wheaton Franciscan All Saints Foundation to acquire bariatric patient handling equipment.

[14-10758](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for and accept grant funds in the amount of \$20,000 from SC Johnson to support the Dr. John Bryant Community Center Performing Arts Program. Grant Control #2014-043.

[14-10763](#) **Subject:** (Direct Referral) Communication from the Purchasing Agent submitting bid results on Official Notice #11, Provision of Ground Maintenance, Snow Removal, and Burial Services for Racine Cemeteries.

Recommended: On November 17, 2014 the Board of Cemetery Commissioners recommended to award to Reliable Property Services at their unit costs outlined in their Ground Maintenance, Snow & Ice Removal and Burial Services Bidder's Proposal for Official Notice #11 for a one-year term.

Fiscal Note: Unit costs outlined are estimated to be \$313,155.00 for 2015. Funds for these services are available in account 207.000.5600, Cemetery Contracted Services.

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

[14-10748](#) **Subject:** (New) Application of Tops 3 Supermarket Inc. Manpreet Singh,

Agent for a Class "A" Fermented Malt Beverage License for 704 High Street. (4th District)

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor

[14-10589](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to accept a \$750.00 donation from AGA Nation for the Pershing Skate Park. (Res. No. 14-0454)

Recommendation of the Finance and Personnel Committee on

11-10-14: Permission be granted to the Director of Parks, Recreation & Cultural Services to accept a \$750.00 donation from AGA Nation for the Pershing Skate Park.

Fiscal Note: N/A

[14-10712](#)

Subject: Communication from Devin Sutherland, representing Business Improvement District No. 4, Douglas Avenue, for approval of its proposed 2015 Operating Plan. (Res. No. 14-0457)

Recommendation of the Finance & Personnel Committee on

11-10-14: To approve the proposed 2015 operating plan for Business Improvement District No. 4, Douglas Avenue.

Fiscal Note: N/A

[14-10713](#)

Subject: Communication from Devin Sutherland, representing Business Improvement District No. 1, Downtown, for approval of its proposed 2015 Operating Plan. (Res. No. 14-0455)

Recommendation of the Finance & Personnel Committee on

11-10-14: To approve the proposed 2015 operating plan for Business Improvement District No. 1, Downtown Racine.

Fiscal Note: N/A

[14-10714](#)

Subject: Communication from Devin Sutherland, representing Business Improvement District No. 3, Uptown, for approval of its proposed 2015 Operating Plan. (Res. No. 14-0456)

Recommendation of the Finance & Personnel Committee on

11-10-14: To approve the proposed 2015 operating plan for Business Improvement District No. 3, Uptown.

Fiscal Note: N/A

14-10736

Subject: (Direct Referral) Communication from the Deputy City Attorney requesting to appear before the Finance & Personnel Committee to discuss the renewal of the City's health care Stop Loss Insurance plan for 2015. (Res. No. 14-0460)

Recommendation of the Finance & Personnel Committee on

11-10-14: The Mayor and City Clerk be authorized and directed to enter into an agreement under the terms of the City's 2015 Health Insurance Stop Loss Coverage with QBE Insurance Corporation through the Horton Group.

Fiscal Note: 0% increase from 2014

Public Works and Services Committee Report, by Ald. Kaplan

14-10711

Subject: Communication from Kara Kading requesting to use City right-of-way for the St. John's Lutheran School Bunny Hop on Saturday, April 25, 2015 from 9:00 A.M. to 12:00 Noon at the North Beach Oasis. (Res. No. 14-0462)

Recommendation of the Public Works and Services Committee on

November 11, 2014: That St. John's Lutheran School be granted permission to use City right-of-way for a run/walk on Saturday, April 25, 2015 from 9:00 A.M. to 12:00 Noon.

Further recommends that permission be granted with the following stipulations:

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

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

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

[14-10721](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 25-11 (K1-025) PS - City Hall Renovations - Phase IV, ARC Architectural Group, LLC., consultant. (Res. No. 14-0463)

Recommendation of the Public Works and Services Committee on November 11, 2014: That the work done by ARC Architectural Group, LLC., under Contract 25-11 (K1-025) PS - City Hall Renovations - Phase IV, be accepted and final payment authorized for a total contract amount of \$90,200.51.

Fiscal Note: Contract was authorized under Resolution No. 11-2395, dated February 1, 2011.

[14-10722](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a professional services proposal for Contract 53-14 (K4-053) PS - City Hall Renovations Phase VII, ARC Architectural Group, LLC. (Res. No. 14-0467)

Recommendation of the Public Works and Services Committee on November 11, 2014: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with ARC Architectural Group, LLC. on Contract 53-14 (K4-053) PS - City Hall Renovations Phase VII, for the not-to-exceed amount of \$24,322, subject to approval by Common Council.

