



City of Racine

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

Meeting Agenda - Final Common Council

Mayor John T. Dickert
Alderman Jeff Coe, Alderman Gregory Holding
Alderman Michael Shields, Alderman Jim Kaplan, Alderman
David L. Maack
Alderman Sandy Weidner, Alderman Terry McCarthy, Alderman
Raymond DeHahn
Alderman Q.A. Shakoor, II, Alderman Aron Wisneski, Alderman
Robert Mozol
Alderman James T. Spangenberg, Alderman Ronald D. Hart,
Alderman Eric Marcus, Alderman Dennis Wisner

Wednesday, November 3, 2010

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 Comments

Benefit Presentation

E. Communications

Refer to Finance and Personnel Committee, by Ald. Spangenberg

[10-5746](#)

Subject: communication from the City Attorney requesting additional funding for account 101.160.5610, Professional Services, for the 2010 budget year.

[10-5751](#)

Subject: I hereby request permission to accept \$8,700.00 from the Division of Public Health of the Department of Health Services for HIV Partner Services. The funds will be used to provide services and referrals for HIV positive clients including testing of partners. The contract period is May 1, 2010 through December 31, 2010.

There is no City match required. The grant control number is 2010-038.

[10-5752](#)

Subject: I hereby request permission to accept \$36,845.00 from the Wisconsin Division of Public Health, Department of Health Services for the budget period of January 1, 2010 through December 31, 2010 for the Women,

Infants and Children (WIC) program. The funds will be used for WIC infrastructure improvements.

There is no City match required. The grant control number is 2006-049.

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

[10-5739](#) **Subject:** Communication from David K. Popoff, George's Tavern, requesting permission to close the 300 block of Hamilton Street on Saturday, March 5, 2011, for the 19th annual Thoughts for Food fundraiser.

[10-5750](#) **Subject:** Communication from Dr. Ann Yehle, McKinley Middle School Directing Principal, requesting to close off the south sidewalk of Rupert Boulevard from Chicago Street west to the cemetery during the winter.

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

[10-5730](#) **Subject:** (New) Application of Steel Rose, Abimael Gutierrez, for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1518 Washington Avenue (3rd District)

[10-5756](#) **Subject:** Communication from the Alderman of the 15th District requesting the City Attorney's Office draft a public intoxication ordinance.

Refer to Redevelopment Authority of the City of Racine, by Ald Spangenberg

[10-5745](#) **Subject:** Communication from the Director of City Development requesting that the City provide financial assistance to Summit Packaging Systems, Inc. for the expansion of its operations in the City of Racine.

(also refer to Finance and Personnel Committee)

Refer to Committee of the Whole, by Ald. Coe,

[10-5737](#) **Subject:** The Alderman of the 1st and 2nd district move that the Mayor of the City of Racine appoint one (1) Alderman to the Loan Board of Review and that such Alderman report the Board's action for approval to the Common Council with the exception of personal loans which shall only be reported in the aggregate and no personally identifiable information shall be reported to the Common Council. Further, that the Racine City Attorney be changed to a non-voting member of the Board.

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Spangenberg

[10-5663](#)

Subject: Communication from the City Attorney submitting the claim of Bobbie Schommer for consideration.

Recommendation of the Finance & Personnel Committee on

10-25-10: The claim of Bobbie Schommer, 4715 Westway Ave., 53406, requesting reimbursement in the amount of \$84.03 for an allegedly missing cell phone arising from an altercation at her home on September 3, 2010 be denied.

Fiscal Note: N/A

[10-5675](#)

Subject: Communication from the City Attorney submitting the claim of Irineo James for consideration.

Recommendation of the Finance & Personnel Committee on

10-25-10: The claim of Irineo James, 1600 St. Clair St., 53402, requesting reimbursement in the amount of \$245.00 for a window at 1204 Bluff Avenue broken by a stone that was allegedly kicked up by a DPW vehicle on July 14, 2010 be denied.

Fiscal Note: N/A

[10-5682](#)

Subject: Communication from the City Attorney submitting the claim of Derek Vega for consideration.

Recommendation of the Finance & Personnel Committee on

10-25-10: The claim of Derek Vega, 1658 N. Main St. #3, 53402, requesting reimbursement in the amount of \$100.00 arising from his car allegedly being towed from the 1600 block of Main Street due to the Triathlon event on July 18, 2010 be denied.

Fiscal Note: N/A

[10-5690](#)

Subject: Communication from the City Attorney submitting the claim of Progressive Insurance (Stephen Broad) for consideration.

Recommendation of the Finance & Personnel Committee on

10-25-10: The claim of Progressive Insurance, 1700 S. 108th St., West Allis, 53214, requesting reimbursement in the amount of \$1000.00 for repairs to their insured's (Stephen Broad) vehicle which was allegedly damaged while it was parked in the McMynn Ramp on or about July 13,

2010 be denied.

Fiscal Note: N/A

[10-5691](#)

Subject: Communication from the City Attorney submitting the claim of Patricia Oertel for consideration.

Recommendation of the Finance & Personnel Committee on

10-25-10: The claim of Patricia Oertel, 2205 St. Clair St., 53402, requesting reimbursement in the amount of \$1000.00 for repairs after a street tree allegedly fell onto her house on or about June 21, 2010 be denied.

Fiscal Note: N/A

[10-5660](#)

Subject: Communication from the Police Chief, requesting to apply for the 2010 AAA Grant (grant control # 2010-37).

Recommendation of the Finance & Personnel Committee on

10-25-10: Permission granted for the Police Chief to apply for the 2010 AAA Grant (grant control #2010-37).

