



# City of Racine

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

## Meeting Agenda - Final Common Council

*Mayor John T. Dickert, Alderman Q.A. Shakoor, II, Alderman Michael Shields, Alderman Ronald D. Hart, Alderman Jim Kaplan, Alderman Dennis Wiser, Alderman Sandy Weidner, Alderman Terry McCarthy, Alderman Raymond DeHahn, Alderman Gregory Holding, Alderman Robert Mozol, Alderman O. Keith Fair, Alderman Melissa Kaprelian-Becker, Alderman James Morgenroth, Alderman Krystyna Sarrazin, Alderman Molly Hall*

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Tuesday, December 4, 2012

7:00 PM

Room 205, City Hall

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

Refer to Finance and Personnel Committee, by Ald. Shakoor

[12-8392](#)

**Subject:** Communication from the Interim Assistant Director of City Development submitting a request from Business Improvement District No. 1, Downtown Racine, for approval of its proposed 2013 operating plan.

[12-8394](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/City Engineer, on behalf of the Racine Harbor Commission and the Park, Recreation and Cultural Services Department, requesting authorization to accept a State of Wisconsin DNR Waterways Commission Financial Grant for a boat washdown station at the 5th Street Boat Launch (Grant Control #2012-033).

[12-8396](#)

**Subject:** Communication from the Purchasing Agent, submitting bids for Official Notice #16, 21 Safariland MR01-Titan Assault Tactical Vests, recommending to award the bid to the low responsive responsible bidder, Keepers, at their bid price of \$35,595.00.

[12-8400](#)

**Subject:** Communication from City of Racine Resident Chase Hendrix,

President & CEO of AdEasel (Adaptive Easel, LLC), offering a \$10,000.00 sponsorship donation on behalf of his company to the City of Racine in professional services, marketing programs and technology applications to support CAR25.

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

[12-8399](#)

**Subject:** Communication from David K. Popoff, George's Tavern, requesting permission to close the 300 block of Hamilton Street on Saturday, March 2, 2013, for the 21st annual Thoughts for Food fundraiser.

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

[12-8385](#)

**Subject:** (New) Application of The DeKoven Center, Max Dershem, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 600 21st Street. (2nd District)

**Refer to Traffic Commission, by Ald. DeHahn**

[12-8390](#)

**Subject:** Communication from the Alderman of the 9th District, on behalf of Marcia Matavka (3617 Spring St.), requesting "Duck Crossing" signs be placed on Spring Street.

## **F. Committee Reports**

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

[12-8351](#)

**Subject:** Communication submitting the claim of Racine Country Club, LLC, based on the alleged excessive 2012 taxes for property located at 2801 Northwestern Ave. and 2801 A Northwestern Ave., for consideration.

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

**11-26-12:** The Claim of Racine Country Club, LLC, based on the alleged excessive 2012 taxes for property located at 2801 Northwestern Ave. and 2801 A Northwestern Ave., be denied.

**Fiscal Note:** N/A

[12-8358](#)

**Subject:** Communication from the Purchasing Agent requesting to negotiate a new three year contract with Melrose Pyrotechnics for the Fourth of July fireworks at the lakefront for the years 2013, 2014, and 2015. (Res. 12-3450)

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

**11-26-12:** That the Purchasing Agent be instructed to negotiate a new three year contract with Melrose Pyrotechnics for the years 2013, 2014, and 2015.

**Fiscal Note:** Funds for this expense are available in account 101.990.5310, offsetting donations are budgeted and receipted in account 101.990.9020 Donations-Fireworks.

[12-8371](#)

**Subject:** Communication from the City Administrator requesting to present the proposed operating agreement between the City of Racine and the Zoological Society. (Res. 12-3449)

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

**11-26-12:** The Mayor and City Clerk be authorized and directed to enter into a four year contract with the Racine Zoological Society as presented.

**Fiscal Note:** The City shall contribute to the Society the sum of \$607,097 per year in operating years 2013 and 2014. In subsequent contract years, the city shall budget an amount not less than 90% of the 2013 amount.

[12-8389](#)

**Subject:** (Direct Referral) Communication from the Deputy City Attorney requesting to appear before the Finance & Personnel Committee, with Rae Anne Beaudry of The Horton Group, to discuss the renewal of the City's Stop Loss Insurance plan for 2012. (Res. 12-3448)

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

**11-26-12:** The Mayor and City Clerk be authorized and directed to enter into an agreement for 2013 Health Insurance Stop Loss Coverage with Midwest Risk Underwriters through the Horton Group at a stop loss deductible level of \$210,000 with no rate increase.