Further recommends that funds to defray the cost of the professional services be appropriated from Account 994.100.5010, City Hall Renovations.

Fiscal Note: Funds are available as herein delineated.

[14-10741](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/Operations submitting bid results on Contract 50-14 (K4-050), Graceland Cemetery Pond Rehab-Drainage Improvements. (Res. No. 14-0466)

Recommendation of the Public Works and Services Committee on November 11, 2014: That Contract 50-14 (K4-050), Graceland Cemetery Pond Rehab-Drainage Improvements, be awarded to Native Construction, at their bid price of \$153,715, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be

appropriated from the 2015 Storm Water Utility Enterprise budget.

[14-10743](#)

Subject: Communication from the Assistant Commissioner of Public Works/City Engineer submitting Amendment No. 2 to Contract 51-14 (K4-051), PS - Tank Removal Services, Natural Resources Tech, Inc., consultant. (Res. No. 14-0465)

Recommendation of the Public Works and Services Committee on November 11, 2014: That Amendment No. 2 to Contract 51-14 (K4-051), PS - Tank Removal Services, Natural Resources Tech, Inc., consultant, as submitted, be approved in the amount of \$2,500.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 993.913.5010, Environmental Remediation.

Fiscal Note: Funds are available as herein delineated.

[14-10744](#)

Subject:(Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting a professional services agreement to State Project ID: 2350-00-00, Hamilton Street/Douglas Avenue - Main Street to Goold Street, Graef-USA, Inc., consultant. (Res. No. 14-0464)

Recommendation of the Public Works and Services Committee on November 11, 2014: That the Mayor and City Clerk be authorized and directed to enter into a 3-party contract with the State of Wisconsin Department of Transportation, Graef-USA, Inc. and the City of Racine for design engineering services for State Project ID: 2350-00-00, Hamilton Street/Douglas Avenue - Main Street to Goold Street in the not-to-exceed amount of \$359,142.80. The City's share is \$89,785.70 or 25%, and the State's share is \$269,357.10 or 75%.

Fiscal Note: Funding for this project will be allocated in the 2015 - 2024 CIP budget.

Public Safety and Licensing Committee Report, by Ald. Holding

[14-10679](#)

Subject: (Direct Referral) Sale of Abandoned Vehicles 10/16/2014

Recommendation of the Public Safety and Licensing Committee on November 11, 2014: 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 \$18,084.00 in revenue for account

101.310.7550.

[14-10709](#)

Subject: (New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Uncorkt, located at 240 Main Street, Anthony Bigonia Agent. (1st District)

Recommendation of the Public Safety and Licensing Committee on November 11, 2014: That the application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Uncorkt, located at 240 Main Street, Anthony Bigonia, Agent, be approved.

Fiscal note: N/A

City Plan Commission Report, by Ald. Wiser

[14-10704](#)

Subject: (Direct Referral) A request by Dale Parker of DJS Automotive to operate an automobile repair facility at 1607 Goold Street. (Res. No. 14-0468)

Recommendation of the City Plan Commission on 11-13-14: That the item be approved, subject to conditions.

Fiscal Note: N/A

[14-10708](#)

Subject: (Direct Referral) A request from Elmwood Racine, LLC seeking an amendment to their conditional use permit at the Elmwood Shopping Center, 3701 Durand Avenue, to allow for use of a portion of the property for a storage unit facility. (Res. No. 14-0470)

Recommendation of the City Plan Commission on 11-12-14: That the item be approved, subject to conditions.

Fiscal Note: N/A

[14-10723](#)

Subject: (Res. 14-0401) A Resolution vacating the east-west alley and part of the north-south alley in the block bounded by Washington Avenue, West Boulevard, Thirteenth Street, and Grove Avenue.

Recommendation of the City Plan Commission on 10-29-2014: That the alley vacations are not in conflict with city plans and programs and will facilitate the redevelopment of subject and adjacent lands and that the Resolution be adopted.

Fiscal Note: N/A

[14-10739](#)

Subject: (Direct Referral) A request from Architectural Associates,

representing Dr. David Reesman, for an addition to a dental office located at 3900 North Bay Drive. (Res. No. 14-0472)

Recommendation of the City Plan Commission on 11-12-14: That the item be approved subject to conditions.

