



City of Racine

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

Meeting Agenda - Final Common Council

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

Wednesday, December 20, 2017

7:00 PM

City Hall, Room 205

Wednesday due to Election

A. Call To Order

B. Pledge of Allegiance To The Flag

C. Approval of Journal of Council Proceedings (Minutes)

December 4, 2017, December 5, 2017, and December 11, 2017

D. Public Comments

E. Communications

[1259-17](#)

Subject: (Direct Referral) Communication from Mayor Mason seeking to authorize the expenditure of up to \$100,000 in Wastewater Utility Surcharge Funds to pay for professional engineering and legal consulting services in support of City negotiations toward the possible provision of water and/or wastewater service and/or capacity to jurisdictions outside of the City.

Staff Recommendation on 12-20-2017: That the Common Council authorize the expenditure of not-to-exceed \$100,000 in Wastewater Capital surcharge revenues to engage professional consulting services in support of City negotiations toward the possible provision of water and/or

wastewater service and/or capacity to jurisdictions outside the City.

Fiscal Note: Fund are available in the wastewater utility surcharge fund, org: 40103.

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

[1252-17](#) Subject: Communication from the Alderman of the 12th district requesting a change to the Donations Policy adopted as Item 6 of the February 1, 2005 Finance and Personnel Committee Report by changing the dollar limit delineated in restriction number 3 from \$500 to \$2,500.

[1254-17](#) Subject: Communication from the Finance Director requesting to add Standard Retirement Services, Inc. as a Section 457B provider for deferred compensation and termination of Security Benefits as a Section 457B provider for deferred compensation.

[1258-17](#) Subject: Communication from the Manager of Housing and Community Development to apply for and accept an \$8,000 grant from Associated Bank to be used for fair housing and fair lending education.

[1260-17](#) Subject: Communication from the City Administrator to authorize the payment of \$15,650.00 in City-maintained Room Tax funds to the Downtown Racine Corporation to fund the purchase of a portable ice rink, associated equipment, and operations expenditures in support of the installation, operation, maintenance, and removal of facilities and equipment for public ice skating on Monument Square for the winter season 2018.

Staff Recommendation on 12-20-17: That the Common Council approve the request and fund the Downtown Racine Corporation seasonal ice-skating program.

Fiscal Note: Fund are available in the org: 20617

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

[1248-17](#) Subject: Communication from the Assistant Commissioner of Public Works/City Engineer submitting a proposal for Contract 20180006, PS - 2018 Stormwater Utility Support Services, AECOM, consultant.

[1249-17](#) Subject: Communication requesting authorization and direction that certain City-owned parcels of real estate may be utilized by the City of Racine and/or the State of Wisconsin for the STH 20 Washington Avenue (Roosevelt Av-West Blvd) Road Improvement Project (R/W Project ID 2440-09-20), including the right to construct, cut and/or fill slopes and including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove, or plant

thereon any vegetation that the highway authorities may deem necessary or desirable in and to the following lands in City of Racine, Racine County, Wisconsin, described as follows:

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

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

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

Refer to Traffic Commission, by Ald. Jones

[1207-17](#) Subject: Communication from the Alderman of the 8th District, on behalf of Marco Chavez - 1443 Carlisle Avenue, requesting stop signs at the intersection of Carlisle Avenue and Kewaunee Street.

[1247-17](#) Subject: Communication from the Alderwoman of the 15th District requesting traffic control measures at the corner of Carlton Drive and La Salle Street.

[1256-17](#) Subject: Communication from the Alderwoman of the 6th District, on behalf of Laura Sumner Coon, requesting traffic control along Yout Street near Wadewitz Elementary School (2700 Yout St.).

F. Appointment to the Cemetery Board

[1261-17](#) Subject: Communication from the Alderwoman of the 6th, requesting to appoint a new member to the Cemetery Board.

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor II

[1086-17](#) Subject: Communication from the City Attorney submitting the claim of Vevlon Days-Kimmons for consideration.

Recommendation of the Finance & Personnel Committee on 12.11.2017:
That the claim of Vevlon Days-Kimmons be denied.

Fiscal Note: N/A

[1132-17](#) Subject: Request to approve a Memorandum of Understanding with

Yorkville for water supply and authorize the Waterworks Commission President to sign the agreement.

Recommendation of the Finance & Personnel Committee on 12.11.2017: To approve a Memorandum of Understanding with Yorkville for water supply and authorize the Waterworks Commission President to sign the agreement.

Fiscal Note: The Town of Yorkville will be responsible for all costs incurred relating to the diversion application, water supply and wastewater expenses.

[1134-17](#)

Subject: Communication from the General Manager presenting a bond refinancing opportunity developed by R. W. Baird. (Res. 0413-17)

Recommendation of the Waterworks Commission on 11/28/17: Approve

Recommendation of the Finance & Personnel Committee on 12.11.2017: To approve the Waterworks bond refinancing as presented by R. W. Baird.

Fiscal Note: The Waterworks Commission hopes to save between \$75,000 and \$300,000 on refinancing bonds from 2009 and 2011.

[1138-17](#)

Subject: Submittal of the amended Year 2018 Water Utility Operations and Maintenance Budget and the amended 2018-2022 Capital Improvements Budget.

Recommendation of the Waterworks Commission on 11/28/17: To adopt.

Recommendation of the Finance & Personnel Committee on 12.11.2017: Recommend that Resolution 0376-17 adopted on November 7, 2017 be rescinded and that the revised 2018 Waterworks Operations and Maintenance Budget and 2018-2022 Capital Improvements Plan be adopted as presented and as original budgets.

Fiscal Note: Funds to support the 2018 O&M budget and 2018 CIP will come from PSC approved water rates and the Mt. Pleasant TID.

[1160-17](#)

Subject: A request from the Mayor and City Administrator to approve an Amendment to the Joint Dispatch Service Agreement to provide for the inclusion of the city of Burlington, and to share among the parties certain cost savings resulting therefrom. (Res. 0420-17)

Recommendation of the Finance & Personnel Committee on 12.11.2017: To approve the proposed Amended Contract for Joint Dispatch Services as attached, and to authorize the Mayor and City Clerk to execute the document on behalf of the City of Racine.

Fiscal Note: If the City approves and enters into this proposed amendment, we will achieve actual combined savings of \$419,913.00 - received as discounts against what we would otherwise be contractually obligated to pay for dispatch services for the ten-year period: 2019-2029.

[1162-17](#)

Subject: Communication from the Human Resources Manager and the City Attorney submitting the Racine Professional Employees Association 2018 collective bargaining agreement for consideration. (Res. 0417-17)

Recommendation of the Finance & Personnel Committee on 12.11.2017: The Racine Professional Employees Association 2018 collective bargaining agreement be approved as submitted.

Fiscal Note: The 2018 increase of 1.84% on January 1, 2018 is approximately \$49,800 in wages plus \$9,900 in benefits (FICA, Medicare and WRS) for a total of \$59,700 over 2017.

[1163-17](#)

Subject: Communication from the Human Resources Manager and the City Attorney submitting the Local 321, International Association of Firefighters, 2018 - 2020 collective bargaining agreement for consideration. (Res. 0418-17)

Recommendation of the Finance & Personnel Committee on 12.11.2017: The negotiated collective bargaining agreement with Local 321, International Association of Firefighters for 2018-2020 be approved.