**Fiscal Note:** There will be no premium rate increase for the renewal contract.

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

[12-8338](#)

**Subject:** Communication from the Downtown Racine Corporation for the use right of way for The "Big Chill" snow and ice carving event on January 11-13, 2013. (Res. 12-3454)

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

**11-27-12:** That the Mayor and City Clerk be authorized and directed to enter into an agreement with the Downtown Racine Corporation granting permission to place ice sculptures on city sidewalks along Sixth Street

and Main Street from State Street to 7th Street, from January 11, 2013 until they melt, with the following stipulations:

- A. That a clear area be established along the building line of a minimum of five feet in order to meet ADA requirements.
- B. That any ice sculptures be set back a minimum of two feet from the back of the curb in order to meet Wisconsin Department of Transportation requirements.
- C. That a hold harmless agreement be filed with the City Attorney's office and a \$62.50 processing fee paid.
- D. That a Certificate of Liability Insurance be filed with the City Attorney's office.

**Fiscal Note:** N/A

12-8357

**Subject:** (Direct Referral) Communication from the Racine Christmas Coalition of Churches submitting a request to install a temporary banner on a street light pole in Monument Square. (Res. 12-3456)

**Recommendation of the Public Works and Services Committee on 11-27-12:** In accordance with City policy, the request of the Christmas Coalition of Churches to install two (2) temporary banners on street light poles in Monument Square, from November 30, 2012 to January 2, 2013, be approved.

**Fiscal Note:** The placement of these banners will result in \$30.00 in revenue to the City of Racine.

12-8376

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting bid results on Contract 57-12 (K2-068), Construct Home-1029 Ninth Street. (Res. 12-3455)

**Recommendation of the Public Works and Services Committee on 11-27-12:** That Contract 57-12 (K2-068), Construct Home-1029 Ninth Street, be awarded to Native Construction and Landscaping, Kansasville, WI, at their bid price of \$195,200.00, plus Optional Bids 1 thru 5 totaling \$15,500.00, for a total contract amount of \$210,700.00, they being the lowest responsible bidder.

**Fiscal Note:** Funding to defray the cost of this public works project be appropriated from Account 808.001.5700, City Development-1029 Ninth.

12-8377

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 3 to Contract 43-12 (K2-052), Masonry Restoration - City Hall and City Hall Annex, RAZA LLC, contractor. (Res. 12-3458)

**Recommendation of the Public Works and Services Committee on 11-27-12:** That Change Order No. 3 on Contract 43-12 (K2-052), Masonry Restorations-City Hall and City Hall Annex, RAZA LLC, contractor, be approved in the amount of \$5,342.37.

**Fiscal Note:** Funding to defray the cost of this change order be appropriated from Account 992.100.5020, City Hall Tuckpointing.

[12-8383](#)

**Subject:** Communication from Karl J. Fuller requesting to present and discuss Streetlight Sponsorship Plan with the Public Works and Services Committee. (Res. 12-3457)

**Recommendation of the Public Works and Services Committee on 11-27-12:** That the Commissioner of Public Works draft an "Adopt-a-Streetlight" program and implementation plan by January 30, 2013 for submission to the Public Works and Services Committee for consideration.

**Fiscal Note:** Implementation and operation of an "Adopt-A-Streetlight" program will incur undetermined costs and additional administrative workload for the Public Works and Finance Departments.

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

[12-8319](#)

**Subject:** New application of Kenson Enterprises, LLC (Belle City Bar & Eatery Tour) for a Public Passenger Vehicle Operator's License for Business.

**Recommendation of the Public Safety and Licensing Committee on 11-13-12:** That the item be deferred until the next meeting.

**Recommendation of the Public Safety and Licensing Committee on 11-27-12:** That the application of Kenson Enterprises, LLC (Belle City Bar & Eatery Tour) for a Public Passenger Vehicle Operator's License for Business be approved.

**Fiscal Note:** N/A

[12-8337](#)

**Subject:** Communication from Purchasing Agent submitting bid results for Official Notice #17, One (1) 19,500 GVW Diesel Cab & Chassis with 10 Cubic Yard Forestry Chip Box. (Res. 12-3459)

**Recommendation of the Public Safety and Licensing Committee on 11-27-12:** That the bid results for Official Notice #17, One (1) 19,500 GVW Diesel Cab & Chassis with 10 Cubic Yard Forestry Chip Box be

approved with Ewald's Hartford Ford with Monroe equipment being the lowest responsible bidder.

