



City of Racine

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

Meeting Minutes - Final Common Council

*Alderman Jeff Coe, Alderman Robert Anderson, Alderman Michael Shields
Alderman Jim Kaplan, Alderman David L. Maack, Alderman Sandy Weidner
Alderman Terry McCarthy, Alderman Raymond DeHahn, Alderman Q.A. Shakoor, II
Alderman Thomas Friedel, Alderman Aron Wisneski, Alderman Gregory Holding
Alderman James T. Spangenberg, Alderman Ronald D. Hart, Alderman Robert Mozol*

Tuesday, May 20, 2008

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 14 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol
EXCUSED: 1 - Weidner

Alderman Maack asked that Alderman Weidner be excused.

B. Pledge of Allegiance To The Flag

Mayor Becker led the Council in the Pledge of Allegiance to the Flag.

C. Approval of Journal of Council Proceedings (Minutes)

Minutes of the previous meeting were approved as printed on motion of Ald. Maack.

D. Public Comments

*Keith Haas
John Pippenger
Jeanne Tyree-Francis
Mercedes Dzinozeleta*

E. Communications

[08-2137](#) Subject: Monthly Building report for April 2008.

Received and Filed as Reported

Refer to Finance and Personnel Committee, by Ald. Friedel

[08-2121](#) Subject: Communication from the Public Health Administrator requesting permission to accept a donation from the Kenosha Country Club-United for a Cure.

Referred to Finance and Personnel Committee

[08-2133](#) Subject: Communication from the City Attorney submitting the claim of Frank Anchondo, Jr. for consideration.

Referred to Finance and Personnel Committee[08-2134](#)

Subject: Communication from the City Attorney submitting the claim of Terry Hardt for consideration.

Referred to Finance and Personnel Committee[08-2135](#)

Subject: Communication from the City Attorney submitting the claim of Alissa Malacara for consideration.

Referred to Finance and Personnel Committee[08-2136](#)

Subject: Communication from the City Attorney submitting the claim of Rodney Morgenson for consideration.

Referred to Finance and Personnel Committee[08-2151](#)

Subject: Communication from Alderman of the 11th District requesting to meet before the Finance & Personnel Committee to discuss transferring the unspent budgeted dollars for the electronic voting project to the Police Department overtime budget.

Referred to Finance and Personnel Committee[08-2157](#)

Subject: Communication from the Police Chief, requesting permission to enter into an agreement with PropertyRoom.com Inc.

(Also refer to the Public Safety & Licensing Committee.)

Referred to Finance and Personnel Committee**Referred to Public Safety and Licensing Committee**[08-2160](#)

The Fire Chief requests authorization to negotiate Fire and EMS protection contracts for Village of Wind Point and Elmwood Park

Referred to Finance and Personnel Committee**Referred to Public Safety and Licensing Committee**[08-2161](#)

Permission requested by Fire Chief to donate a surplus rescue squad to local fire department support group

Referred to Finance and Personnel Committee**Referred to Public Safety and Licensing Committee****Refer to Public Works and Services Committee, by Ald. Holding**[08-2130](#)

Subject: Communication from Countryside Humane Society, Inc., 2706 Chicory Road, requesting permission to connect to and be serviced by the City of Racine Stormwater Utility.

Referred to Public Works and Services Committee[08-2148](#)

Subject: Communication from the Sales/Marketing Director of the Racine County Convention and Visitors Bureau requesting permission to use city right-of-way on Saturday, July 19, 2008, and Sunday, July 20, 2008, for the Spirit of Racine Triathlon.

Fides F. Wagner-Richardson, Agent	
The Ivanhoe Pub & Eatery Douglas Nicholson, Agent	231 Main Street
Infusino's All Sports, LLC Egidio Infusino, Agent	3458 Rapids Drive
Infusino's Pizzeria & Restaurant Emilio Infusino, Agent	3201 Rapids Drive
Infusino's Pizzeria & Restaurant Emilio Infusino, Agent	3225 Rapids Drive
Outbreak Billiards, Inc. Marko Stanosevic, Agent	1717 Douglas Avenue
Racine Labor Hall, Inc (Racine Labor Center) Richard Fought, Agent	2100 Layard Avenue
Pias' Pizzeria Dennis Pias, Agent	1756 Taylor Avenue
Mike Williams (Winner's Circle)	1403 Superior Street
Bucket's Pub, Inc (Bucket's Pub) Charles F. Brandt, Agent	2031 Lathrop Avenue
Yardarm Bar & Grill, LTD. (Yardarm) Laura Tomasek, Agent	920 Erie Street
Sam's Riverbank, LLC (Days Inn Riverside) Sarmad a. Naimi, Agent	3700 Northwestern Avenue

Referred to Public Safety and Licensing Committee

08-2116

Subject: The following renewal applications for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009.