Fiscal Note: There is no City match required.

[10-5662](#)

Subject: Communication from the City Attorney submitting the claim of Lucia Lemke for consideration.

Recommendation of the Finance & Personnel Committee on

10-25-10: The claim of Lucia Lemke, 4830 Hampton Ct., 53403, requesting reimbursement in the amount of \$428.47 for auto repairs after a parking sign allegedly fell on her car while she was parked on Cliff Avenue on September 9, 2010 be denied.

Fiscal Note: N/A

[10-5670](#)

Subject: Communication from the Commissioner of Public Works/City Engineer requesting to begin the process of hiring a Transportation Planner.

Recommendation of the Finance & Personnel Committee on

10-25-10: Recommend that the City begin the process of hiring a Transportation Planner now, with the understanding that filling the position in 2011 is pending budget approval.

Fiscal Note: The position is budgeted in the 2011 budget.

[10-5676](#)

Subject: Communication from the Police Chief, requesting to accept the 2010 Bulletproof Vest Partnership Grant (grant control# 2010-020).

Recommendation of the Finance & Personnel Committee on

10-25-10: Permission be granted to accept the 2010 Bulletproof Vest Partnership Grant (grant control #2010-020).

Fiscal Note: The grant application is for \$17,050.00 and will fund 50% of the cost of vests purchased in 2010. The City's portion of the purchase is budgeted in 101.311.5430.

[10-5683](#)

Subject: Communication from the City Attorney submitting the claim of Sharolynn Roche for consideration.

Recommendation of the Finance & Personnel Committee on

10-25-10: The claim of Sharolynn Roche, 2125 Superior St., 53402, requesting reimbursement in the amount of \$2000.00 for alleged repairs to the water service line for her home on or about June 15, 2010 be denied.

Fiscal Note: N/A

[10-5695](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations requesting additional funds for the City Hall remodeling for changes requested by the City Health Administrator.

Recommendation of the Finance & Personnel Committee on

10-25-10: Recommend that \$250,000 of 2009 Bonded Capital Improvement funds be transferred from account 989.000.5520 to account 989.100.5010, City Hall - Facilities Plan Implementation, to cover remodeling and ADA changes to the lower level Health Department and Women's restroom.

Fiscal Note: There are sufficient funds available for the transfer. A memo listing the projected future efficiency gains and benefits of the project to be attached to the Legistar file.

[10-5699](#)

Subject: Communication from the Purchasing Agent to award the bid for Official Notice #14, 40' X 48' adjustable stage and ten (10) panels of fold and roll risers, to StageRight Corporation at their bid price of \$91,198.00 they being the low responsive, responsible bidder.

Recommendation of the Finance & Personnel Committee on

10-25-10: To award the bid for Official Notice #14 to StageRight Corporation at their bid price of \$91,198.00 they being the low responsive, responsible bidder.

Fiscal Note: Funds for this purchase are available in account 108.989.5020.

[10-5704](#)

Subject: Communication from the Purchasing Agent requesting to discuss the bids that will be received for Official Notice #16, razing and removal of the commercial structures located at 1348, 1350 and 1354 State Street in Racine, Wisconsin and to make a recommendation for award.

Recommendation of the Finance & Personnel Committee on

10-25-10: Recommend that the bid for Official Notice #16, razing and removal of the commercial structures located at 1348, 1350 and 1354 State Street in Racine, Wisconsin be awarded to Azar LLC at the low bid of \$47,744.

Fiscal Note: Funds are available in account 719.100.5580, Racine Redevelopment Authority, HUD EDI Demolition.

[10-5709](#)

Subject: Communication from the Police Chief, requesting a waiver of formal bidding and sole-source procurement for 34 Fingerprint Scanners.

Recommendation of the Finance & Personnel Committee on

10-25-10: Waive formal bidding and authorize the purchasing agent to negotiate sole source procurement with cross match for 34 fingerprint scanners.

Fiscal Note: Funding for this purchase is budgeted in account 273.000.5950.

[10-5712](#)

Subject: Communication from the Director of City Development submitting a request from Business Improvement District No. 1, Downtown Racine, for approval of its proposed 2011 operating plan.

Recommendation of the Finance & Personnel Committee on

10-25-10: Recommend that the 2011 operating plan for Downtown Business Improvement District No. 1, dated September 30, 2010, be approved, and the Finance Director be 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 \$213,625.15 will be raised through B.I.D. assessments to be disbursed to the Downtown B.I.D.

Public Works and Services Committee Report, by Ald. Holding[10-5565](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering, on behalf of the Racine County Public Works Department, submitting a maintenance agreement for the County Bike Path in the right-of-way of Loni Lane and 21st Street.

Recommendation of the Public Works and Services Committee on 9-14-10, 9-28-10 and 10-12-10: Defer

Recommendation of the Public Works and Services Committee on 10-26-10: That the Mayor and City Clerk be authorized and directed to enter into an Intergovernmental Bike Path Maintenance Agreement with Racine County to develop and use a portion of the City's road right-of-way on 21st Street from S. Green Bay Road to Loni Lane, and on Loni Lane from 21st Street to Regency Drive, for a recreation trail for hiking, biking, and cross-country skiing and other similar non-motorized recreational uses for use by the general public and for no other purpose.

Fiscal Note: There will be no cost to the City of Racine.

[10-5575](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal for Emergency Stand By Generator Design for the Racine Fire Department.

Recommendation of the Public Works and Services Committee on 10-26-10: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with David L. Hansen & Associates, Inc. for Fire Department Generator Upgrades, in the not-to-exceed amount of \$9,500.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 213.030.5750, FEMA Other Grants.