**Fiscal Note:** Funds are available from the 2012 budget account 101.700.5780 Licensed Vehicles Parks.

[12-8352](#)

**Subject:** Communication from the President of Public Golf Associates requesting to exercise the option to renew the Golf Course Lease/Management Agreement set to expire December 31, 2012 for an additional five years commencing January 1, 2013. (Res. 12-3460)

**Recommendation of the Public Safety and Licensing Committee on 11-27-12:** That the Agreement from the Public Golf Associates requesting to exercise the option to renew the Golf Course Lease/Management Agreement set to expire December 31, 2012 for an additional five years commencing January 1, 2013 be approved.

**Fiscal Note:** N/A

[12-8368](#)

**Subject: (New)** Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for JFitz627, LLC., located at 1307 Douglas Avenue, Jeff Fitzgerald, Agent. (**4th District**)

**Recommendation of the Public Safety and Licensing Committee on 11-27-12:** That the Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for JFitz627, LLC., located at 1307 Douglas Avenue, Jeff Fitzgerald, Agent be approved.

**Fiscal Note:** N/A

[12-8370](#)

**Subject: (New)** Application of Javier's Restaurant, Yecenia Ortega, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2011 Lathrop Avenue. (13th District)

**Recommendation of the Public Safety and Licensing Committee on 11-27-12:** That the Application of Javier's Restaurant, Yecenia Ortega, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2011 Lathrop Avenue be approved.

**Fiscal Note:** N/A

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

[12-7624](#)

**Subject:** Communication from the Alderman of the 7th District requesting parking be prohibited from 10 P.M. to 6 A.M. on the west side of Heck Park on Jean Avenue.

**Recommendation of the Traffic Commission on 05-21-12:** Defer

**Recommendation of the Traffic Commission on 10-15-12:** Defer

**Recommendation of the Traffic Commission on 11-19-12:** Receive and file.

**Fiscal Note:** N/A

[12-8201](#)

**Subject:** Communication from the Alderman of the 7th District requesting that parking be prohibited from 10 P.M. to 6 A.M. by Heck Park at the end of Donna Avenue - cul-de-sac area. (Res. 12-3461)

**Recommendation of the Traffic Commission on 10-15-12:** Defer

**Recommendation of the Traffic Commission on 11-19-12:** No Parking from 10:00 P.M. to 6:00 A.M., on Donna Avenue, west side, from 220 feet north of William Street to the east side 280 feet north of William Street, be approved.

**Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

[12-8304](#)

**Subject:** (Direct Referral) Communication from Yolanda Adams (Urban League of Racine and Kenosha, Inc.) wishing to discuss concerns regarding the intersection of Memorial Drive and Liberty Street.

**Recommendation of the Traffic Commission on 11-19-12:** Receive and file.

**Fiscal Note:** N/A

[12-8339](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer requesting to install "No Parking Any Time" signs on the north side of Three Mile Road, west of Ruby Avenue.

**Recommendation of the Traffic Commission on 11-19-12:** No Parking Anytime on Three Mile Road, north side, from 190 feet west of Ruby Avenue, west 117 feet, be approved.

**Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

[12-8393](#)

**Subject:** In accordance with Section 2-95 of the Municipal Code of the

general ordinances of the City of Racine, recommends that the following requests for changes in traffic code be granted: (Ord. 15-12)

**A. Recommends that Section 94-141 (1) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking at any time" be amended:**

**By Deleting**

1. Donna Avenue, west side, from 220 feet north of William Street to the east side 280 feet north of William Street.

**By Including**

1. Three Mile Road, north side, from 190 feet west of Ruby Avenue, west 117 feet.

**B. Recommends that Schedule F of Section 94-141 be amended to create "No Parking from 10:00 P.M. to 6:00 A.M.".**

**Further recommends that this new section be amended to include:**

1. Donna Avenue, west side, from 220 feet north of William Street to the east side 280 feet north of William Street.

**Community Development Committee Report, by Ald. Kaplan.**

**12-8193**

**Subject:** (Direct Referral) Request of the Racine County Economic Development Corporation to revise their 2012 CDBG budget line items for their Launch Box Program. (Res. No. 12-3388)

**Recommendation of the Community Development Committee on 11-29-12:** That the request of Racine County Economic Development Corporation for a 2012 CDBG budget amendment for the Launch Box Program be approved.