Vishal Corporation (VP Express) Prabodh Gala, Agent	3015 Rapids Drive
MITRAJ, INC (Pantry Foods) Radhhesyam Patel, Agent	3711 Douglas Avenue
Port of Call Liquors Maheshkumar K. Patel, Agent	918 West Blvd.
Akash Food & Liquor, Inc./Gas Station Parminder Kaleka, Agent (PUBLICATION FEE ONLY)	3945 Erie Street

Timer's of Racine, Inc. 3800 Northwestern Avenue
(Timer's Beverage Center)
Shawn D. Voss, Agent

Referred to Public Safety and Licensing Committee

08-2131

Subject: The following renewal applications for a Class "A" Retail Fermented Malt Beverage license for 2008-2009.

Lee's Deli, Inc. 2615 Washington
John P. Henes, Agent

Jalil Mian w/Gas Station 1100 Sixth Street
(M.J. Petroleum)

Magic Dollar Super Market LLC 1007 Washington Avenue
Hussein M. Asad, Agent

Referred to Public Safety and Licensing Committee

08-2138

Subject: The following renewal applications for a Class "B" Retail Fermented Malt Beverage license for 2008-2009.

PH Green Bay, LLC 5000 Washington Ave.
(Pizza Hut)
Muriel Kerns, Agent

Jalisco & Michoacan 1950 Racine Street
Paula Mora, Agent

Nuevo Vallarta 3700 Durand Avenue
Mario Espinoza & Patricia Rodriguez

Referred to Public Safety and Licensing Committee

08-2139

Subject: The following renewal application(s) for a "Class C" and Class "B" Fermented Malt Beverage and Wine License for 2008-2009:

CEC Entertainment 5612 Durand Avenue
(Chuck E. Cheese)
Christopher S. Mrozek, Agent

Olde Madrid 418 Sixth Street
(Olde Madrid)
Manuel Salinas
(PUBLICATION FEE ONLY)

Referred to Public Safety and Licensing Committee

08-2147

Subject: The following renewal applications for the WHOLESale License for 2008-2009:

Timer's of Racine, Inc. 3800 Northwestern Avenue
(Timer's)
Shawn D. Voss, Agent

Referred to Public Safety and Licensing Committee

Refer to Traffic Commission, by Ald. Holding[08-2145](#)

Subject: Communication from the Alderman of the 9th District wishing to discuss traffic control on Osborne.

Referred to Traffic Commission

[08-2146](#)

Subject: Communication from the Alderman of the 9th District wishing to discuss a 4-way stop at the corner of Jefferson and W. High St.

Referred to Traffic Commission

Refer to Transit and Parking Commission, by Ald. DeHahn[08-2153](#)

Subject: Communication from Patrick Starken, Racine Unified School District, wishing to discuss the billing procedure between the school district and the Belle Urban System.

Referred to Transit and Parking Commission

[08-2164](#)

Subject: Communication from the President of West Racine Business and Professional Association requesting permission to erect a tent on the parking lot and the use of the south parking lot in the 3200 block of Washington Avenue for Western Days on July 19, 2008

Referred to Transit and Parking Commission

F. Committee Reports**Finance and Personnel Committee Report, by Ald. Friedel**[07-0241](#)

Subject: Communication from the 7th & 9th District Alderman requesting to discuss concerns regarding the expired City contract with P.A.M., the firm which handles parking ticket collections.

Recommendation of the Finance & Personnel Committee on 3-12-07: The item be referred to the Committee of the Whole.

Recommendation of the Public Safety & Licensing Committee of 03-12-07: That the item be referred to the Committee of the Whole and returned to the Public Safety & Licensing Committee, with their recommendation.

Recommendation of the Committee of the Whole on 06-17-07: That staff enter into negotiations with Duncan Solutions (aka Professional Account Management) for a new 2 year contract, and report back to the Finance & Personnel Committee and the Public Safety & Licensing Committee.

Recommendation of the Finance & Personnel Committee on 05-12-08: The Mayor and City Clerk be authorized and directed to enter into a 5-year contract with Citation Management, also known as Professional Account Management LLC, for the processing of parking citation collection and an evaluation be done in a 12-month period.

Fiscal Note: There are sufficient funds for the contract.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-1953

Subject: Communication from the Downtown Rotary Club of Racine requesting the City provide 950 linear feet of wood slat fencing with 95 fencing stands for the 54th Annual Post Prom May 17, 2008.

Recommendation of the Board of Parks, Recreation & Cultural Services 4-23-08: that the request be approved on an ongoing basis. Further recommend the item be referred to the Finance Committee.

Recommendation of the Finance & Personnel Committee on 05-12-08: Permission granted for the City of Racine to provide annually 950 linear feet of fencing with 95 fencing stands for the Downtown Rotary Club of Racine for their annual Post Prom.

Fiscal Note: There will be minimal cost to the City. The Rotary Club will pickup and setup fencing.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2056

Subject: Communication from the General Manager of the Wastewater Utility wishing to discuss an amendment to the 2008 Capital Improvement Program that will enable the Racine Water Utilities to furnish, install and maintain SCADA data collection equipment at the Mt. Pleasant and Sturtevant areas.

Recommendation of the Wastewater Commission on 04-29-08: Approved and further recommends the item be referred to the Finance and Personnel Committee.