Fiscal Note: The 2018 increases of 1% plus 0.55% (work-out-of-class buyout) on January 1, 2018, and 1% on July 1, 2018 amount to approximately \$188,400 in wages plus \$37,600 in benefits (FICA, Medicare and WRS) for a total of \$226,000 over 2017. The 2019 increases of 1% on January 1, 2019 and 1% on July 1, 2019 amount to approximately \$141,300 in wages plus \$28,200 in benefits for a total of \$169,500 over 2018. The 2020 increases of 1.25% on January 1, 2020 and 1.25% on July 1, 2020 amount to approximately \$180,400 in wages plus \$36,000 in benefits for a total of \$216,400 over 2019. The cumulative costs of the contractual increases over the three year period amount to approximately \$1,168,700 in wages and \$233,200 in benefits for a total cost of \$1,401,900. Offsetting these increases will be savings from the elimination of work-out-of-class pay estimated at \$60,000 to \$70,000 per year for the term of this contract. Base wages will increase by 7.26% over the term of the contract.

[1167-17](#)

Subject: Communication from the Public Health Administrator requesting permission to accept the Grant Agreement and funding in the amount of \$133,825.00 from the US Forest Service for Samuel Myers Park. (Grant Control #00151) (Res. 0414-17)

Recommendation of the Finance & Personnel Committee on 12.11.2017:
Permission be granted for the Public Health Administrator to enter into a grant agreement and accept funding from the US Forest Service for Samuel Myers Park in the amount of \$133,825.00.

Fiscal Note: No City Match is required.

[1168-17](#)

Subject: Communication from the Public Health Administrator requesting permission to accept the Contract Agreement and funding in the amount of \$11,066.00 from the State of Wisconsin, Division of Public Health Services for Preventive Health and Health Services. (Grant Control #00157) (Res. 0415-17)

Recommendation of the Finance & Personnel Committee on 12.11.2017:
Permission be granted for the Public Health Administrator to accept the Contract Agreement and funding from the State of Wisconsin, Division of Public Health Services for Preventive Health and Health Services in the amount of \$11,066.00.

Fiscal Note: No City match is required.

[1169-17](#)

Subject: Communication from the Public Health Administrator requesting permission to accept the Contract Agreement and funding in the amount of \$94,398.00 from the State of Wisconsin, Division of Public Health Services for the continuation of the following programs and services: WI Well Woman Screening, BIOT Focus A Planning, Bioterrorism Preparedness, BIOT Preparedness Cities Readiness Initiative (Grant Control numbers: 00159, 00160, 00161, 00162) (Res. 0416-17)

Recommendation of the Finance & Personnel Committee on 12.11.2017:
Permission be granted for the Public Health Administrator to accept the Contract Agreement and funding from the State of Wisconsin, Division of Public Health Services for the continuation of the following programs and services: WI Well Woman Screening, BIOT Focus A Planning, Bioterrorism Preparedness, BIOT Preparedness Cities Readiness Initiative in the amount of \$94,398.00.

Fiscal Note: No City match is required

[1173-17](#)

Subject: Communication from the Redevelopment Authority in relation to Resolution 17-30 authorizing the acquisition of lands in the TID No. 18 in Downtown Racine, to include those properties previously referred to as "Machinery Row." (Res. 0419-17)

Recommendation of the Finance & Personnel Committee on 12.11.2017:
To approve Resolution 17-30 authorizing the acquisition of lands in the TID

No. 18 in Downtown Racine as presented.

Staff Recommendation on 12-19-17: That City of Racine adopt Resolution 0419-17, authorizing the acquisition of lands in TID No. 18 in Downtown Racine and permitting the assignment of notes and mortgages to the Redevelopment Authority of the City of Racine as presented.

Fiscal Note: N/A

[1185-17](#)

Subject: Communication from the Purchasing Agent submitting bid results for Official Notice #23-2017, Medical Supplies for the Racine Fire & Health Departments.

Recommendation of the Finance & Personnel Committee on 12.11.2017: To award Official Notice #23-2017, Medical Supplies for the Racine Fire Department and the Health Department to Emergency Medical Products, Inc., Moore Medical Products, Bound Tree Medical, Lift Assist, Midwest Medical Supply Co., and Henry Schein, they being the lowest responsive, responsible bidder.

Fiscal Note: Sufficient funds are available in account #13001-53200, Fire Operations.

[1186-17](#)

Subject: Communication from Chief Howell to request permission to accept a \$1300, donation from Pinkalla Auto Solutions for the K-9 Unit Team.

Recommendation of the Finance & Personnel Committee on 12.11.2017: Chief Howell be authorized and directed to accept a \$1,300 donation from Pinkalla Auto Solutions for the K-9 Unit Team and send an appropriate letter of thanks.

Fiscal Note: No City match is required

[1187-17](#)

Subject: Communication from Chief Howell to request permission to accept a \$1000, K-9 donation from the Greater Racine Kennel Club.

Recommendation of the Finance & Personnel Committee on 12.11.2017: Chief Howell be authorized and directed to accept a \$1,000 K-9 donation from the Greater Racine Kennel Club and send an appropriate letter of thanks.

Fiscal Note: No City match is required.

Public Works and Services Committee Report, by Ald. McCarthy

[1156-17](#)

Subject: Communication from Kara Kading requesting to use City right-of-way for the 3rd Annual Spirit Run Racine on Saturday, September

15, 2018. (Res. 0421-17)

Recommendation of the Public Works and Services Committee on 12-12-17: That St. John's Lutheran School be granted permission to use City right-of-way - parking lane on the east side of Michigan Boulevard from Augusta Street to Lakecrest Drive, for a run/walk on Saturday, September 15, 2018, with the following stipulations:

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.
- F. If required, sponsor shall provide a detour plan for the closure of all State connecting Highways, arterial and collector streets to the City Engineer for approval.
- G. If required, sponsor is responsible for cleaning the streets.
- H. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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

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

[1157-17](#)

Subject: Change Order No. 1 on Contract 20170051, Samuel Myers Park Restorations - Phase IV, Ray Hintz, Inc., contractor. (Res. 0424-17)

Recommendation of the Public Works and Services Committee on 12-12-17: That Change Order No. 1 on Contract 20170051, Samuel Myers Park Restoration - Phase IV, Ray Hintz Inc., contractor, as submitted, be approved in the amount of \$1,731.34.

Further recommends that funding to defray the cost of the change order is available in 20104-57110-20063, WCMP/NOAA Samuel Myers Park Grant.

Fiscal Note: Funds are available as herein delineated.

[1158-17](#)

Subject: Final Payment on Contract 20170051, Samuel Myers Park Restorations - Phase IV, Ray Hintz, Inc., contractor. (Res. 0425-17)

Recommendation of the Public Works and Services Committee on 12-12-17: That the work done by Ray Hintz, Inc., under Contract 20170051, Samuel Myers Park Restoration - Phase IV, be accepted and final payment authorized for a total contract amount of \$58,302.38. Final payment to include retainage.

Fiscal Note: Contract was authorized under Resolution 0348-17, dated October 16, 2017.

[1161-17](#)

Subject: Communication from Joan Simon, on behalf of the Eagle's Club, requesting permission to close the 300 block of Hamilton Street from 6:00 P.M. to 2:00 A.M. on March 3, 2018, for the 26th Annual Thoughts for Food fundraiser. (Res. 0422-17)

Recommendation of the Public Works and Services Committee on 12-12-17: The owner of the Eagle's Club be granted permission to close Hamilton Street from Main Street to Chatham Street, from 6:00 P.M., Saturday, March 3, 2018, to 2:00 A.M., Sunday, March 4, 2018, in conjunction with the Thoughts for Food Fundraiser, with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250 special event fee.
- F. No alcoholic beverages will be sold and/or dispensed within the street right-of-way.
- G. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.
- H. If required, sponsor is responsible for cleaning the streets.
- I. If required, sponsor shall provide a detour plan for the closure of all State Connecting Highways, arterial and collector streets to the City Engineer for

approval.

J. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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

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

[1164-17](#)

Subject: Communication from the Fleet Manager requesting to discuss the waiver of formal bidding and the Purchasing Agent to negotiate sole-source procurement of two (2) 5-yard dump trucks for 2018. (Res. 0426-17)

Recommendation of the Public Works and Services Committee on 12-12-17: The request of the Fleet Manager to waive formal bidding procedures be approved in accordance with Racine Municipal Code Section 46-28 that allows for the waiving of formal public bids for purchases over \$25,000 for the purpose of maintaining uniformity of equipment and services.

Further recommends that the Purchasing Agent be authorized and directed to negotiate and purchase two (2) 5-yard dump trucks from Lakeside International Trucks, for the price of \$90,975.00, they being the sole source provider of this equipment.

Fiscal Note: Funding to defray the cost of these materials is available in Org-Object 45140-57310, Licensed Vehicles.

[1179-17](#)

Subject: (Direct Referral) Amendment No. 4 to State Project ID: 2440-09-00, Washington Avenue (STH 20) - Roosevelt Avenue to West Boulevard. (Res. 0431-17)

Recommendation of the Public Works and Services Committee on 12-12-17: That Amendment No. 4 to the Three-Party Contract between the City of Racine, Wisconsin Department of Transportation and Strand Associates, Inc. for State Project ID: 2440-09-00, Washington Avenue (STH 20) - Roosevelt Avenue to West Boulevard, as submitted, be approved.

Fiscal Note: Amendment No. 4 is in the not-to-exceed amount of \$26,578.84 with the City's share being \$6,644.71 (25%), and the State's share being \$19,934.13 (75%), bringing the total contract amount to

\$1,656,646.20. Funding to defray the cost of this amendment be appropriated from Org-Object 45040-57500, DPW-Paving.

[1184-17](#)

Subject: (Direct Referral) Amendment No. 4 to State Project ID: 2703-00-02, West 6th Street Bridge Project. (Res. 0432-17)

Recommendation of the Public Works and Services Committee on 12-12-17: That Amendment No. 4 to State Project ID: 2703-00-02, West 6th Street Bridge Project, as submitted, be approved.

Fiscal Note: Amendment No. 4 is a no-cost amendment. The total contract amount is \$472,037.81. Funding for this project is available in Org-Object 45040-57545, West 6th Street Bridge.

[1190-17](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting permission to waive formal bidding procedures for the purchase of budgeted loader vehicles. (Res. 0427-17)

Recommendation of the Public Works and Services Committee on 12-12-17: The request of the Assistant Commissioner of Public Works/Operations to waive formal bidding procedures be approved in accordance with Racine Municipal Code Section 46-28 that allows for the waiving of formal public bids for purchases over \$25,000 for the purpose of maintaining uniformity of equipment and services.

Further recommends that the Purchasing Agent be authorized and directed to negotiate and purchase one Case 621F Wheel Loader with 4-in-1 bucket and snow plow from Miller-Bradford and Risberg, Inc., for the price of \$198,750, they being the sole source provider of this equipment.

Fiscal Note: Funding to defray the cost of these materials is available in Org-Object 45140-57311.

[1191-17](#)

Subject: (Direct Referral) Communication from Craig Shaub, Dig-it All Sign Company, LLC., on behalf of Shiekh Umar - Kabab & Grill Restaurant, requesting permission to place a sign over City right-of-way at 1327 Washington Avenue. (Res. 0423-17)

Recommendation of the Public Works and Services Committee on 12-12-17: That the property owner, Shiekh Umar, at 1327 Washington Avenue, is granted permission to install a stationary projecting sign, as requested, with the stipulation that a hold harmless agreement be executed and a \$150.00 processing fee paid, in accordance with the State Statute 66.0425, Privileges in Streets.

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

[1192-17](#)

Subject: (Direct Referral) Communication from WisDOT offering to purchase 0.011 acres in Fee Simple and 0.028 acres in Temporary Limited Easement for purposes of the reconstruction of Hwy 11 adjacent to Maryland Avenue - State Project ID: 2260-00-21, Parcel No. 55, Durand Avenue (STH 11). (Res. 0433-17)

Recommendation of the Public Works and Services Committee on 12-12-17: Approval for WisDOT to purchase 0.011 acres in Fee Simple and 0.028 acres in Temporary Limited Easement for purposes of the reconstruction of Hwy 11 adjacent to Maryland Avenue - State Project ID:2260-00-21, Parcel No. 55, Durand Avenue (STH 11).

Fiscal Note: This will generate \$250.00 for Org-Object 45040-57500, Paving.

[1199-17](#)

Subject: Bid results on Contract 20170093, Young Industrial Park Pond Dredging. (Res. 0428-17)

Recommendation of the Public Works and Services Committee on 12-12-17: That bids for Contract 20170093, Young Industrial Park Pond Dredging, be awarded to A.W. Oakes & Son, Inc. at their bid price of \$199,117.25, it being the lowest responsible bidder.

Further recommends that funds to defray the cost of this Public Works Department project be appropriated from Org-Object 60484-57570, Storm Sewers.

Fiscal Note: Funds are available as herein delineated.

[1206-17](#)

Subject: (Direct Referral) Amendment to add the State Street Lift Bridge upgrades to Contract 20170032, Electrical Design for Main St. Movable Bridge, AECOM, consultant. (Res. 0430-17)

Recommendation of the Public Works and Services Committee on 12-12-17: That Amendment No. 1 to add the State Street Lift Bridge upgrades to Contract 20170032, Electrical Design for Main St. Movable Bridge, AECOM, consultant, as submitted, be approved. Amendment No. 1 is in the not-to-exceed amount of \$129,092.79, bringing the contract total to \$262,338.85 (\$133,246.06 - Main St. Bridge Electrical Design; \$129,092.79 - State St. Bridge Upgrades).

Fiscal Note: Funding to defray the cost of this amendment be appropriated from Org-Object 40402-57545, Bridges-State.

[1209-17](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations wishing to amend the existing agreement with Rehrig Pacific Company regarding the Residential Cart

Maintenance Program - Contract 20180002. (Res. 0429-17)

Recommendation of the Public Works and Services Committee on 12-12-17: That the amendment with Rehrig Pacific Company regarding the Residential Cart Maintenance Program - Contract 20180002, be approved in the not-to-exceed amount of \$19,500.

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

[1210-17](#)

Subject: (Direct Referral) Amendment No. 1 to Contract 20170014, PS - 2017 Pavement Inspection and Planning, AECOM, consultant. (Res. 0434-17)

Recommendation of the Public Works and Services Committee on 12-12-17: That Amendment No. 1 to Contract 20170014, PS - 2017 Pavement Inspection and Planning, AECOM, consultant, as submitted, be approved.

Fiscal Note: Amendment No. 1 is in the not-to-exceed amount of \$25,150.00, bringing the total contract amount to \$106,650.00. Funding for this project is available in Org-Object 45040-57500, Paving.