**Fiscal Note:** The amendment is a reallocation of funds among line items; the total CDBG grant amount is unchanged.

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

**12-8320**

**Subject:** (Direct Referral) Review of the 2013 Brownfields Contract for the Racine County Economic Development Corporation (RCEDC). (Res. 12-3451)

**Recommendation of the Redevelopment Authority on 11-5-12:** That



the Authority supports the use of \$56,650.00 from Intergovernmental Revenue Sharing Fund for the renewal of the RCEDC brownfields initiative contract for 2013.

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

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

**11-26-12:** The Mayor and City Clerk be authorized and directed to enter into an agreement with RCEDC as presented with the understanding that the Committee be contacted with more information prior to the next scheduled City Council meeting.

**Fiscal Note:** The funds are available in the city's 2013 capital budget.

[12-8321](#)

**Subject:** (Direct Referral) Review of the 2013 Launch Box Contract for the Racine County Economic Development Corporation (RCEDC). (Res. 12-3452)

**Recommendation of the Redevelopment Authority on 11-5-12:** that the Authority supports the use of \$99,930.00 from the Intergovernmental Revenue Sharing Fund for the Launch Box small business initiative contract for 2013.

Further, that the Mayor and City Clerk be authorized and directed to enter into the agreement with RCEDC.

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

**11-26-12:** The Mayor and City Clerk be authorized and directed to enter into an agreement with RCEDC for the Launch Box Small Business Initiative.

**Fiscal Note:** The contract amount is \$99,930.00; total cost is \$148,930.00 City source is the Intergovernmental Revenue Sharing Fund; the expenditure is included in the 2013 capital budget, Account 919.000.5610. Outside grant funds to the RCEDC total \$49,000.00 from the Wisconsin Energy Foundation, Racine County, and S.C. Johnson, A Family Company.

**Office of the Mayor Report, by Ald. Kaplan.**

[12-8395](#)

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

Appoint Finance Director David Brown to the Community Development Committee to fill the current vacancy, expiring May 1, 2014

Appoint Esther Holding 109 Michigan Ct Racine, 53402 to the Racine Water Works Commission to fill the unexpired term of Tracy Richters for a term expiring October 1, 2015

Appoint Esther Holding 109 Michigan Ct Racine, 53402 to the Racine Wastewater Commission to fill the unexpired term of Tracy Richters for a term expiring October 1, 2015

## G. Consent Agenda-Resolutions

### Res.12-3448 Renewal of the City's Stop Loss Insurance Plan for 2012

Resolved, that the Mayor and City Clerk are authorized and directed to enter into an agreement for 2013 Health Insurance Stop Loss Coverage with Midwest Risk Underwriters through the Horton Group at a stop loss deductible level of \$210,000 with no rate increase.

Fiscal Note: There will be no premium rate increase for the renewal contract.

Sponsors: Q.A. Shakoor, II

### Res.12-3449 Operating Agreement Between the City of Racine and the Zoological Society

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a four year contract with the Racine Zoological Society as presented.

Fiscal Note: The City shall contribute to the Society the sum of \$607,097 per year in operating years 2013 and 2014. In subsequent contract years, the City shall budget an amount not less than 90% of the 2013 amount.

Sponsors: Q.A. Shakoor, II

### Res.12-3450 New Three Year Contract with Melrose Pyrotechnics for the Fourth of July Fireworks at the Lakefront for the Years 2013, 2014, and 2015

Resolved, that the Purchasing Agent is instructed to negotiate a new three year contract with Melrose Pyrotechnics for the years 2013, 2014, and 2015.

Fiscal Note: Funds for this expense are available in account 101.990.5310, offsetting donations are budgeted and receipted in account 101.990.9020 Donations-Fireworks.

Sponsors: Q.A. Shakoor, II

**Res.12-3451** 2013 Brownfields Contract for the Racine County Economic Development Corporation (RCEDC)

Resolved, that the Mayor and City Clerk are authorized and directed to enter into an agreement with RCEDC as presented with the understanding that the Committee be contacted with more information prior to the next scheduled City Council meeting.

Fiscal Note: The funds are available in the City's 2013 capital budget.