Fiscal Note: Funds are available as herein delineated.

[10-5646](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering submitting proposals for the provision of underground facility locating services for the City-owned electrical system in 2011.

Recommendation of the Public Works and Services Committee on 10-12-10: Deferred

Recommendation of the Public Works and Services Committee on 10-26-10: That the Mayor and City Clerk be authorized and directed to enter into a one-year agreement, from January 1, 2011 through December 31, 2011, with Precise Underground Marking, Milwaukee, WI, to mark underground street lighting and traffic signal infrastructure at a per ticket price of Prescreens - \$9.27, Locates - \$11.85, Site Visit/No Conflict - \$11.85, Emergency During Business Hours - \$11.85, Emergency After Business Hours - \$41.20, Projects - \$25.75, and an hourly rate of \$6.44 per quarter hour for any locate that exceeds 60 minutes.

Further recommends that this agreement may be renewed for four one (1) year extensions provided the contractor and the City are in mutual agreement.

Further recommends that funding to defray the cost of these services are available in Account 101.590.5610, Professional Services.

Fiscal Note: Funds are available as herein delineated.

10-5684

Subject:(Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 15-10 (K0-015), PS-2010 Bridge Inspection Services, Ayres Associates, consultant.

Recommendation of the Public Works and Services Committee on 10-26-10: That the professional services provided by Ayres Associates, under Contract 15-10 (K0-015), Professional Services - 2010 Bridge Inspection Services, be accepted and final payment authorized for a total contract amount of \$14,560.63.

Fiscal Note: Contract was authorized under Resolution No. 10-1838, dated February 2, 2010.

10-5686

Subject: Communication from the Downtown Racine Corporation requesting to use city right-of-way for the annual Holiday Parade on Saturday, November 13, 2010.

Recommendation of the Public Works and Services Committee on 10-26-10: That the Downtown Racine Corporation be granted permission to close Main Street between State Street and Sixth Street between Main Street and Marquette Street, on Saturday, November 13, 2010, from 4:00 p.m. to 6:30 p.m., for the Downtown Holiday Parade with the following conditions:

- A. A hold harmless agreement be executed;
- 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. Sponsor shall notify all abutting property occupants 72 hours in advance of the event.
- E. The sponsor shall be responsible for the signing of the necessary detours for the State Highway route.
- F. The sponsor shall pay a \$750 special event fee.

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

Fiscal Note: There will be nominal costs incurred on a regular shift basis to provide limited assistance to implement this event.

10-5696

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No.1 to Contract 60-09 (K9-061), Professional Services-Basin KK Dye Water Flooding, AECOM, consultant.

Recommendation of the Public Works and Services Committee on 10-26-10: That Amendment No. 1 to Contract 60-09 (K9-061), Professional Services - Basin KK Dye Water Flooding, AECOM Technical Services, Inc., consultant, as submitted, be approved in the amount of \$1,104.26.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 287.990.5310, Sanitary Sewers.

Fiscal Note: Funds are available as herein delineated.

10-5697

Subject: (Direct Referral) Communication from Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 60-09 (K9-061), Professional Services-Basin KK Dye Water Flooding, AECOM, consultant.

Recommendation of the Public Works and Services Committee on 10-26-10: That the professional services provided by AECOM Technical Services, Inc., under Contract 60-09 (K9-061), Professional Services - Basin KK Dye Water Flooding, be accepted and final payment authorized for a total contract amount of \$15,297.26.

Fiscal Note: Contract was authorized under Resolution No. 09-1578, dated September 1, 2009.

10-5714

Subject: (Direct Referral) Communication from the Assistant

Commissioner Public Works/Engineering submitting Amendment No. 2 on Contract 28-09 (K9-029), Sewer System Data Models Phase II, AECOM, consultant.

Recommendation of the Public Works and Services Committee on 10-26-10: That Amendment No. 2 to Contract 28-09 (K9-029), Professional Services - Sewer System Data Models, Phase II, AECOM Technical Services, Inc., consultant, as submitted, be approved in the amount of \$2,400.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 287.990.5310, Sanitary Sewers.

Fiscal Note: Funds are available as herein delineated.

[10-5715](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 24-10 (K0-029), 2010 Street Lighting Improvements, Outdoor Lighting Construction Company, contractor.

Recommendation of the Public Works and Services Committee on 10-26-10: That Change Order No. 1 on Contract 24-10 (K0-029), 2010 Street Lighting Improvements, Outdoor Lighting Construction Co., Inc., contractor, be approved in the amount of \$13,765.96.

Further recommends that funding to defray the cost of this change order be appropriated from Account 989.908.5220, Asphalt Resurfacing.

Fiscal Note: Funds are available as herein delineated.

[10-5716](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 24-10 (K0-029), 2010 Street Lighting Improvements, Outdoor Lighting Construction Company, contractor.

Recommendation of the Public Works and Services Committee on 10-26-10: That the work done by Outdoor Lighting Construction Co., Inc. under Contract 24-10 (K0-029), 2010 Street Lighting Improvements, be accepted and final payment authorized for a total contract amount of \$82,028.99.

Fiscal Note: Contract was authorized under Resolution No. 10-2015, dated May 18, 2010.

[10-5717](#)

Subject: Communication from Pat Miller, 1706 Rapids Drive, requesting to install a stationary, projecting awning over city right-of-way.

Recommendation of the Public Works and Services Committee on

10-26-10: The property owner of 1706 Rapids Drive be granted permission to install two (2) stationary, projecting awnings, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

Further recommends that the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

Fiscal Note: There will be no cost to the City of Racine.