Public Safety and Licensing Committee Report, by Ald. Coe

[1166-17](#)

Subject: (New) Application of Main Massage, LLC - Jingai Wang, Owner for a Massage Establishment Permit for 1324 N. Main Street. (4th District)

Recommendation of the Public Safety and Licensing Committee on 12-12-2017: That the (New) application for Main Massage, LLC for a Massage Establishment Permit located at 1324 N. Main Street, Jingai Wang, Agent be approved.

Fiscal Note: N/A

[1257-17](#)

Subject: Ordinance 0017-17 - Prohibiting Bullying and Harassment

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

Recommendation of the Public Safety and Licensing Committee on 12-12-17: That Ordinance 0017-17 to create the Code of the City of Racine, Wisconsin be approved.

Fiscal Note: N/A

Transit and Parking Commission Report, by Ald. DeHahn[1101-17](#)

Subject: Communication from the Transit and Parking System Manager requesting to discuss the Racine County Juror parking rates for 2018. (Res. 0435-17)

Recommendation of the Transit and Parking Commission on 12-06-17: That the Mayor and City Clerk be authorized and directed to enter into an agreement with Racine County to provide juror parking at the rate of \$850.00 per month in 2018.

Fiscal Note: \$10,200 in revenue will go into the Parking Utility fund.

[1189-17](#)

Subject: (Direct Referral) Communication from the Transit and Parking System Manager requesting authorization for the Mayor and City Clerk to sign the 2018 contract for BUS services to the Village of Caledonia, Village of Mount Pleasant and Town of Yorkville. (Res. 0436-17)

Recommendation of the Transit and Parking Commission on 12-06-17: That the Mayor and City Clerk be authorized and directed to enter into 2018 contracts for BUS services to the Village of Caledonia, Village of Mount Pleasant and Town of Yorkville.

Fiscal Note: Contracts will provide \$278,700 in revenue.

City Plan Commission Report, by Ald. Wisner[1229-17](#)

Subject: (Direct Referral) A request by Damon Hassell of Miller Compressing seeking a major amendment to a conditional use permit at 1339 - 17th Street to allow the storage of vehicle awaiting recycling. (PC-17) (Res. 0437-17)

Recommendation of the City Plan Commission on 12-13-17: That the request be approved, subject to conditions.

Fiscal Note: N/A

[1251-17](#)

Subject: (ZOrd.0007-17) An ordinance rezoning property at 1701 and 1700 Packard Avenue be zoned from I-2 General Industrial District to I-2 with a Flex Development Overlay District.

Recommendation of the City Plan Commission on 11-29-17: That the request be approved.

Fiscal Note: N/A

Committee of the Whole Report, by Ald. Wisner

[736-17](#)

Subject: Communication from Carrie Glenn, 2nd VP for Fourth Fest, requesting to use the empty warehouse located on the former Azarian Property at the corner of Water and Marquette Street.

Recommendation of the Committee of the Whole on 12-05-2017: the Item be Received and Filed.

Fiscal Note: N/A

Office of the Mayor Report, by Ald. Wisner

[1255-17](#)

Subject: Communication from Mayor Mason nominating the following to the Elderly Housing Authority:

Appoint Dennis Wisner, 2517 Pinehurst Ave Racine 53403 to the Elderly Housing Authority, term expiring February 28, 2018.

Appoint Amy Connolly, 730 Washington Ave Racine 53403 to the Elderly Housing Authority, term expiring February 28, 2018.

Appoint David Brown, 730 Washington Ave Racine 53403 to the Elderly Housing Authority, term expiring February 28, 2018.

Appoint Mario Martinez, 3716 Durand Ave Racine 53405 to the Elderly Housing Authority, term expiring February 28, 2018.

Appoint Chris Hefel, 900 College Ave Racine 53403 to the Elderly Housing Authority, expiring February 28, 2018.

H. Consent Resolutions

[Res.0413-17](#)

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$6,135,000 Waterworks System Mortgage Revenue REFUNDING Bonds AND PROVIDING FOR THE PAYMENT OF SAID BONDS AND OTHER DETAILS AND COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Racine, Racine County, Wisconsin (the "Municipality" or the "City") owns and operates a Waterworks System (the "System") which is operated for a public purpose as a public utility by the Municipality;

WHEREAS, under the provisions of Section 66.0621 of the Wisconsin Statutes any municipality may, by action of its governing body, provide funds for extending, adding to and improving a public utility or to refund obligations issued to finance or refinance such extensions, additions and improvements from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and which bonds may be additionally secured by a mortgage lien upon such utility;

WHEREAS, the Municipality has outstanding its Waterworks System Mortgage Revenue Bonds, dated December 8, 2009 (the "2009 Bonds"), its Waterworks System Mortgage Revenue Bonds, dated October 25,

2011 (the "2011 Bonds"), its Waterworks System Mortgage Revenue Refunding Bonds, dated July 10, 2012 (the "2012 Bonds"), its Waterworks System Mortgage Revenue Refunding Bonds, dated September 8, 2015 (the "2015 Bonds") and its Waterworks System Mortgage Revenue Refunding Bonds, dated September 7, 2016 (the "2016 Bonds"), which bonds are payable from the income and revenues of the System and are additionally secured by a mortgage lien on the System;

WHEREAS, the Municipality also has outstanding its Waterworks System Revenue Bonds, Series 1999, dated February 10, 1999 (the "1999 Bonds"), its Waterworks System Revenue Bonds, Series 2004, dated December 22, 2004 (the "2004 Bonds") and its Waterworks System Revenue Bonds, Series 2015, dated May 27, 2015 (the "2015 Bonds"), which bonds are payable from the income and revenues of the System (collectively, the "Safe Drinking Water Bonds") and were authorized by resolutions adopted by the Governing Body on January 5, 1999, December 7, 2004 and May 19, 2015, respectively (the " Safe Drinking Water Bond Resolutions");

WHEREAS, the Safe Drinking Water Bonds are junior and subordinate to the 2009 Bonds, the 2011 Bonds, the 2012 Bonds, the 2015 Bonds and the 2016 Bonds as to the pledge of income and revenues of the System;

WHEREAS, the Municipality has determined that it is necessary and desirable to refund the 2009 Bonds maturing or subject to mandatory redemption in the years 2020 through 2029 (the "Refunded 2009 Bonds") and the 2011 Bonds maturing or subject to mandatory redemption in the years 2022 through 2031 (the "Refunded 2011 Bonds") (collectively, the "Refunded Obligations") for the purpose of achieving debt service cost savings (the "Refunding");

WHEREAS, the 2009 Bonds, the 2011 Bonds, the 2012 Bonds, the 2015 Bonds and the 2016 Bonds were issued pursuant to Resolutions adopted by the Governing Body on November 17, 2009, October 4, 2011, June 19, 2012, August 18, 2015 and August 16, 2016 (collectively, the "Prior Resolutions");

WHEREAS, the Prior Resolutions provide that additional bonds may be issued on a parity with the outstanding 2009 Bonds, 2011 Bonds, 2012 Bonds, 2015 Bonds and 2016 Bonds (collectively, the "Prior Bonds") upon compliance with certain conditions;

WHEREAS, the Safe Drinking Water Bond Resolutions provide that additional bonds may be issued which are senior to the Safe Drinking Water Bonds upon compliance with certain conditions;

WHEREAS, to the best of the Governing Body's knowledge, information and belief, all conditions precedent to the issuance of additional bonds set forth in the Prior Resolutions and the Safe Drinking Water Bond Resolutions have been or will be complied with prior to the issuance of the Bonds authorized by this Resolution;

WHEREAS, for the purpose of paying costs of the Refunding (including paying legal, financing and other professional fees in connection therewith),

the Governing Body deems it to be necessary, desirable and in the best interest of the Municipality to authorize and sell waterworks system mortgage revenue bonds of the Municipality payable solely from the revenues of the System on a parity with the Prior Bonds, which bonds are to be authorized and issued pursuant to the provisions of Section 66.0621, Wisconsin Statutes;

WHEREAS, other than the Refunded Obligations, the Prior Bonds and the Safe Drinking Water Bonds, no other bonds or obligations payable from the revenues of the System are now outstanding.