Sponsors: Q.A. Shakoor, II

**Res.12-3452** 2013 Launch Box Contract for the Racine County Economic Development Corporation (RCEDC)

Resolved, that the Mayor and City Clerk are authorized and directed to enter into an agreement with RCEDC for the Launch Box Small Business Initiative.

Fiscal Note: The contract amount is \$99,930.00; total cost is \$148,930.00 City source is the Intergovernmental Revenue Sharing Fund; the expenditure is included in the 2013 capital budget, Account 919.000.5610. Outside grant funds to the RCEDC total \$49,000.00 from the Wisconsin Energy Foundation, Racine County, and S.C. Johnson, A Family Company.

**Res.12-3454** The "Big Chill" Snow and Ice Carving Event on January 11-13, 2013

Resolved, that the Mayor and City Clerk are authorized and directed to enter into an agreement with the Downtown Racine Corporation granting permission to place ice sculptures on City sidewalks along Sixth Street and Main Street from State Street to 7th Street, from January 11, 2013 until they melt, with the following stipulations:

A. That a clear area be established along the building line of a minimum of five feet in order to meet ADA requirements.

B. That any ice sculptures be set back a minimum of two feet from the back of the curb in order to meet Wisconsin Department of Transportation requirements.

C. That a hold harmless agreement be filed with the City Attorney's office and a \$62.50 processing fee paid.

D. That a Certificate of Liability Insurance be filed with the City Attorney's office.

Fiscal Note: N/A

Sponsors: Sandy Weidner

**Res.12-3455** Bid Results on Contract 57-12 (K2-068), Construct Home-1029 Ninth Street

Resolved, that Contract 57-12 (K2-068), Construct Home -1029 Ninth Street, is awarded to Native Construction and Landscaping, Kansasville, WI, at their bid price of \$195,200.00, plus Optional Bids 1 thru 5 totaling \$15,500.00, for a total contract amount of \$210,700.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 808.001.5700, City Development-1029 Ninth.

Sponsors: Sandy Weidner

**Res.12-3456** Installation of Temporary Banner on a Street Light Pole in Monument Square

Resolved, that in accordance with City policy, the request of the Christmas Coalition of Churches to install two (2) temporary banners on street light poles in Monument Square, from November 30, 2012 to January 2, 2013, is approved.

Fiscal Note: The placement of these banners will result in \$30.00 in revenue to the City of Racine.

Sponsors: Sandy Weidner

**Res.12-3457** Streetlight Sponsorship Plan

Resolved, that the Commissioner of Public Works draft an "Adopt-a-Streetlight" program and implementation plan by January 30, 2013 for submission to the Public Works and Services Committee for consideration.

Fiscal Note: Implementation and operation of an "Adopt-A-Streetlight" program will incur undetermined costs and additional administrative workload for the Public Works and Finance Departments.

Sponsors: Sandy Weidner

**Res.12-3458** Change Order No. 3 to Contract 43-12 (K2-052), Masonry Restoration - City Hall and City Hall Annex

Resolved, that Change Order No. 3 on Contract 43-12 (K2-052), Masonry Restorations - City Hall and City Hall Annex, RAZA LLC, contractor, is approved in the amount of \$5,342.37.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 992.100.5020, City Hall Tuckpointing.

Sponsors: Sandy Weidner

**Res.12-3459** Bid Results for Official Notice #17, One (1) 19,500 GVW Diesel Cab & Chassis with 10 Cubic Yard Forestry Chip Box

Resolved, that the bid results for Official Notice #17, One (1) 19,500 GVW Diesel Cab & Chassis with 10 Cubic Yard Forestry Chip Box is approved with Ewald's Hartford Ford with Monroe equipment being the lowest responsible bidder.

Fiscal Note: Funds are available from the 2012 budget account 101.700.5780 Licensed Vehicles Parks.

Sponsors: Gregory Holding

**Res.12-3460** Renewal of Golf Course Lease/Management Agreement

Resolved, that the Agreement from the Public Golf Associates requesting to exercise the option to renew the Golf Course Lease/Management Agreement set to expire December 31, 2012 for an additional five years commencing January 1, 2013 is approved.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.12-3461** Prohibit Parking from by Heck Park at the end of Donna Avenue - cul-de-sac area

Resolved, that no parking from 10:00 p.m. to 6:00 a.m., on Donna Avenue, west side, from 220 feet north of William Street to the east side 280 feet north of William Street, is approved.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