10-5729

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 50-10 (K0-064), Generator Replacement at Racine Radio Tower.

Recommendation of the Public Works and Services Committee on

10-26-10: That Contract 50-10 (K0-064), Generator Replacement at Racine Radio Tower, be awarded to Great Lakes Electric, Kenosha, WI, at their bid price of \$43,950.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 989.310.5040, Radio Tower Generator Replacement.

Fiscal Note: Funds are available as herein delineated.

10-5731

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 2 to Contract 39-10 (K0-048), Festival Hall Retaining Wall Repairs, Ricchio, Inc., contractor.

Recommendation of the Public Works and Services Committee on

10-26-10: That Change Order No. 2 on Contract 39-10 (K0-048), Festival Hall Retaining Wall Repair, Ricchio, Inc., contractor, be approved in the amount of \$1,405.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 108.990.5010, Festival Hall-Retaining Wall Repairs.

Fiscal Note: Funds are available as herein delineated.

10-5738

Subject: (Direct Referral) Communication from the Commissioner of

Public Works/City Engineer submitting a request for final payment on Contract 28-10 (K0-033), Digital Color Orthophotography, Southeastern Wisconsin Regional Planning Commission, consultant.

Recommendation of the Public Works and Services Committee on 10-26-10: That the work done by the Southeastern Wisconsin Regional Planning Commission under Contract 28-10 (K0-033), Digital Color Orthophotography, be accepted and final payment authorized for a total contract amount of \$17,385.00.

Fiscal Note: Contract was authorized under Resolution No. 10-1869, dated February 16, 2010.

Public Safety and Licensing Committee Report, by Ald. Wisneski

10-5665

Subject: (New) Application of 3 Mile BP LLC, Rabi Nesheiwat, Agent for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3945 Erie Street. (15th District)

Recommendation of the Public Safety & Licensing Committee on 10-25-2010: That the item be received and filed as applicants have not been State of Wisconsin residents for 90 days which is required by Statute.

Fiscal Note: N/A

10-5674

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to meet with the Public Safety and Licensing Committee to present the bids received by the Commissioner of Public Works for Roof Replacement at North Beach Bath House.

Recommendation of the Public Safety & Licensing Committee on 10-25-2010: That the bid for Contract 48-10(K0-062) Roof Replacement at North Beach Bathhouse, be awarded to Wenger Construction Inc., in the amount of their Base Bid of \$44,726.00 and the Mandatory Alternate Bid #1 of \$6,367.00 for a total bid of \$51,093.00, they being the lowest responsible bidder.

Fiscal Note: Funds are available in account 990-700-5030, Parks Facilities Upgrades - 10 year plan.

10-5692

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the sale of abandoned vehicles for October 12, 2010.

Recommendation of the Public Safety & Licensing Committee on 10-25-10: That the request be received and filed.

Fiscal Note: This will generate \$8,450.01 in revenue.

[10-5693](#)

Subject: (Direct Referral) Communication from Douglas E. Nicholson requesting to amend the premise description for Ivanhoe Pub & Eatery, 231 Main Street to include the outside deck immediately outside the south side door.

Recommendation of the Public Safety & Licensing Committee on

10-25-2010: That the amendment to the premise description for Ivanhoe's Pub & Eatery, 231 Main Street, to include the outside deck immediately outside the south side door be approved.

[10-5747](#)

Subject: ORDINANCE NO. 16-10

To amend Sec. 30-121 of the Municipal Code of the City of Racine, Wisconsin relating to Cemeteries-Lots; Sale; numbering of burial spaces.

Recommendation of the Public Safety & Licensing Committee on

10-25-2010: That Ordinance 16-10 be adopted.

Fiscal Note: N/A

[10-5748](#)

Subject: ORDINANCE NO. 17-10

To repeal Secs. 66-616, 66-617, 66-618 and 66-619 and to recreate Secs. 66-616 and 66-617 of the Municipal Code of the City of Racine, Wisconsin relating to Smoking - Prohibited.

Recommendation of the Public Safety & Licensing Committee of

10-25-2010: That Ordinance 17-10 be adopted.

Fiscal Note: N/A

Traffic Commission Report, by Ald. Holding

[10-5605](#)

Subject: Communication from the Alderman of the 13th District to change the speed limit to 25 mph in the 3200 and 3300 blocks of Republic Avenue.

Recommendation of the Traffic Commission on 10-18-10: Receive and file.

Fiscal Note: N/A

[10-5640](#)

Subject: Communication from Ronald Farnsworth, USPS Postmaster, requesting "No Parking" signs be placed in front of mail receptacles

located on the vacant lot on Jacato Drive.

Recommendation of the Traffic Commission on 10-18-10: Receive and file.

Fiscal Note: N/A

Transit and Parking Commission Report, by Ald. DeHahn

[10-5628](#)

Subject: Communication from the Assistant Finance Director submitting the 2009 Transit financial statements for review.

Recommendation of the Transit and Parking Commission on 10-27-10: Receive and file.

Fiscal Note: N/A

[10-5687](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the results of the RFP for the management of the BUS.

Recommendation of the Transit and Parking Commission on 10-27-10: Approve having the Mayor and City Clerk enter into a contract with First Transit to manage the BUS.

Fiscal Note: Funding is available in the 2011 BUS budget.

[10-5694](#)

Subject: Communication from the General Manager for the Belle Urban System requesting authorization to have Corporate Images provide improvements/enhancements to the Belle Urban System website.