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

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

"Act" means Section 66.0621 of the Wisconsin Statutes;

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

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

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

"Bond Year" means the one-year period ending on a principal payment date for the Bonds;

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

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

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

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

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

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

"Gross Revenues" shall include all revenues, income and earnings of the System derived from water charges imposed by the Municipality, all

payments to the Municipality under any agreements between the Municipality and any contract users of the System, and any other moneys received from any source by the System including all rentals and fees;
"Municipality" or "City" means the City of Racine, Racine County, Wisconsin;

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

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

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

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

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

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

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

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

Section 3. Terms of the Bonds. The revenue bonds shall be designated "Waterworks System Mortgage Revenue Refunding Bonds" (the "Bonds"); shall be dated December 28, 2017; shall be in the denomination of \$5,000

or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum set forth in the Proposal and shall mature on September 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest on the Bonds shall be payable semi-annually on March 1 and September 1 of each year commencing on September 1, 2018. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Book. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

It is hereby determined and declared that:

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

Section 3A. Call Provisions. The Bonds maturing on September 1, 2028 and thereafter shall be subject to redemption prior to maturity, at the option of the Municipality, on September 1, 2027 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the Municipality and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the Municipality shall direct.

Section 3B. Parity with the Prior Bonds; Senior to Safe Drinking Water Bonds. The Bonds shall be additional bonds within the meaning of Section 9 of the Prior Resolutions, are issued on a parity with the Prior Bonds and are secured by an equal lien and claim to the revenues and properties of the System and the monies on deposit in the Special Redemption Fund as set forth in the Prior Resolutions and this Resolution. In addition, the Bonds and any Parity Bonds are secured by a mortgage lien upon the System on a parity with the mortgage lien granted to the owners of the Prior Bonds. The Bonds shall also be "additional senior bonds" within the meaning of Section 11 of the Safe Drinking Water Bond Resolutions. The Safe Drinking Water Bonds are junior and subordinate to the Prior Bonds and shall be junior and subordinate to the Bonds when issued.

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

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

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

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

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

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

(i) There shall be deposited in the Interest and Principal Account from Bond Proceeds and any Parity Bond proceeds all accrued interest. In addition, there shall be deposited in said account in the manner specified in Section 7 hereof, an amount sufficient (after giving effect to available amounts in

said account from accrued interest, investment earnings and any other source) to pay the principal of and interest on, first, the Prior Bonds, the Bonds and any Parity Bonds and second, the Safe Drinking Water Bonds, as the same becomes due. The Interest and Principal Account shall be used solely for the purposes of paying principal of and interest on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds in accordance with the provisions of this Resolution.

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

(ii) There shall be deposited into the Reserve Account an amount sufficient to make the amount on deposit therein equal to the Reserve Requirement. The Reserve Account shall be used solely for the purpose of paying principal of or interest on the Prior Bonds, the Bonds or any Parity Bonds at any time when there shall be insufficient money in the Interest and Principal Account. The Reserve Account shall be funded and replenished in the manner specified in Section 7 hereof. The Safe Drinking Water Bonds are not secured by the Reserve Account.

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

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

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

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

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

and accounts herein created may be temporarily invested until needed in legal investments.

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

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

(b) to the Special Redemption Fund, for monthly transfer to the Interest and Principal Account thereof, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds coming due on the next succeeding principal payment date (after giving effect to available amounts in said account from accrued interest, investment earnings or any other source). It is the express intent of the Governing Body that at all times the Interest and Principal Account constitute a "bona fide debt service account" and be depleted (except for a reasonable carryover as defined in the Regulations) at least once a year. Prior to each interest and principal payment date, the Municipality shall transfer from the Interest and Principal Account to the Bond Registrar the amounts required for the payment of the interest and principal coming due on the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds;

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

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

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

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Special Redemption Fund, the Depreciation Fund and the Surplus

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

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

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

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

Section 9. Prior Lien Bonds; Parity Bonds. The Bonds are issued on a

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

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

- (a) For the purpose of refunding any of the Bonds or any Parity Bonds which shall have matured or which shall mature not later than three (3) months after the date of delivery of such refunding bonds and for the payment of which there shall be insufficient moneys in the Special Redemption Fund; and,
- (b) For the purpose of refunding any outstanding Bonds or any Parity Bonds, or purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, renewing, replacing, operating or managing the System, if all of the following conditions shall have been met:
 - (i) The Net Revenues for the last completed Fiscal Year preceding the issuance of such additional bonds must have been at least equal to one and one-quarter (1.25) times the highest combined annual interest and principal requirements on all Bonds and any Parity Bonds then outstanding payable from the revenues of the System (other than Bonds and any Parity Bonds being refunded), and the bonds so proposed to be issued, for any succeeding Fiscal Year in which there shall be a principal maturity on such outstanding bonds; provided, however, that if prior to the authorization of such additional bonds the Municipality shall have adopted and put into effect a revised schedule of rates, then the Net Revenues of the System for the last completed Fiscal Year which would, in the written opinion of an independent consulting engineer or independent certified public accountant employed for that purpose, have resulted from such rates had they been in effect for such period may be used in lieu of the actual Net Revenues for the last completed Fiscal Year;
 - (ii) The payments required to be made into the various funds and accounts provided herein must be current, and the Municipality must not be in default hereunder;
 - (iii) The additional bonds must be payable as to principal on September 1 of each year in which principal falls due, and payable as to interest semi-annually on March 1 and September 1; and,
 - (iv) The Reserve Account is funded to an amount equal to the Reserve Requirement applicable upon the issuance of Parity Bonds set forth in Section 1 hereof to the extent such funding complies with the applicable provisions of the Code and any applicable Regulations.

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

- (a) The Municipality will faithfully and punctually perform all duties with reference to the System required by the Constitution and Statutes of the State of Wisconsin, including lawfully establishing reasonable and sufficient rates for services rendered by the System and collecting, depositing, applying and segregating the revenues of the System to the respective funds and accounts provided for in this Resolution;
- (b) The Municipality will not sell, lease, or in any manner dispose of the System, including any part thereof or any additions or extensions that may be made part thereto, except that the Municipality shall have the right to sell, lease or otherwise dispose of any property of the System found by the Municipality to be neither necessary nor useful in the operation of the System, provided the proceeds received from such sale, lease or disposal shall be paid into the Special Redemption Fund or applied to the acquisition or construction of capital facilities for use in the normal operation of the System, and such payment shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund;
- (c) The Municipality will maintain the System in reasonably good condition, will operate the System, and will establish, charge and collect such lawfully established rates and charges for the service rendered by the System, so that the amount of the revenues of the System herein agreed to be set aside to provide for payment of the Prior Bonds, the Bonds, the Safe Drinking Water Bonds and any Parity Bonds and the interest thereon as the same becomes due and payable will be sufficient for that purpose;
- (d) The Municipality will prepare a budget not less than sixty (60) days prior to the end of each Fiscal Year and, in the event such budget indicates that earnings for each year will not exceed debt service for each corresponding year, will take any and all steps permitted by law to increase rates so that the earnings will equal or exceed debt service as promptly as possible;
- (e) The Municipality will keep proper books and accounts relative to the System, separate from all other records of the Municipality, and will cause such books and accounts to be audited annually not later than six months after the close of each Fiscal Year by a recognized independent firm of certified public accountants, and will make available to the holders of any of the Bonds or any Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants. Any owner shall have the right at any reasonable time to inspect the System and the records, accounts and data of the System and the Municipality relating thereto. Each such audit, in addition to whatever matters may be thought proper by the accountant, shall include the following in accordance with generally accepted accounting practices: (1) a statement in detail of the income and expenditures of the System for the Fiscal Year; (2) a statement of the Net Revenues of the System for such Fiscal Year; (3) a balance sheet as of the end of such Fiscal Year; (4) the accountants' comment regarding the manner in which the Municipality has carried out the requirements of this Resolution, and the accountants' recommendation for any changes or improvements in the accounting methods of the System;