Sponsors: Sandy Weidner

**Res.12-3461** Prohibit Parking from by Heck Park at the end of Donna Avenue - cul-de-sac area

Resolved, that no parking from 10:00 p.m. to 6:00 a.m., on Donna Avenue, west side, from 220 feet north of William Street to the east side 280 feet north of William Street, is approved.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

Sponsors: Sandy Weidner

## H Resolutions

Res.12-3462 RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$9,830,000 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 July 10, 2012 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of providing permanent financing for the projects financed by the Refunded Obligations;

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 NINE MILLION EIGHT HUNDRED THIRTY THOUSAND DOLLARS (\$9,830,000) 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 NINE MILLION EIGHT HUNDRED THIRTY THOUSAND DOLLARS (\$9,830,000) 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 \$9,830,000; shall be dated December 27, 2012; 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 is payable semiannually on June 1 and December 1 of each year commencing on June 1, 2013. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on December 1, 2023 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on December 1, 2022 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.

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 2012 through 2025 for the payments due in the years 2013 through 2026 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 \$9,830,000 General Obligation Refunding Bonds, dated December 27, 2012" (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. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

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

Section 9. Compliance with Federal Tax Laws.

(a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to

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

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

Section 10. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the

issuance of the Bonds is hereby ratified and approved in all respects.

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

Section 12. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid. Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer. The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

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

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

Section 15. Official Statement. The Common Council hereby approves

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

Section 16. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds). To the extent required under the Rule, the 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 the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on January 7, 2013 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 E 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 Refunded Obligations are hereby ratified and approved.

Section 18. 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 19. 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 20. 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 anyone 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 December 4, 2012.

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

ATTEST:

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

Sponsors: Q.A. Shakoor, II

## I. Ordinances

### Ord.14-12 Ordinance 14-12

To repeal and recreate Section 90-28 of the Municipal Code of the City of Racine, Wisconsin relating to special assessments and special charges.

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

Part 1: Repeal and recreate Section 90-28 (b) to read as follows:

“(b) *Special assessments.* Special assessments shall be due upon determination of the amount of such assessment and may be paid without interest up to and including the due date. Any balance remaining unpaid after the due date shall be collected with interest from and after the due date at the annual interest rate specified in sub. (3), below. All unpaid balances will be collected in the following manner:”

Part 2: In Section 90-28 (b), create sub. (3) to read as follows:

“(3) The annual interest rate for all unpaid special assessment balances failing under subs. (1) and (2), above, will be adjusted every five (5) years (beginning in 2012), as follows:

a. First, the average Bank Prime Loan Interest Rate percentage for the preceding ten-year period shall be calculated. Next, a 0.5 percent administrative charge shall be added to this rate. Finally, this total interest rate percentage shall be rounded up to the nearest 0.5 percent.

*For example, if the average Bank Prime Loan Interest Rate percentage for 2002-2011 is 5.017%, then the 2012-2016 interest rate for all unpaid special assessment balances falling under subs. (1) and (2), above, are as follows:*

*5.017% (avg. 10-year Bank Prime Loan Interest Rate %)  
± 0.500% (administrative charge)  
5.517% (which is then rounded up to 6.0%)*

b. No adjustment to the special assessment interest rate shall exceed the previous rate by more than ± 2.0 percent.

c. The Bank Prime Loan Interest Rate percentage will be calculated from the annual figures released by the Federal Reserve System available at <http://www.federalreserve.gov/releases/h15/data.htm>.”

Part 3: Repeal and recreate *State law reference* to read as follows:

“*State law reference - Special assessment, Wis. Stats. §§ 66.0701; 66.0715; 74.43.*”

Part 4: 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: Q.A. Shakoor, II

Ord.15-12

Ordinance 15-12

To repeal and recreate Section 94-141 - No parking zones, schedule F, of the Municipal Code of the City of Racine, Wisconsin.

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

Part 1: In sub. (1) *No parking at any time*, repeal “Donna Avenue, west side, from 220 feet north of William Street to the east side 280 feet north of William Street.”

Part 2: In sub. (1) *No parking at any time*, include “Three Mile Road, north side, from 190 feet west of Ruby Avenue, west 117 feet.”

Part 3: Add sub. (42) “*No parking from 10:00 p.m. to 6:00 a.m.*”

Part 4: Include under sub. (42), “Donna Avenue, west side, from 220 feet north of William Street to the east side 280 feet north of William Street.”

Part 5: 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: Sandy Weidner

## J. 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.