Fiscal Note: N/A

[14-10740](#)

Subject: (Direct Referral) A Use Supplement to accompany the rezoning of Elmwood Plaza Shopping Center, 3701 Durand Avenue, from B-2 to B-2 with a FD Flex Development. (Res. No. 14-0469)

Recommendation of the City Plan Commission on 11-12-14: That the Use Supplement be approved, subject to conditions.

Fiscal Note: N/A

[14-10745](#)

Subject: (Direct Referral) A request by the Redevelopment Authority for a two-lot Certified Survey Map for properties at Washington Avenue between West Boulevard and Grove Avenue. (Res. No. 14-0471)

Recommendation of the City Plan Commission on 11-12-14: That the item be approved, subject to conditions.

Fiscal Note: N/A

[14-10757](#)

Subject: (ZOrd.004-14) An ordinance rezoning 3701 Durand Avenue.

Recommendation of the City Plan Commission on 11-12-14: That the ordinance be adopted.

Fiscal Note: N/A

Redevelopment Authority of the City of Racine Report, by Ald. Morgenroth

[14-10727](#)

Subject: (Direct Referral) Request by the Assistant Executive Director of the Redevelopment Authority seeking permission to apply for a \$1,000,000 Idle Industrial Site Grant (Grant Control # 2014-041) for asbestos and lead remediation at the Machinery Row site from the Wisconsin Economic Development Corporation (WEDC). (Res. No. 14-0458)

Recommendation of the Redevelopment Authority on 11-6-14: That available funds and assistance be requested from the WEDC under the Idle Industrial Site Grant and that the rules for the program be complied with; and That the Executive Director, or his authorized agent, act on behalf of the Authority to: submit an application to the WEDC to aid in

the removal of asbestos and lead in the Machinery Row site; sign documents; and take necessary action to undertake, direct, and complete approved grant activities.

Recommendation of the Finance and Personnel Committee on

11-10-14: That available funds and assistance be requested from the WEDC under the Idle Industrial Site Grant (Grant Control # 2014-041) and that the rules for the program be complied with; and

That the Executive Director, or his authorized agent, act on behalf of the Redevelopment Authority to: submit an application to the WEDC to aid in the removal of asbestos and lead in the Machinery Row site; sign documents; and take necessary action to undertake, direct, and complete approved grant application activities.

Fiscal Note: There is a local match of \$3.3 million which will come from a variety of sources including private sector investment and eligible project plan line items from TID 18.

14-10728

Subject: (Direct Referral) Request by the Assistant Executive Director of the Redevelopment Authority seeking permission to apply for a \$200,000 Cleanup Grant for the Racine Steel Castings site (South Lot) from the United States Environmental Protection Agency (US EPA). (Res. No. 14-0459)

Recommendation of the Redevelopment Authority on 11-6-14: That available funds and assistance be requested from the US EPA under the Brownfield Cleanup Grant and rules for the program be complied with; and That the Executive Director, or his authorized agent, act on behalf of the Authority to: submit an application for a US EPA Brownfield Cleanup Grant for \$200,000 to aid in the continuation of site cleanup of the south lot of 1425 North Memorial Drive (a/k/a the Racine Steel Castings property); sign documents; and take necessary action to undertake, direct, and complete approved grant activities.

Recommendation of the Finance and Personnel Committee on

11-10-14: That available funds and assistance be requested from the US EPA under the Brownfield Cleanup Grant (Grant Control # 2014-042) and rules for the program be complied with; and

That the Executive Director, or his authorized agent, act on behalf of the Redevelopment Authority to: submit an application for a US EPA Brownfield Cleanup Grant for \$200,000 to aid in the continuation of site cleanup of the south lot of 1425 North Memorial Drive (a/k/a the Racine Steel Castings property); sign documents; and take necessary action to undertake, direct, and complete approved grant application activities.

Fiscal Note: A 20% local match is required for each grant for a total of \$40,000. Funds are available in the Intergovernmental Shared Revenue Account and from the City of Racine US EPA Brownfield Cleanup Revolving Loan Fund.

Committee of the Whole Report, by Ald. DeHahn

[14-10567](#)

Subject: Submittal of the Report of the Finance Committee of the Racine Waterworks Commission Regarding Year 2015 Water Utility Operations and Maintenance Budget and the 2015-2019 Capital Improvements Budget Recommending Adoption (Res. No. 14-0474)

Recommendation of the Racine Waterworks Commission on 9/23/14: To adopt

FURTHER RECOMMEND, THE ITEM BE REFERRED TO THE COMMITTEE OF THE WHOLE

Recommendation of the Committee of the Whole on 11-12-2014: the Item be approved.