(5) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy; and (6) the number and types of connections to the System at the end of each year; and

(f) So long as any of the Bonds or Parity Bonds are outstanding, the Municipality will carry, for the benefit of the owners of the Bonds and any Parity Bonds, insurance of a kind and in such amounts as would usually be carried by private companies or other public bodies engaged in operating a similar waterworks system. All money received for losses under any of such insurance policies, except public liability, shall be used in repairing the damage or in replacing the property destroyed, but in the event that the Governing Body shall find it inadvisable to repair such damage or replace such property, and that the operation of the System shall not have been impaired thereby, such money may be deposited in the Revenue Fund, but shall not reduce the amount otherwise required to be paid into said Revenue Fund.

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

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

- (a) to the Interest and Principal Account of the Special Redemption Fund, the amount of any accrued interest;
- (b) to the Reserve Account of the Special Redemption Fund an amount, if any, necessary to make the amount on deposit therein equal to the Reserve Requirement; and
- (c) to the Escrow Account described in Section 21 an amount of Bond Proceeds sufficient to provide for the payment of the Refunded Obligations. Any balance, less the expenses incurred in authorizing, issuing and delivering the Bonds, remaining in said Escrow Account after payment of the Refunded Obligations shall be transferred to the Special Redemption Fund for use in payment of principal of or interest on the Bonds and any Parity Bonds.

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

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

- (a) By paying such Bonds and any Parity Bonds when the same shall

become due and payable at maturity or upon prior redemption in the manner herein provided;

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

(c) By depositing with the Bond Registrar designated herein or with any fiduciary designated by subsequent resolution of this Governing Body, or in trust for such purpose, at or before the date of maturity or redemption, money or direct obligations of, or obligations the principal of and interest on which are fully guaranteed by the United States of America, in such amount as, together with the income or increment to accrue thereon, will be fully sufficient to pay or redeem (when redeemable) and discharge the indebtedness of the Bonds and any Parity Bonds at or before their respective maturity dates; provided, that if such Bonds or any Parity Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been made or provided for; and provided further, that any such deposit shall be made only in a manner which does not render interest on such Bonds and any Parity Bonds subject to federal income taxation.

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

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

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

(b) This Resolution may be amended, in any respect, with the written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds and any Parity Bonds then outstanding, exclusive of Bonds and any Parity Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System, or in the maturity of or interest payment date of any Bond or Parity Bond issued hereunder, or a reduction in the rate of interest on any Bond or Parity Bond, or in the amount of the principal obligation thereof, or change the terms upon which the Bonds or any Parity Bonds may be redeemed, or make any other modification in the terms of the payment of such principal or interest without the written consent of the

owner of each such Bond or any Parity Bond to which change is applicable.

Section 15. Arbitrage Covenant. The Municipality shall not take any action with respect to proceeds of the Bonds or any Parity Bonds (the "Bond Proceeds") which, if said action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of delivery of said payment for the Bonds (the "Closing") would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the Municipality hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of the Code or Regulations. The Municipality covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The City Clerk, or other officer of the Municipality charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the Municipality, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the Municipality regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 16. Compliance with Federal Tax Laws. (a) The Municipality 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 Municipality 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 Municipality 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 Municipality charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the Municipality certifying that the Municipality can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The Municipality 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 Municipality 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 17. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the Municipality by the manual or facsimile signatures of the Mayor and City Clerk, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Original Purchaser upon payment to the Municipality of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents, certificates and acknowledgements as may be necessary and convenient for effectuating the Closing. The Municipality hereby authorizes the officers and agents of the Municipality to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 18. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the Municipality's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Municipality hereby authorizes the Mayor and City Clerk or other appropriate officers of the Municipality to enter a Fiscal Agency Agreement between the Municipality and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 19. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the Municipality agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed and on file in the City Clerk's office.

Section 20. Undertaking to Provide Continuing Disclosure. The Municipality hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by SEC Rule 15c2-12 promulgated by the Securities and Exchange

Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Original Purchaser on behalf of such owners (provided that the rights of the owners and the Original Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the Municipality to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

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

Section 21. Escrow Agent; Escrow Agreement; Escrow Account.

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

The Mayor and City Clerk, or other appropriate officers of the Municipality, are hereby authorized and directed to execute an escrow agreement (the "Escrow Agreement") with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

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

The refunding escrow account created by the Escrow Agreement shall hereinafter serve as the debt service (or sinking) fund account for the Refunded Obligations. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

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

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

The Municipality hereby directs the Escrow Agent appointed above to cause timely notice of redemption of the Refunded Obligations, in substantially the forms attached to the Escrow Agreement, to be provided

at the times, to the parties and in the manner set forth on such notices.

Section 24. Official Statement. The Governing Body hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of the Rule. All actions taken by officers of the Municipality in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate municipal official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Original Purchaser.

Section 25. Bond Insurance. The Mayor and City Clerk and other officers of the Municipalities are authorized to obtain bond insurance for the Bonds from Assured Guaranty Municipal Corp. ("AGM"), to accept the commitment provided by AGM to issue the Bonds, and to agree to such additional provisions as AGM may reasonably request and which are acceptable to the Mayor and City Clerk, including provisions regarding restrictions on investment of Bond Proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the Form of Bond provided herein.

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

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

All prior ordinances and resolutions, other than the Prior Resolutions and the Safe Drinking Water Bond Resolutions, rules or other actions of the Governing Body or any parts thereof in conflict with the provisions hereof shall be and the same are hereby rescinded insofar as they may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not

affect any other provisions hereof.

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

Adopted, approved and recorded December 20, 2017.

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

Sponsors:

Q.A. Shakoor II

[Res.0414-17](#)

Grant Agreement and Funding from the US Forest Service for Samuel Myers Park. (Grant Control #00151)

Resolved, that permission is granted for the Public Health Administrator to enter into a grant agreement and accept funding from the US Forest Service for Samuel Myers Park in the amount of \$133,825.00.

Fiscal Note: No City Match is required.

Sponsors:

Q.A. Shakoor II

[Res.0415-17](#)

Contract Agreement and funding from the State of Wisconsin, Division of Public Health Services for Preventive Health and Health Services (Grant Control #00157)

Resolved, that permission is granted for the Public Health Administrator to accept the Contract Agreement and funding from the State of Wisconsin, Division of Public Health Services for Preventive Health and Health Services in the amount of \$11,066.00.

Fiscal Note: No City match is required.