Recommendation of the Transit and Parking Commission on 10-27-10: Approve the agreement to provide improvements/enhancements to the BUS website and authorize the Mayor and City Clerk to enter into an agreement with Corporate Images in the not-to-exceed amount of \$5,000.00

Fiscal Note: Estimated cost is in the not-to-exceed amount of \$5,000.00 and funding is available in Account No. 105.600.5610, Professional Services.

[10-5711](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations requesting to review proposed signage to honor Ms. Corinne Reid-Owens. (Res. 10-2189).

Recommendation of the Transit and Parking Commission on 10-27-10: Approve the signage proposal provided by ARC for the design of a new sign naming the Racine Metro Transit Center to honor

Ms. Corinne Reid-Owens and authorize the Purchasing Agent to proceed with the purchase of this signage..

Fiscal Note: The estimated project cost is \$20,000.00 and funding is available in Account No. 105.900.5010, Capital Projects.

[10-5728](#)

Subject: (Direct Referral) Communication from the General Manager of PTMR submitting the monthly report for the BUS.

Recommendation of the Transit and Parking Commission on 10-27-10: Receive and file.

Fiscal Note: N/A

City Plan Commission Report, by Ald. Holding

[10-5743](#)

Subject: (Direct Referral) Request by Fouad Saab, representing Careers Industries, for Conditional Use approval to locate their offices and light manufacturing at 4901 Washington Avenue (Westgate Mall).

Recommendation of the City Plan Commission on 10-27-10: That the request be approved subject to conditions.

Fiscal Note: N/A

[10-5744](#)

Subject: (Direct Referral) Request by the Department of City Development seeking a rezoning of 716 and 720 - 17th Street from B-1 Neighborhood Convenience District to R-3 Limited General Residence District.

Recommendation of the City Plan Commission on 10-27-10: That an ordinance be prepared and a public hearing scheduled.

Fiscal Note: N/A

Office of the Mayor Report, by Ald. Coe,

[10-5755](#)

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

Appoint Alderman Dennis Wiser 2517 Pinehurst Ave, Racine 53403 to the Library Board to fill the current vacancy set to expire on June 1, 2011

Reappoint Ryan Rudie 920 Goold, Racine 53402 to the Downtown Area

Design Review Commission to a 3 year term expiring on November 1, 2011

Reappoint Richard Christensen 1037 Kentucky St, Racine 53405 to the Downtown Area Design Review Commission to a 3 year term expiring on November 1, 2011

Reappoint Micah Waters 301 6th St, Racine 53403 to the Downtown Area Design Review Commission to a 3 year term expiring on November 1, 2011

Reappoint Alderman Jeff Coe 1044 Villa St, Racine 53403 to the Downtown Area Design Review Commission for a term of a 1 year expiring on November 1, 2012

Reappoint Gary Wolfe 405 6th St, Racine 53403 to the Downtown Area Design Review Commission to a 3 year term expiring on November 1, 2011

Reappoint Dave Popoff 1201 N. Main St, Racine 53403 to the Downtown Area Design Review Commission to a 3 year term expiring on November 1, 2011

Water Works Committee Report, by Ald Hart

[10-5679](#)

Subject: Relocation Agreement with the Wisconsin Department of Transportation for Relocation of Hydrants on Highway 20

Recommendation of the Racine Waterworks Commission on 10-26-10: To approve. Refer to the Finance and Personnel Committee for approval

Cemetery Commission Report, by Ald Weidner

[10-5652](#)

Subject: Review and Discussion of RFP's for Cemetery Audit

Recommendation of the Board of Cemetery Commissioners on October 18, 2010: To Accept the proposal submitted by Public Administration Associates, LLC.

Fiscal Note: \$12,800.00 to be paid for Audit

G. Consent Agenda - Resolutions

Res.10-2235 Permission be granted to Police Chief to accept the 2010 Bulletproof Vest Partnership Grant

Resolved, that the Police Chief be granted permission to accept the 2010 Bulletproof Vest Partnership Grant (Grant Control #2010-020) in the amount of \$17,050.00.

Fiscal Note: This grant will reimburse 50% of the cost of vests purchased in 2010. The remainder of the cost is available in fund 101-311-5430, Police Department.

Sponsors: James T. Spangenberg

Res.10-2236 Permission granted to the Chief of Police to apply for the 2010 AAA Grant

Resolved, that the Chief of Police be granted permission to apply for the 2010 AAA Grant (grant control #2010-37).

Fiscal Note: There is no City match required.

Sponsors: James T. Spangenberg

Res.10-2237 Formal bidding procedures be waived and the Purchasing Agent be authorized to negotiate sole-source procurement for 34 Fingerprint Scanners.

Resolved, that being in the best interest of the City, formal bidding procedures be waived, and the Purchasing Agent be authorized and directed to negotiate sole source procurement with cross match for 34 fingerprint scanners.

Fiscal Note: Funding for this purchase is budgeted in account 273.000.5950.

Sponsors: James T. Spangenberg

Res.10-2238 Award bid for Official Notice #14, 40' x 48' adjustable stage and ten (10) panels of fold and roll risers

Resolved, that the Purchasing Agent be granted permission to accept the bid for Official Notice #14, 40' X 48' adjustable stage and ten (10) panels of fold and roll risers, from StageRight Corporation for \$91,198.00.

Fiscal Note: Funds for this purchase are available in account

108.989.5020.

Sponsors: James T. Spangenberg

Res.10-2239 Award Bid for Official Notice #16, Razing and Removal of Commercial Structures located at 1348, 1350 and 1354 State Street

Resolved, that the bid of Azar LLC for Official Notice #16, razing and removal of the commercial structures located at 1348, 1350 and 1354 State Street in Racine, Wisconsin be accepted at their bid price of \$47,744, they being the low responsive, responsible bidder.