Fiscal Note: copies of the 2015 Water Utility Operations and Maintenance Budget and the 2015-2019 Capital Improvements Budget are on file in the Office of the Finance Director.

[14-10572](#)

Subject: Submittal of the 2015 Sewer Service Rates (Res. No. 14-0475)

Recommendation of the Racine Wastewater Commission on 9/23/14: To adopt

FURTHER RECOMMEND, THE ITEM BE REFERRED TO THE COMMITTEE OF THE WHOLE

Recommendation of the Committee of the Whole on 11-12-2014: that the Item be approved.

Fiscal Note: copies of the 2015 Sewer Service Rates are on file in the Office of the Finance Director.

[14-10575](#)

Subject: Submittal of the Report of the Finance Committee of the Racine Wastewater Commission Regarding Year 2015 Wastewater Utility Operations and Maintenance Budget and the 2015-2019 Capital Improvements Budget Recommended Adoption (Res. No. 14-0476)

Recommendation of the Racine Wastewater Commission on 9/23/14: To adopt

FURTHER RECOMMEND, THE ITEM BE REFERRED TO THE COMMITTEE OF THE WHOLE

Recommendation of the Committee of the Whole on 11-12-2014:
the Item be approved.

Fiscal Note: copies of the 2015 Wastewater Utility Operations and Maintenance Budget and the 2015-2019 Capital Improvements Budget are on file in the Office of the Finance Director.

14-10641

Subject:Communication from Mayor Dickert submitting the 2015 proposed budgets for the General Fund, Special Revenue Funds, Debt Service Fund, Enterprise Funds and Internal Service Funds; Capital Projects and the 2015-2024 Capital Improvement Plan. (Res. No. 14-0473)

Recommendation of the Committee of the Whole on 11-12-2014:
the Item be adopted.

Fiscal Note: copies of the General Fund, Special Revenue Funds, Debt Service Fund, Enterprise Funds and Internal Service Funds, Capital Projects and the 201502924 Capital Improvement Plan are on file in the Office of the Finance Director.

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

14-10719

Subject: Communication from WE Energies requesting an easement over lands known as "The Herbert F. Johnson Memorial Park". (Res. No. 14-0477)

Recommendation of the Board of Parks, Recreation & Cultural Services on 11-12-14: To approve placement of easement over lands known as "The Herbert F. Johnson Memorial Park, as proposed.

Fiscal Note: N/A

H. Consent Agenda/Resolution

Res.14-0454

Donation from AGA Nation for Pershing Skate Park

Resolved, that permission is granted to the Director of Parks, Recreation & Cultural Services to accept a \$750.00 donation from AGA Nation for the Pershing Skate Park.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor-II

Res.14-0455 2015 Operating Plan - Business Improvement District No. 1, Downtown

Resolved, that the 2015 Operating Plan for the Board of Business Improvement District No. 1 - Downtown dated September 24, 2014, is approved and the Finance Director is authorized and directed to place the special assessments listed in the plan on the property tax bills of the parcels within the District.

Fiscal Note: It is estimated that \$197,292.00 will be raised through B.I.D. assessments to be disbursed to the Downtown Racine B.I.D.

Sponsors: Q.A. Shakoor-II

Res.14-0456 2015 Operating Plan - Business Improvement District No. 3, Uptown

Resolved, that the 2015 Operating Plan for the Board of Business Improvement District No. 3 - Uptown, is approved and the Finance Director is authorized and directed to place the special assessments listed in the plan on the property tax bills of the parcels within the District.

Fiscal Note: It is estimated that \$38,000.00 will be raised through B.I.D. assessments to be disbursed to the Uptown B.I.D.

Sponsors: Q.A. Shakoor-II

Res.14-0457 2015 Operating Plan - Business Improvement District No. 4, Douglas Avenue

Resolved, that the 2015 Operating Plan for the Board of Business Improvement District No. 4 - Douglas Avenue is approved and the Finance Director is authorized and directed to place the special assessments listed in the plan on the property tax bills of the parcels within the District.

Fiscal Note: It is estimated that \$50,000.00 will be raised through B.I.D. assessments to be disbursed to the Douglas Avenue B.I.D.

Sponsors: Q.A. Shakoor-II

Res.14-0458 Idle Industrial Site Grant

Resolved, that available funds and assistance are to be requested from the WEDC under the Idle Industrial Site Grant (Grant Control # 2014-041) and that the rules for the program be complied with; and

Further resolved, that the Executive Director, or his authorized agent, act on behalf of the Redevelopment Authority to: submit an application

to the WEDC to aid in the removal of asbestos and lead in the Machinery Row site; sign documents; and take necessary action to undertake, direct, and complete approved grant application activities.