Sponsors:

Q.A. Shakoor II

[Res.0416-17](#)

Contract Agreement and Funding from the State of Wisconsin, Division of Public Health Services for WI Well Woman Screening, BIOT Focus A Planning, Bioterrorism Preparedness, BIOT Preparedness Cities Readiness Initiative (Grant Control numbers: 00159, 00160, 00161, 00162)

Resolved, that permission be granted for the Public Health Administrator to accept the Contract Agreement and funding from the State of Wisconsin, Division of Public Health Services for the continuation of the following

programs and services: WI Well Woman Screening, BIOT Focus A Planning, Bioterrorism Preparedness, BIOT Preparedness Cities Readiness Initiative in the amount of \$94,398.00.

Fiscal Note: No City match is required.

Sponsors:

Q.A. Shakoor II

Res.0417-17

Racine Professional Employees Association 2018 Collective Bargaining Agreement

Resolved, that the Racine Professional Employees Association 2018 collective bargaining agreement is approved as submitted.

Fiscal Note: The 2018 increase of 1.84% on January 1, 2018 is approximately \$49,800.00 in wages plus \$9,900.00 in benefits (FICA, Medicare and WRS) for a total of \$59,700.00 over 2017.

Sponsors:

Q.A. Shakoor II

Res.0418-17

Local 321, International Association of Firefighters, 2018 - 2020 Collective Bargaining Agreement

Resolved, that the negotiated collective bargaining agreement with Local 321, International Association of Firefighters for 2018-2020 is approved.

Fiscal Note: The 2018 increases of 1% plus 0.55% (work-out-of-class buyout) on January 1, 2018, and 1% on July 1, 2018 amount to approximately \$188,400.00 in wages plus \$37,600.00 in benefits (FICA, Medicare and WRS) for a total of \$226,000.00 over 2017. The 2019 increases of 1% on January 1, 2019 and 1% on July 1, 2019 amount to approximately \$141,300.00 in wages plus \$28,200.00 in benefits for a total of \$169,500.00 over 2018. The 2020 increases of 1.25% on January 1, 2020 and 1.25% on July 1, 2020 amount to approximately \$180,400.00 in wages plus \$36,000.00 in benefits for a total of \$216,400.00 over 2019. The cumulative costs of the contractual increases over the three year period amount to approximately \$1,168,700.00 in wages and \$233,200.00 in benefits for a total cost of \$1,401,900.00. Offsetting these increases will be savings from the elimination of work-out-of-class pay estimated at \$60,000.00 to \$70,000.00 per year for the term of this contract. Base wages will increase by 7.26% over the term of the contract.

Sponsors:

Q.A. Shakoor II

Res.0419-17

Acquisition of Lands in the TID No. 18 in Downtown Racine, to Include Properties Previously Referred to as "Machinery Row"

Resolved, that Redevelopment Authority Resolution 17-30 authorizing the acquisition of lands in the TID No. 18 in Downtown Racine as presented is approved.

Fiscal Note: N/A

Sponsors:

Q.A. Shakoor II

Res.0420-17

Amendment to the Joint Dispatch Service Agreement to Include City of Burlington

Resolved, that the proposed Amended Contract for Joint Dispatch Services as attached, is approved and authorizes the Mayor and City Clerk to execute the document on behalf of the City of Racine.

Fiscal Note: If the City approves and enters into this proposed amendment, we will achieve actual combined savings of \$419,913.00 - received as discounts against what we would otherwise be contractually obligated to pay for dispatch services for the ten-year period: 2019-2029.

Sponsors:

Q.A. Shakoor II

Res.0421-17

3rd Annual Spirit Run Racine on Saturday, September 15, 2018

Resolved, that St. John's Lutheran School is granted permission to use City right-of-way parking lane on the east side of Michigan Boulevard, from Augusta Street to Lakecrest Drive, for a run/walk on Saturday, September 15, 2018, with the following stipulations:

A. A hold harmless agreement be executed and a \$75.00 processing fee paid.

B. A liability insurance certificate be filed prior to this event.

C. Any overtime costs incurred by any City department be charged to the sponsor.

D. The sponsor shall notify all abutting property owners 72 hours in advance of this event.

E. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval and providing and removing all temporary traffic control devices and detour signs.

F. If required, sponsor shall provide a detour plan for the closure of all State connecting Highways, arterial and collector streets to the City Engineer for approval.

G. If required, sponsor is responsible for cleaning the streets.

H. If required, sponsor shall install parking meter hoods or temporary

parking signs at least 24 hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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

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

Sponsors:

Terry McCarthy

[Res.0422-17](#)

Eagle's Club 26th Annual Thoughts for Food Fundraiser

Resolved, that the owner of the Eagle's Club be granted permission to close Hamilton Street from Main Street to Chatham Street, from 6:00 P.M., Saturday, March 3, 2018, to 2:00 A.M., Sunday, March 4, 2018, in conjunction with the Thoughts for Food Fundraiser, with the following stipulations:

A. A hold harmless agreement be executed and a \$75.00 processing fee paid.

B. A liability insurance certificate be filed prior to this event.

C. Any overtime costs incurred by any City department be charged to the sponsor.

D. The sponsor shall notify all abutting property owners 72 hours in advance of this event.

E. The sponsor shall pay a \$250.00 special event fee.

F. No alcoholic beverages will be sold and/or dispensed within the street right-of-way.

G. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.

H. If required, sponsor is responsible for cleaning the streets.

I. If required, sponsor shall provide a detour plan for the closure of all State Connecting Highways, arterial and collector streets to the City Engineer for approval.

J. If required, sponsor shall install parking meter hoods or temporary parking signs at least 24 hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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

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

Sponsors:

Terry McCarthy

Res.0423-17

Sign at 1327 Washington Avenue

Resolved, that the property owner, Shiekh Umar, at 1327 Washington Avenue, is granted permission to install a stationary projecting sign, as requested, with the stipulation that a hold harmless agreement be executed and a \$150.00 processing fee paid, in accordance with the Wisconsin Statute section 66.0425, Privileges in Streets.

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

Sponsors:

Terry McCarthy

Res.0424-17

Change Order No. 1 on Contract 20170051, Samuel Myers Park Restorations - Phase IV

Resolved, that Change Order No. 1 on Contract 20170051, Samuel Myers Park Restoration - Phase IV, Ray Hintz Inc., contractor, as submitted, is approved in the amount of \$1,731.34.

Fiscal Note: Funds to defray the cost of the change order is available in 20104-57110-20063, WCMP/NOAA Samuel Myers Park Grant.

Sponsors:

Terry McCarthy

Res.0425-17

Final Payment on Contract 20170051, Samuel Myers Park Restorations - Phase IV

Resolved, that the work done by Ray Hintz, Inc., under Contract 20170051, Samuel Myers Park Restoration - Phase IV, is accepted and final payment authorized for a total contract amount of \$58,302.38. Final payment to include retainage.

Fiscal Note: Contract was authorized under Resolution 0348-17, dated October 16, 2017.

Sponsors:

Terry McCarthy

[Res.0426-17](#) 5-yard Dump Trucks for 2018

Resolved, that the request of the Fleet Manager to waive formal bidding procedures be approved in accordance with Racine Municipal Code Section 46-28 that allows for the waiving of formal public bids for purchases over \$25,000.00 for the purpose of maintaining uniformity of equipment and services.

Further resolved, that the Purchasing Agent is authorized and directed to negotiate and purchase two 5-yard dump trucks from Lakeside International Trucks, for the price of \$90,975.00, it being the sole source provider of this equipment.