Fiscal Note: Funds are available in account 719.100.5580, Racine Redevelopment Authority, HUD EDI Demolition.

Sponsors: James T. Spangenberg

Res.10-2240 Permission granted for additional funds for the City Hall remodeling for changes requested by the City Health Administrator.

Resolved, that \$250,000 of 2009 Bonded Capital Improvement funds be transferred from account 989.000.5520 to account 989.100.5010, City Hall - Facilities Plan Implementation, to cover remodeling and ADA changes to the lower level Health Department and Women's restroom.

Fiscal Note: There are sufficient funds available for the transfer. A memo listing the projected future efficiency gains and benefits of the project to be attached to the Legistar file.

Sponsors: James T. Spangenberg

Res.10-2241 2011 Operating Plan for Downtown Business Improvement District No. 1 be approved

Resolved, that the 2011 Operating Plan for Downtown Business Improvement District No. 1, dated September 30, 2010, be approved, and the Finance Director be 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 \$213,625.15 will be raised through B.I.D. assessments to be disbursed to the Downtown B.I.D.

Sponsors: James T. Spangenberg

Res.10-2243 Permission granted to install a stationary, projecting awning over city right-of-way at 1706 Rapids Drive with stipulation that a hold harmless agreement be executed

Resolved, that the property owner of 1706 Rapids Drive be granted permission to install two (2) stationary, projecting awnings, as requested, with the stipulation that a hold harmless agreement be

executed, in accordance with State Statute 66.0425, Privileges in Streets.

Further recommends that the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

Fiscal Note: There will be no cost to the City of Racine.

Sponsors: Gregory Holding

Res.10-2244 Permission granted to DRC to close City streets for annual Holiday Parade on November 13, 2010

Resolved, that permission be granted to the Downtown Racine Corporation to close Main Street between State Street and Sixth Street between Main Street and Marquette Street, on Saturday, November 13, 2010, from 4:00 p.m. to 6:30 p.m., for their annual Downtown Holiday Parade with the following conditions:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. Sponsor shall notify all abutting property occupants 72 hours in advance of the event;
- E. The sponsor shall be responsible for the signing of the necessary detours for the State Highway route;
- F. The sponsor shall pay a \$750 special event fee.

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

Fiscal Note: There will be nominal costs incurred on a regular shift basis to provide limited assistance to implement this event.

Sponsors: Gregory Holding

Res.10-2245 Award bid for Generator Replacement at Racine Radio Tower

Resolved, that Contract 50-10 (K0-064), Generator Replacement at Racine Radio Tower, be awarded to Great Lakes Electric, Kenosha, WI, at their bid price of \$43,950.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 989.310.5040, Radio Tower Generator Replacement.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-2246 Amendment No.1 to Contract 60-09 (K9-061), Professional Services-Basin KK Dye Water Flooding, AECOM, consultant.

Resolved, that Amendment No. 1 to Contract 60-09 (K9-061), Professional Services - Basin KK Dye Water Flooding, AECOM Technical Services, Inc., consultant, as submitted, be approved in the amount of \$1,104.26.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 287.990.5310, Sanitary Sewers.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-2247 Work be accepted and final payment on Contract 60-09 (K9-061), Professional Services-Basin KK Dye Water Flooding, AECOM, consultant.

Resolved, that the professional services provided by AECOM Technical Services, Inc., under Contract 60-09 (K9-061), Professional Services - Basin KK Dye Water Flooding, be accepted and final payment authorized for a total contract amount of \$15,297.26.

Fiscal Note: Contract was authorized under Resolution No. 09-1578, dated September 1, 2009.

Sponsors: Gregory Holding

Res.10-2248 Work be accepted and final payment on Contract 15-10 (K0-015), PS-2010 Bridge Inspection Services, Ayres Associates, consultant.

Resolved, that the professional services provided by Ayres Associates, under Contract 15-10 (K0-015), Professional Services - 2010 Bridge Inspection Services, be accepted and final payment authorized for a total contract amount of \$14,560.63.

Fiscal Note: Contract was authorized under Resolution No. 10-1838, dated February 2, 2010.

Sponsors: Gregory Holding

Res.10-2249 Change Order No. 1 on Contract 24-10 (K0-029), 2010 Street Lighting Improvements, Outdoor Lighting Construction Company, contractor.

Resolved, that Change Order No. 1 on Contract 24-10 (K0-029), 2010

Street Lighting Improvements, Outdoor Lighting Construction Co., Inc., contractor, be approved in the amount of \$13,765.96.

Further recommends that funding to defray the cost of this change order be appropriated from Account 989.908.5220, Asphalt Resurfacing.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-2250 Work be accepted and final payment authorized on Contract 24-10 (K0-029), 2010 Street Lighting Improvements, Outdoor Lighting Construction Company, contractor.

Resolved, that the work done by Outdoor Lighting Construction Co., Inc. under Contract 24-10 (K0-029), 2010 Street Lighting Improvements, be accepted and final payment authorized for a total contract amount of \$82,028.99.

Fiscal Note: Contract was authorized under Resolution No. 10-2015, dated May 18, 2010.

Sponsors: Gregory Holding

Res.10-2251 Work be accepted and final payment authorized on Contract 28-10 (K0-033), Digital Color Orthophotography, Southeastern Wisconsin Regional Planning Commission, consultant.