Fiscal Note: There is a local match of \$3.3 million which will come from a variety of sources including private sector investment and eligible project plan line items from TID 18.

Sponsors: Q.A. Shakoor-II

Res.14-0459 Cleanup Grant for Racine Steel Castings Site (South Lot)

Resolved, that available funds and assistance are to be requested from the United States Environmental Protection Agency (US EPA) under the Brownfield Cleanup Grant (Grant Control # 2014-042) and rules for the program be complied with; and

Further resolved, that the Executive Director, or his authorized agent, act on behalf of the Redevelopment Authority to: submit an application for a US EPA Brownfield Cleanup Grant for \$200,000 to aid in the continuation of site cleanup of the south lot of 1425 North Memorial Drive (a/k/a the Racine Steel Castings property); sign documents; and take necessary action to undertake, direct, and complete approved grant application activities.

Fiscal Note: A 20% local match is required for each grant for a total of \$40,000.00. Funds are available in the Intergovernmental Shared Revenue Account and from the City of Racine US EPA Brownfield Cleanup Revolving Loan Fund.

Sponsors: Q.A. Shakoor-II

Res.14-0460 2015 Health Care Stop Loss Insurance Plan

Resolved, that the Mayor and City Clerk are authorized and directed to enter into an agreement under the terms of the City's 2015 Health Insurance Stop Loss Coverage with QBE Insurance Corporation through the Horton Group.

Fiscal Note: 0% increase from 2014

Sponsors: Q.A. Shakoor-II

Res.14-0462 2015 St. John's Lutheran School Bunny Hop

Resolved, that St. John's Lutheran School is granted permission to use City right-of-way for a run / walk on Saturday, April 25, 2015 from 9:00 a.m. to 12:00 Noon at the North Beach Oasis

Further resolved, that permission is granted with the following

stipulations:

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

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

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

Sponsors: Jim Kaplan

Res.14-0463 Final Payment on Contract 25-11 (K1-025) PS - City Hall Renovations - Phase IV

Resolved, that the work done by ARC Architectural Group, LLC., under Contract 25-11 (K1-025) PS - City Hall Renovations - Phase IV, is accepted and final payment authorized for a total contract amount of \$90,200.51.

Fiscal Note: Contract was authorized under Resolution No. 11-2395, dated February 1, 2011.

Sponsors: Jim Kaplan

Res.14-0464 Professional Services Agreement to State Project ID: 2350-00-00, Hamilton Street / Douglas Avenue - Main Street to Goold Street

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a 3-party contract with the State of Wisconsin Department of Transportation, Graef-USA, Inc. and the City of Racine for design engineering services for State Project ID: 2350-00-00, Hamilton Street/Douglas Avenue - Main Street to Goold Street in the not-to-exceed amount of \$359,142.80. The City's share is \$89,785.70 or 25%, and the State's share is \$269,357.10 or 75%.

Fiscal Note: Funding for this project will be allocated in the 2015 - 2024 CIP budget.

Sponsors: Jim Kaplan

Res.14-0465 Amendment No. 2 to Contract 51-14 (K4-051), PS - Tank Removal Services

Resolved, that Amendment No. 2 to Contract 51-14 (K4-051), PS - Tank Removal Services, Natural Resources Tech, Inc., consultant, as submitted, is approved in the amount of \$2,500.00.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 993.913.5010, Environmental Remediation.

Sponsors: Jim Kaplan

Res.14-0466 Contract 50-14 (K4-050), Graceland Cemetery Pond Rehab - Drainage Improvements

Resolved, that Contract 50-14 (K4-050), Graceland Cemetery Pond Rehab-Drainage Improvements, is awarded to Native Construction, at its bid price of \$153,715.00, it being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the 2015 Storm Water Utility Enterprise budget.

Sponsors: Jim Kaplan

Res.14-0467 Professional Services Proposal for Contract 53-14 (K4-053) PS - City Hall Renovations Phase VII

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a professional services agreement with ARC Architectural Group, LLC on Contract 53-14 (K4-053) PS - City Hall Renovations Phase VII, for the not-to-exceed amount of \$24,322.00.

Fiscal Note: Funds to defray the cost of the professional services be appropriated from Account 994.100.5010, City Hall Renovations.

Sponsors: Jim Kaplan

Res.14-0468 Automotive Repair Shop at 1617 Goold Avenue

Resolved, that the request by Dale Parker of DJS Auto Services to operate an automotive repair shop at 1617 Goold Avenue is approved, subject to the following conditions:

a. That the plans presented to the Plan Commission at the October 29, 2014 meeting be approved subject to the conditions contained herein.