Fiscal Note: Funding to defray the cost of these materials is available in Org-Object 45140-57310, Licensed Vehicles.

Sponsors: Terry McCarthy

[Res.0427-17](#) Purchase of Loader Vehicles

Resolved, that the request of the Assistant Commissioner of Public Works/Operations to waive formal bidding procedures is approved in accordance with Racine Municipal Code Section 46-28 that allows for the waiving of formal public bids for purchases over \$25,000.00 for the purpose of maintaining uniformity of equipment and services.

Further resolved, that the Purchasing Agent is authorized and directed to negotiate and purchase one Case 621F Wheel Loader with 4-in-1 bucket and snow plow from Miller-Bradford and Risberg, Inc., for the price of \$198,750.00, it being the sole source provider of this equipment.

Fiscal Note: Funding to defray the cost of these materials is available in Org-Object 45140-57311.

Sponsors: Terry McCarthy

[Res.0428-17](#) Contract 20170093, Young Industrial Park Pond Dredging

Resolved, that bids for Contract 20170093, Young Industrial Park Pond Dredging, is awarded to A.W. Oakes & Son, Inc. at its bid price of \$199,117.25, it being the lowest responsible bidder.

Fiscal Note: Funds to defray the cost of this Public Works Department project be appropriated from Org-Object 60484-57570, Storm Sewers.

Sponsors: Terry McCarthy

[Res.0429-17](#) Amend Agreement with Rehrig Pacific Company - Residential Cart Maintenance Program - Contract 20180002

Resolved, that the amendment with Rehrig Pacific Company regarding the Residential Cart Maintenance Program - Contract 20180002, is approved in the not-to-exceed amount of \$19,500.00.

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

Sponsors: Terry McCarthy

[Res.0430-17](#) Amendment to add State Street Lift Bridge Upgrades to Contract 20170032

Resolved, that Amendment No. 1 to add the State Street Lift Bridge upgrades to Contract 20170032, Electrical Design for Main St. Movable Bridge, AECOM, consultant, as submitted, is approved. Amendment No. 1 is in the not-to-exceed amount of \$129,092.79, bringing the contract total to \$262,338.85 (\$133,246.06 - Main St. Bridge Electrical Design; \$129,092.79 - State St. Bridge Upgrades).

Fiscal Note: Funding to defray the cost of this amendment be appropriated from Org-Object 40402-57545, Bridges-State.

Sponsors: Terry McCarthy

[Res.0431-17](#) Amendment No. 4 to State Project ID: 2440-09-00, Washington Avenue (STH 20) - Roosevelt Avenue to West Boulevard

Resolved, that Amendment No. 4 to the Three-Party Contract between the City of Racine, Wisconsin Department of Transportation and Strand Associates, Inc. for State Project ID: 2440-09-00, Washington Avenue (STH 20) - Roosevelt Avenue to West Boulevard, as submitted, is approved.

Fiscal Note: Amendment No. 4 is in the not-to-exceed amount of \$26,578.84 with the City's share being \$6,644.71 (25%), and the State's share being \$19,934.13 (75%), bringing the total contract amount to \$1,656,646.20. Funding to defray the cost of this amendment be appropriated from Org-Object 45040-57500, DPW-Paving.

Sponsors: Terry McCarthy

[Res.0432-17](#) Amendment No. 4 to State Project ID: 2703-00-02, West 6th Street Bridge Project

Resolved, that Amendment No. 4 to State Project ID: 2703-00-02, West 6th Street Bridge Project, as submitted, is approved.

Fiscal Note: Amendment No. 4 is a no-cost amendment. The total contract amount is \$472,037.81. Funding for this project is available in Org-Object

45040-57545, West 6th Street Bridge.

Sponsors:

Terry McCarthy

Res.0433-17

WisDOT Reconstruction of Hwy 11 Adjacent to Maryland Avenue - State Project ID: 2260-00-21, Parcel No. 55, Durand Avenue (STH 11)

Resolved, that WisDOT is approved to purchase 0.011 acres in Fee Simple and 0.028 acres in Temporary Limited Easement for purposes of the reconstruction of Hwy 11 adjacent to Maryland Avenue - State Project ID:2260-00-21, Parcel No. 55, Durand Avenue (STH 11).

Fiscal Note: This will generate \$250.00 for Org-Object 45040-57500, Paving.

Sponsors:

Terry McCarthy

Res.0434-17

Amendment No. 1 to Contract 20170014, PS - 2017 Pavement Inspection and Planning

Resolved, that Amendment No. 1 to Contract 20170014, PS - 2017 Pavement Inspection and Planning, AECOM, consultant, as submitted, is approved.

Fiscal Note: Amendment No. 1 is in the not-to-exceed amount of \$25,150.00, bringing the total contract amount to \$106,650.00. Funding for this project is available in Org-Object 45040-57500, Paving.

Sponsors:

Terry McCarthy

Res.0435-17

Racine County Juror parking rates for 2018

Resolved, that the Mayor and City Clerk are authorized and directed to enter into an agreement with Racine County to provide juror parking at the rate of \$850.00 per month in 2018.

Fiscal Note: \$10,200.00 in revenue will go into the Parking Utility fund.

Sponsors:

Raymond DeHahn

Res.0436-17

2018 contract for BUS services to the Village of Caledonia, Village of Mount Pleasant and Town of Yorkville

Resolved, that the Mayor and City Clerk is authorized and directed to enter into 2018 contracts for BUS services to the Village of Caledonia, Village of Mount Pleasant, and Town of Yorkville.

Fiscal Note: Contracts will provide \$278,700.00 in revenue.

Sponsors:

Raymond DeHahn

Res.0437-17

Storage and Handling of Vehicles at 1339 17th Street

Resolved, that the request from Damon Hassel, representing Miller Compressing, seeking a major amendment to an existing conditional use permit to allow the storage and handling of vehicles at 1339 17th Street is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on December 13, 2017, be approved subject to the conditions contained herein.
- b. That all license requirements from the State of Wisconsin and City of Racine be obtained, complied with, and kept current at all times.
- c. That all codes and ordinances are complied with and required permits acquired.
- d. That the hours be 7:30 a.m. to 3:30 p.m. Monday thru Friday and closed Saturday and Sunday.
- e. That a chain link fence with privacy slats combined with a five foot landscape strip, using upright junipers or arborvitae, along Racine Street and the East-West section of the fence be installed. The landscaping design is to be approved by the Director of City Development for the East boundaries of the site by, June 1, 2018.
- f. That no more than twenty cars be stored on site at one time, located on the existing draining pad.
- g. That if item listed under condition "f" above cannot be completed before the implementation date, then the applicant shall submit to the Director of City Development a financial surety, such as a bond, letter of credit, cash or other recognized assurance. An estimate of the cost of completing said items is to be provided by the applicant and the financial assurance issued in an amount equal of the value of the incomplete items. The financial assurance shall be kept on file with the Department of City Development, with the content and format of said assurance subject to review and approval of the City Attorney.
- h. That no minor changes be made from the conditions of this permit without approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common council.
- i. That this conditional use permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors:

Dennis Wiser

I. Consent Agenda**J. Common Council Announcements**

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

K. Miscellaneous

[1067-17](#)

Subject: Pursuant to Sections 6.875(4) and 7.30(4) of the State Statutes, I Tara McMenamam am submitting for your confirmation the list of Election Officials to be appointed for the term beginning January 1, 2018 and ending December 31, 2019.

L. 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.