

**RESOLUTION NO. \_\_\_\_\_**

**BY: THE MAYOR**

**TO SUPPORT AN APPLICATION BY THE MENOMINEE INDIAN TRIBE OF WISCONSIN TO THE FEDERAL BUREAU OF INDIAN AFFAIRS TO HAVE APPROXIMATELY TWO HUNDRED TWENTY-THREE (223) ACRES OF LAND WHICH IS THE SITE OF THE DAIRYLAND GREYHOUND CLASS II GAMING FACILITY IN THE CITY AND COUNTY OF KENOSHA, WISCONSIN, PLACED INTO TRUST FOR THE PURPOSE OF CONDUCTING CLASS II AND CLASS III GAMING**

**WHEREAS**, the Menominee Indian Tribe of Wisconsin, a Federally recognized tribe of Indians whose reservation is located within the State of Wisconsin (the "Tribe") through the Menominee Kenosha Gaming Authority, a tribal gaming business chartered on September 16, 1999, by the Tribe (the "Authority") desires to conduct Class II and Class III Gaming ("Gaming") at the site of the Dairyland Greyhound Class II gaming facility in the City and County of Kenosha, which is depicted on Attachment "A" (the "Kenosha Facility"); and,

**WHEREAS**, the Tribe is authorized to conduct Gaming in the State of Wisconsin under the terms of the Wisconsin Gaming Compact of 1992, as amended; and,

**WHEREAS**, the Tribe, through the Authority, may only conduct Gaming at the Kenosha Facility if it is placed into Federal Trust through application and approval by the Federal Bureau of Indian Affairs (the "B.I.A."); and,

**WHEREAS**, a 1998 City-wide referendum in Kenosha, Wisconsin, approved Class III Indian Gaming in the City of Kenosha by a margin of fifty-seven (57%) percent to forty-three (43%) percent; and,

**WHEREAS**, a November, 2004, County-wide referendum in Kenosha County Wisconsin, approved Class III Indian Gaming in the City of Kenosha by a margin of fifty-six (56%) percent to forty-four (44%) percent; and,

**WHEREAS**, the Tribe and Authority have entered into an Intergovernmental Agreement with the City of Kenosha (“City”) and County of Kenosha (“County”) (the “IGA”) which authorizes the use of Tribal Gaming revenues to support the operations of local government under 25 U.S.C. Section 2710(b)(2) (the “Support Payments”); and,

**WHEREAS**, the Support Payments are offered by the Tribe and Authority in recognition of the demand for the complete range of municipal services, the new improvements to the infrastructure necessitated by the expanded activity in the vicinity of the Kenosha Facility, the accelerated maintenance and depreciation of community-wide infrastructure from such expanded activity, the mitigation of the cost of economic, social and other impacts arising out of gaming activities and the revenues lost from the loss of taxable development on the Kenosha Facility; and,

**WHEREAS**, the Tribe and Authority have applied to the B.I.A. to have the Kenosha Facility placed into Federal Trust for the purpose of Gaming (the “Application”), and have requested the City and County to adopt resolutions of support therefor.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Kenosha, Wisconsin, that it finds that:

- The citizens of the City and County, through referendums, support Gaming at the Kenosha Facility.
- The potential impact of the operation of the Kenosha Facility on the local tax base will be mitigated through the Support Payments.

**BE IT FURTHER RESOLVED** that the Common Council of the City of Kenosha, Wisconsin, assuming a favorable response by B.I.A. to the IGA, supports the Application.

**BE IT FURTHER RESOLVED** that the City Clerk/Treasurer is directed to send a certified copy of this Resolution to the B.I.A., Tribe and Authority.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST: \_\_\_\_\_ City Clerk  
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APPROVED: \_\_\_\_\_ Mayor                      Date: \_\_\_\_\_  
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Drafted By:  
JAMES W. CONWAY,  
City Attorney