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

- c. That the hours of operation shall be from 9:00 a.m. - 5:00 p.m. Monday through Friday, and 9:00 a.m. - 12:00 p.m. on Saturdays.
- d. That no painting, tire replacement, or body work take place at this location. Also, that the overhead doors remain closed at all times vehicle work is taking place to reduce noise emission to adjacent properties.
- e. That all aspects of the operation of the auto repair must be contained indoors, including the storage of parts and equipment. No outdoor display or storage of products of any type is allowed. Vehicle sales by any tenant may not take place from this location.
- f. That all vehicles being worked on or awaiting work shall be stored indoors. Vehicles which have been repaired and are awaiting pick-up may not be stored on the street, only in the outlined spaces as shown on the site plan.
- g. That no junk or inoperable vehicles may be stored at this location, and no vehicle salvage be conducted at this location.
- h. That all signs shall be professionally made and approved by the Department of City Development prior to issuance of a building permit for installation.
- i. That the gravel drive area in front of the westernmost driveway/parking area shall be paved prior to issuance of a certificate of occupancy. If the work cannot be done at this time due to weather conditions, the applicant shall provide a financial assurance as per City requirements for the cost of the work to be completed with a specific completion date provided.
- j. That all parking stalls as provided on the approved site plan shall be striped, with wheel stops installed, prior to issuance of occupancy permit.
- k. That all codes be complied with and required permits acquired.
- 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 Wiser

Res.14-0469 Use Supplement for Rezoning of Elmwood Shopping Center - 3701 Durand Avenue

Resolved, that the use supplement is adopted by resolution of the Common Council in association with the Flex Development Overlay District at 3701 Durand Avenue, as contained herein:

a. That all uses listed in the underlying B-2 Community Shopping District are permissible by right or by conditional use permit, except as otherwise specified herein.

b. Prohibited uses shall include:

1. Adult Entertainment.
2. Additional Check cashing / Convenient Cash businesses / Payday Loan businesses (Note: one currently exists within the Plaza. No others will be permitted. If this business ceases to operate for a period of 12 consecutive months, it will no longer be permitted).
3. Dwelling Units
4. Churches or places of worship.
5. CBRF's (Community Based Residential Facilities).
6. Parking lots for the storage of private passenger automobiles.
7. Boardinghouses, lodging houses, and rooming houses.
8. Pawnbroker businesses.

c. That all applicable permits are obtained from the Building Inspection Department.

d. That the following flex uses are permitted as conditional use permit by Ordinance No. ZOrd. 004-14 in addition to those permitted in the B-2 Community Shopping District:

1. Light assembly.
2. Packaging.
3. Personal storage / warehousing within the existing building footprint
4. Commercial storage (non-hazardous) occupying no more than 10% of the available storage space.

e. That all aspects of the flex uses and other uses shall be contained on site.

f. That the Chief Building Inspector or Director of City Development may impose additional conditions on a single or group of flex uses to mitigate potential negative impacts on the subject or surrounding properties. Decisions in this regard may be appealed by the affected operator(s) to the Plan Commission, who will forward a recommendation to the Common Council.

g. That, upon consultation between the Chief Building Inspector and Director of City Development, additional uses not listed in this resolution may be permitted if found to comply with the spirit and intent of this flex development and the Flex Development Overlay District.

h. That all applicable codes and ordinances be complied with and required permits acquired.

i. That no minor changes be made from the conditions of this flex development without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.

j. That this flex development is subject to Plan Commission review for compliance with listed conditions

Fiscal Note: N/A

Sponsors: Dennis Wisner

Res.14-0470 Storage Facility and RV Storage at 3701 Durand Avenue

Resolved, that the request for a conditional use permit to allow for a storage facility and RV storage in designated areas of the building located at 3701 Durand Avenue is approved, subject to the following conditions:

a. That the plans submitted to the Plan Commission on October 29, 2014, be approved subject to the conditions contained herein.

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

c. That all codes and ordinances be complied with and required permits acquired.

d. That the hours of operation be 8:00 a.m. - 6:00 p.m., seven days a week, with after-hours access by appointment only.

e. That no junk or parts vehicles be stored on the premises at any time.

f. That the units shall not be utilized as work spaces at any time.

g. That nothing living or deceased shall occupy or be stored in any of the units, other than taxidermy items.

h. That all storage shall be indoors.