Resolved, that the work done by the Southeastern Wisconsin Regional Planning Commission under Contract 28-10 (K0-033), Digital Color Orthophotography, be accepted and final payment authorized for a total contract amount of \$17,385.00.

Fiscal Note: Contract was authorized under Resolution No. 10-1869, dated February 16, 2010.

Sponsors: Gregory Holding

Res.10-2252 Mayor and City Clerk be authorized to enter into a Professional Services Agreement with David L. Hansen & Associates, Inc. for Emergency Stand By Generator Design for the Racine Fire Department.

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with David L. Hansen & Associates, Inc. for fire Department Generator Upgrades, in the not-to-exceed amount of \$9,500.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 213.030.5750, FEMA Other Grants.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

[Res.10-2253](#) Change Order No. 2 to Contract 39-10 (K0-048), Festival Hall Retaining Wall Repairs, Ricchio, Inc., contractor.

Resolved, that Change Order No. 2 on Contract 39-10 (K0-048), Festival Hall Retaining Wall Repair, Ricchio, Inc., contractor, be approved in the amount of \$1,405.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 108.990.5010, Festival Hall-Retaining Wall Repairs.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

[Res.10-2254](#) Mayor and City Clerk be authorized to enter into a maintenance agreement for the County Bike Path in the right-of-way of Loni Lane and 21st Street.

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an Intergovernmental Bike Path Maintenance Agreement with Racine County to develop and use a portion of the City's road right-of-way on 21st Street from S. Green Bay Road to Loni Lane, and on Loni Lane from 21st Street to Regency Drive, for a recreation trail for hiking, biking, and cross-country skiing and other similar non-motorized recreational uses for use by the general public and for no other purpose.

Fiscal Note: There will be no cost to the City of Racine.

Sponsors: Gregory Holding

[Res.10-2255](#) Mayor and City Clerk be authorized to enter into an agreement with Precise Underground Marking for underground facility locating services for the City-owned electrical system in 2011.

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a one-year agreement, from January 1, 2011 through December 31, 2011, with Precise Underground Marking, Milwaukee, WI, to mark underground street lighting and traffic signal infrastructure at a per ticket price of Prescreens - \$9.27, Locates - \$11.85, Site Visit/No Conflict - \$11.85, Emergency During Business Hours - \$11.85, Emergency After Business Hours - \$41.20, Projects - \$25.75, and an hourly rate of \$6.44 per quarter hour for any locate that exceeds 60 minutes.

Further recommends that this agreement may be renewed for four one (1) year extensions provided the contractor and the City are in mutual agreement.

Further recommends that funding to defray the cost of these services are available in Account 101.590.5610, Professional Services.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-2256 Amendment No. 2 on Contract 28-09 (K9-029), Sewer System Data Models Phase II, AECOM, consultant.

Resolved, that Amendment No. 2 to Contract 28-09 (K9-029), Professional Services - Sewer System Data Models, Phase II, AECOM Technical Services, Inc., consultant, as submitted, be approved in the amount of \$2,400.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 287.990.5310, Sanitary Sewers.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-2257 Award Bid for Contract 48-10 (K0-062, Roof Replacement at North Beach Bath House.

Resolved, that the bid for Contract 48-10(K0-062) Roof Replacement at North Beach Bathhouse, be awarded to Wenger Construction Inc., in the amount of their Base Bid of \$44,726.00 and the Mandatory Alternate Bid #1 of \$6,367.00 for a total bid of \$51,093.00, they being the lowest responsible bidder.

Fiscal Note: Funds are available in account 990-700-5030, Parks Facilities Upgrades - 10 year plan.

Sponsors: Aron Wisneski

Res.10-2258 Transit and Parking Commission be authorized and directed to negotiate a contract with First Transit to manage the BUS and the Mayor and City Clerk be authorized to enter into a contract with First Transit

Resolved, that the Transit and Parking Commission be authorized and directed to negotiate a contract with First Transit to manage the BUS and the Mayor and City Clerk be authorized and directed to enter into a contract with First Transit.

Fiscal Note: Funding is available in the 2011 BUS budget.

Sponsors: Raymond DeHahn

Res.10-2259 Mayor and City Clerk be authorized to enter into an agreement for the Belle Urban System with Corporate Images to provide improvements/enhancements to the Belle Urban System website.

Resolved, that the Mayor and City Clerk be authorized to enter into an agreement to provide improvements/enhancements to the BUS website with Corporate Images in the not-to-exceed amount of \$5,000.00

Fiscal Note: Estimated cost is in the not-to-exceed amount of \$5,000.00 and funding is available in Account No. 105.600.5610, Professional Services.

Sponsors: Raymond DeHahn

Res.10-2260 Purchasing Agent be authorized to proceed with proposed signage to honor Ms. Corinne Reid-Owens

Resolved, that the signage proposal provided by ARC for the design of a new site naming the Racine Metro Transit Center to honor Ms. Corinne Reid-Owens and authorize the Purchasing Agent to proceed with the purchase of this signage.

Fiscal Note: The estimated project cost is \$20,000.00 and funding is available in Account No. 105.900.5010, Capital Projects.

Sponsors: Raymond DeHahn

Res.10-2261 Permission granted for approval of a Conditional Use Permit to accommodate new offices and light manufacturing for Careers Industries at 4901 Washington Avenue (Westgate Mall) subject to the following conditions

Resolved, that a Conditional Use Permit to accommodate new offices and light manufacturing for Careers Industries at 4901 Washington Avenue (Westgate Mall) subject to the following conditions

- a. That the plans presented to the Plan Commission on October 27, 2010, 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 proposed driveway opening be submitted to

the Commissioner of Public Works for review and approval.