- i. That there be no storage of potentially hazardous or flammable materials allowed.
- j. That all access to the storage be from the rear of the building for the indoor storage. RV storage may be accessed from the northeast doors along the section of building in which they are located. No RV's, vehicles, recreational vehicles, construction equipment, boats, or the like may be stored at this location.
- k. That no storage unit sales, auctions, or RV sales take place at this location.
- l. That all junk or debris generated from the storage facility shall be properly placed in dumpsters. Elmwood Plaza management shall be responsible for monitoring the requirement to install additional dumpsters should the need arise based on trash/junk generation.
- m. That signage is not approved with this application. All signage is subject to review and approval by the Department of City Development.
- n. That this conditional use amendment is contingent upon the rezoning application to modify the zoning from B-2 Community Shopping District to B-2 Community Shopping with a FLEX Development overlay district. Should said zone change be denied, this approval shall be null and void.
- o. 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 to this permit without the approval of the Common Council.
- p. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Dennis Wiser

Res.14-0471 Two-Lot Certified Survey Map for Properties at Washington Avenue between West Boulevard and Grove Avenue

Resolved, that the request by the Redevelopment Authority for a two-lot certified survey map for properties at Washington Avenue between West Boulevard and Grove Avenue is approved, subject to the following conditions:

- a. That the certified survey map as prepared by Mark R. Madsen, dated November 10, 2014, and presented to the Plan Commission on November 12, 2014 be approved subject to the conditions contained herein.

- b. That any measurement discrepancies identified by city departments be rectified prior to recording.
- c. That the City of Racine accept the dedication of the additional right of way on Washington Avenue in the resolution approving the CSM.
- d. That within 30 days of the Certified Survey Map being recorded, the applicant shall provide City Development Staff a copy of the recorded document.

Fiscal Note: N/A

Sponsors: Dennis Wiser

[Res.14-0472](#) 3900 North Bay Drive Remodel and Addition

Resolved, that the request for the building remodel and 645 sq. ft. addition to the dental office at 3900 North Bay Drive is approved, subject to the following conditions:

- a. That the plans dated October 29, 2014, and presented to the Plan Commission on November 12, 2014 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That all applicable codes and ordinances be complied with and required permits acquired.
- d. That all parking for the business shall be contained on-site. Street parking shall not be allowed for employees or clients of the clinic.
- e. That the entrance into the site off of Saxony Drive be identified as 'one way only' due to the angled parking.
- f. That if the exterior design treatment under the windows on the building exterior changes in design or materials, that revised plans shall be submitted to the Department of City Development for review and approval.
- g. That the hours of operation shall be Monday through Thursday, 8:00 a.m. - 5:00 p.m.
- h. That the parking lot shall be striped according to the site plan and wheel stops installed prior to occupancy of the building.

i. That all signage shall be reviewed and approved by the Department of City Development prior to issuance of a sign permit.

j. That, at no time, shall the lower level of the building be rented, leased, or made available to another tenant or outside group. This area shall be for the sole use of the dental office.

k. That all landscaping shall be installed and inspected by the Department of City Development prior to issuance of an occupancy permit.

l. That if any site improvements are not complete at the time an occupancy permit is requested, the applicant shall provide a financial assurance to ensure completion of all required items. The assurance shall be in a format approved by the City Attorney's office, and shall be of an amount to pay for costs of any outstanding improvements.

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

Fiscal Note: N/A

Sponsors: Dennis Wisner

Res.14-0473 2015 Proposed Budgets for the General Fund, Special Revenue Funds, Debt Service Fund, Enterprise Funds and Internal Service Funds; Capital Projects and the 2015-2024 Capital Improvement Plan

Resolved, that the 2015 proposed budgets for the General Fund, Special Revenue Funds, Debt Service Fund, Enterprise Funds and Internal Service Funds; Capital Projects and the 2015-2024 Capital Improvement Plan, as amended, be adopted.

Fiscal Note: Copies of the General Fund, Special Revenue Funds, Debt Service Fund, Enterprise Funds and Internal Service Funds; Capital Projects and the 2015-2024 Capital Improvement Plan are on file in the Office of the Finance Director.

Sponsors: Raymond DeHahn

Res.14-0474 Racine Waterworks Commission Year 2015 Water Utility Operations and Maintenance Budget and the 2015-2019 Capital Improvements Budget

Resolved, that the report of the Finance Committee of the Racine Water Works Commission Regarding Year 2015 Water Utility Operations and Maintenance Budget and the 2015-2019 Capital Improvements Budget

Recommending Adoption is approved.

Fiscal Note: Copies of the 2015 Water Utility Operations and Maintenance Budget and the 2015-2019 Capital Improvements Budget is on file in the Office of the Finance Director.

Sponsors: Raymond DeHahn

Res.14-0475 2015 Sewer Service Rates

Resolved, that the submittal of 2015 Sewer Service Rates are approved.

Fiscal Note: Copies of the 2015 Sewer Service Rates are on file in the Office of the Finance Director.

Sponsors: Raymond DeHahn

Res.14-0476 Report of the Finance Committee of the Racine Wastewater Commission Regarding Year 2015 Wastewater Utility Operations and Maintenance Budget and the 2015-2019 Capital Improvements Budget

Resolved, that the report of the Finance Committee of the Racine Wastewater Commission Regarding Year 2015 Wastewater Utility Operations and Maintenance Budget and the 2015-2019 Capital Improvements Budget Recommending Adoption are approved.

Fiscal Note: Copies of the 2015 Wastewater Utility Operations and Maintenance Budget and the 2015-2019 Capital Improvements Budget are on file in the Office of the Finance Director.

Sponsors: Raymond DeHahn

Res.14-0477 WE Energies Easement at "The Herbert F. Johnson Memorial Park"

Resolved, that the request of WE Energies to place an easement over lands known as "The Herbert F. Johnson Memorial Park, as proposed is approved.

Fiscal Note: N/A

Sponsors: Terry McCarthy

I. Resolutions

Res.14-0461 RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$17,985,000 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 Note Anticipation Notes, dated September 9, 2014 (the

"2014 Notes"), the General Obligation Refunding Bonds, Series 2006B, dated October 5, 2006, maturing in the years 2018 through 2025 (the "Refunded 2006 Bonds"), the General Obligation Refunding Bonds, Series 2007A, dated November 13, 2007, maturing in the years 2019 through 2021 (the "Refunded 2007 Bonds") and the General Obligation Refunding Bonds, dated December 9, 2008, maturing in the years 2020 through 2022 (the "Refunded 2008 Bonds") (collectively, the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded 2006 Bonds, the Refunded 2007 Bonds and the Refunded 2008 Bonds for the purpose of achieving debt service cost savings and to refund the 2014 Notes to provide permanent financing for the projects financed by the 2014 Notes;

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 SEVENTEEN MILLION NINE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$17,985,000) 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 SEVENTEEN MILLION NINE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$17,985,000) 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 \$17,985,000; shall be dated December 9, 2014; 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 the dates and in the principal amounts as set

forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2015. 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 2A. Designation of Maturities. For purposes of State law, the Bonds of this issue are designated as being issued to refund the Refunded Obligations in the order in which the debts evidenced by said obligations were incurred so that the Bonds of the earliest maturities are considered to refund the debts which were incurred first.

Section 3. Redemption Provisions. The Bonds maturing on December 1, 2025 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on December 1, 2024 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 City 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.

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 2014 through 2027 for the payments due in the years 2015 through 2028 in the amounts set forth on the Schedule.

(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.

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 General Obligation Refunding Bonds, dated December 9, 2014" (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 18 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 the City Clerk or City Treasurer (the "Fiscal Agent").

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. Redemption of 2014 Notes. The 2014 Notes are hereby called for prior payment and redemption on December 19, 2014 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with the Purchaser to cause timely notice of redemption, in substantially the form attached hereto as Exhibit D and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. All actions heretofore taken by the officers and agents of the City to effectuate the redemption of the 2014 Notes are hereby ratified and approved.

Section 18. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, (the "Escrow Agent") is hereby appointed escrow agent for the City, for the purpose of ensuring the payment of the principal of and interest on the Refunded 2006 Bonds, the Refunded 2007 Bonds and the Refunded 2008 Bonds (collectively the "Advance Refunded Obligations").

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 Advance 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 Advance Refunded Obligations to the Escrow Account, the taxes heretofore levied to pay debt service on the Advance

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 Advance 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 Advance Refunded Obligations. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

Section 19. SLGS Subscriptions. The Escrow Agent and the Purchaser are authorized to submit subscriptions for United States Treasury Securities - State and Local Government Series and to purchase other U.S. government securities on behalf of the City in such amount as is necessary in order to carry out the refunding of the Advance Refunded Obligations.

Section 20. Redemption of the Advance Refunded Obligations. The Refunded 2006 Bonds are hereby called for prior payment and redemption on December 1, 2016, the Refunded 2007 Bonds are hereby called for prior payment on December 1, 2017 and the Refunded 2008 Bonds are hereby called for prior payment on December 1, 2018, 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 21. 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 22. 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 23. 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 November 18, 2014.

John Dickert, Mayor

ATTEST:

Janice M. Johnson-Martin, City Clerk

Sponsors: Q.A. Shakoor-II

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.