- e. That the parking/drop-off area in the rear be sealed and restriped prior to issuance of an occupancy permit and that within 24 months the parking lot be resurfaced.
- f. Signage shall be reviewed and approved per zoning code requirements as well as the sign criteria adopted for Westgate Mall.
- g. That the hours of operation be 8:00 a.m. - 5:00 p.m., Monday through Friday.
- h. 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.
- i. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.10-2262 Permission to accept proposal for Cemetery Audit

Resolved, that the proposal submitted by Public Administration Associates, LLC be accepted.

Fiscal Note: Funds in the amount of \$12,800.00 are available in Professional Services account, 207-000-5610

Sponsors: Sandy Weidner

H. Resolutions

Res.10-2242 RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$9,850,000 TAXABLE 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 paying the cost of refinancing certain outstanding obligations of the City,

specifically, the Note Anticipation Notes, dated July 27, 2010 (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 Refunded Obligations provided temporary, short-term financing for capital improvement projects and acquisitions set forth in the City's 2010 Capital Improvement Plan (the "Project"), and the Common Council has deemed it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of refinancing the capital expenditures originally financed with the Refunded Obligations and providing permanent financing for the Project;

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;

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");

WHEREAS, it is the finding of the Common Council that it is desirable and in the best interest of the City to take the steps necessary to irrevocably designate the Bonds to be qualified "Build America Bonds" within the meaning of Subsection 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations promulgated thereunder by the U.S. Department of Treasury (the "Regulations") so that the City may claim refundable credits with respect to each interest payment on the Bonds, payable to the City by the Secretary of the United States Department of the Treasury ("Treasury"); and WHEREAS, because the Common Council will designate the Bonds to be qualified Build America Bonds, the interest on the Bonds will be includible in gross income for federal income tax purposes under Subsection 54AA(f)(1) of the Code.

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 FIFTY THOUSAND DOLLARS (\$9,850,000) 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

FIFTY THOUSAND DOLLARS (\$9,850,000) 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 "Taxable General Obligation Refunding Bonds (Build America Bonds - Direct Payment)"; shall be issued in the aggregate principal amount of \$9,850,000; shall be dated November 24, 2010; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum; and mature on December 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2011. 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. (a) Optional Redemption: The Bonds maturing on December 1, 2021 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on December 1, 2020 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.

(b) Mandatory 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 2010 through 2023 for the payments due in the years 2011 through 2024 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 \$9,850,000 Taxable General Obligation Refunding Bonds (Build America Bonds - Direct Payment), dated November 24, 2010" (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) all Direct Payments (defined below) received by the City; 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 Code and any applicable 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. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments.

Section 8. Qualified Build America Bond Designation; Irrevocable Election; Compliance with Federal Tax Laws. (a) The Bonds are hereby irrevocably designated qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code, and the City hereby irrevocably elects to apply Subsection 54AA(g) of the Code to the Bonds. The City represents that all Bond Proceeds, less costs of issuance financed with such Bond Proceeds (which costs shall be in an amount not to exceed 2% of such Bond Proceeds) plus all income from temporary Permitted Investments with respect to such Bond Proceeds ("Available Project Proceeds") shall be used only to refinance capital expenditures. The City acknowledges that among the requirements for the Bonds to qualify and continue to qualify as qualified Build America Bonds is that the Bonds, but for their qualified Build America Bond designation, would be tax-exempt for federal income tax purposes, and hence that the requirements of the Code and Regulations regarding tax-exempt obligations apply to the Bonds. The City hereby covenants to comply with such requirements.

(b) The City thus further represents and covenants that the projects financed by the Bonds and the Refunded Obligations and their ownership, management and use 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 qualified Build America Bond status of 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 the Bonds to lose their status as qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code and the Regulations. 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.

(c) 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.

(d) 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. Qualified Build America Bonds - Application for Direct Payments to the City. The City shall claim available refundable credits from the Treasury with respect to each interest payment on the Bonds as provided under Subsection 54AA(g)(1) of the Code ("Direct Payments"). The Fiscal Agent (defined below) is hereby authorized and directed to take all necessary actions on behalf of the City to apply for the receipt by the City of such Direct Payments, including the timely filing of necessary Internal Revenue Service forms and information returns for that purpose and/or submitting requests electronically if and as the Treasury establishes an electronic platform in connection with its direct payment procedures. All Direct Payments received by the City shall be promptly deposited in the Debt Service Fund Account and used for no other purpose than as provided in Section 6 of this Resolution.

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") 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).

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. Payment of the Refunded Obligations. The Bonds are being issued to refund the Refunded Obligations on their December 17, 2010 redemption date. Proceeds of the Bonds shall be applied to payment of the Refunded Obligations on that date.

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 of the Bonds 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 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.

Sponsors: James T. Spangenberg

I. Ordinances

ZOrd.4-10

AN ORDINANCE REZONING 716 AND 720 - 17th Street

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 716 and 720 17th Street and more particularly described as follows:

“Those lands located in Township 3 North, Range 23 East, in the Northwest $\frac{1}{4}$ of Section 21, in Block 6 of Holborn’s Partition Plat, being the Eastern 31.3 feet of the Western $\frac{1}{2}$ of the Southern 80 feet, and the Western 93.22 feet of the Western $\frac{1}{2}$ of the Southern 80 feet. Said land being in the City of Racine, Racine County, Wisconsin”

be rezoned from from B-1 Neighborhood Convenience District to R-3 Limited General Residence District.

Part 2

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

FISCAL NOTE: N/A

Sponsors: Gregory Holding

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.