Recommendation to the Finance & Personnel Committee on 05-12-08: Permission granted for the General Manager of Racine Water Utilities to amend the 2008 Capital Improvement Program. The additional funding will be utilized to furnish, install and maintain SCADA data collection equipment at the Mt. Pleasant and Sturtevant areas.

Fiscal Note: Funds are available in the utility reserves.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2070

Subject: Communication from the City Attorney submitting the claim of Adam Modrow and Jessie Modrow for consideration.

Recommendation of the Finance & Personnel Committee on 05-12-08: The claim of Adam Modrow and Jessie Modrow, 1949 State Street, requesting reimbursement of \$82,500 for the teardown and reconstruction of their commercial building that was damaged on June 25, 2007 by a construction company working under a City contract be denied.

Fiscal Note: N/A

A motion was made that this Claim be Received and Filed as Reported. The motion was APPROVED.

08-2092

Subject: Communication from the Finance Director requesting to appear before the Finance & Personnel Committee to discuss modifications to the position description and classification of the City Clerk and Treasury Manager.

Recommendation of the Finance & Personnel Committee on 05-12-08: Permission

granted for the Finance Director to change the City Clerk position to City Clerk/Treasury Manager and reclassify from NR-14 to NR-15. Further recommends to change the Treasury Manager position to Assistant City Clerk/Assistant Treasury Manager and reclassify from NR-12 to NR-11.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2096

Subject: Communication from Terry Parker, Human Resources Manager requesting additional funding in the amount of \$14,490.00 from the Contingency Fund for advertising in 2008.

Recommendation of the Finance & Personnel Committee on 05-12-08: Item to be received and filed.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2104

Subject: Communication from the City Clerk submitting the bid received for printing the Common Council Proceedings and legal notices.

Recommendation of the Finance & Personnel Committee on 05-12-08: Racine Journal Times be awarded the bid of publishing the Common Council proceedings and all legal notices for the period of June 1, 2008 through May 31, 2009, they being the only bidder.

Fiscal Note: There are sufficient funds available in account 101-010-5540 City Council Proceedings.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

Council Action

A motion was made by Alderman Thomas Friedel that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Weidner

Public Works and Services Committee Report, by Ald. Holding

07-0785

Subject: Communication from the Assistant Commissioner of Public Works/Engineering submitting a three-party agreement for the Design of State Street.

Recommendation: That the communication be received and filed.

Fiscal Note: Not applicable.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-1894

Subject: Direct Referral. Communication from the Commissioner of Public

Works/City Engineer submitting a request for final payment on Contract 13-07 (K7-013), PS - 2007 Pavement Inspections, Earth Tech, Inc., consultant.

Recommendation: That the professional services provided by Earth Tech, Inc., under Contract 13-07 (K7-013), PS - 2007 Pavement Inspections, be accepted and final payment authorized for a total contract amount of \$74,682.18, from funds heretofore appropriated.

Fiscal Note: Contract authorized under Resolution No. 07-0005 of January 16, 2007.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-1946

Subject: Communication from the Apostolic Ministries Church, 933 LaSalle Street, requesting to close the 900 block of LaSalle Street on Sunday, June 22, 2008, for a special event.

Recommendation of April 29, 2008 and May 13, 2008: Apostolic Ministries Church be granted permission to close LaSalle Street, between State Street and Prospect Street, on Sunday, June 22, 2008, from 10:00 a.m. to 3:00 p.m., for a church event.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.

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.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-1957

Subject: Resolution No. 08-0742, of April 2, 2008, relating to street improvements.

Recommendation of April 8, 2008: That Resolution No. 08-0742, of April 2, 2008, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

Jonathon Drive from cul-de-sac to North Main Street.
North Bay Drive from Sheffield Drive to cul-de-sac.
Ruby Avenue from Melvin Avenue to Lombard Avenue.

and, as amended , Resolution No. 08-0742, of April 2, 2008, be adopted.

Fiscal Note: Funds will be appropriated in the 2009 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

Recommendation of May 13, 2008: That Resolution No. 08-0742, of April 2, 2008, be

amended to delete:

PORTLAND CEMENT CONCRETE PAVING

Jonathon Drive from cul-de-sac to North Main Street.
North Bay Drive from Sheffield Drive to cul-de-sac.
Ruby Avenue from Melvin Avenue to Lombard Avenue.
Riverside Drive from Cedar Bend Avenue to Clayton Avenue.

and, as amended, Resolution No. 08-0742, of April 2, 2008, be adopted.

Fiscal Note: Funds will be appropriated in the 2009 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

Alderman Wisneski asked that item 08-1957 be considered separately.

Motion made by Alderman Wisneski that the recommendation read as follows:

To add Hickory Way from Ravine Drive to Crab Apple Drive to the list of deletions.

A motion was made that this Communication be Adopted As Amended: . The motion was APPROVED by the following vote:

AYES: 10 - Shields, Kaplan, Maack, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Mozol

NOES: 4 - Coe, Anderson, McCarthy and Hart

EXCUSED: 1 - Weidner

08-1995

Subject: Communication from Mi-Tech Services requesting an easement at 1825 Yout Street for the placement of AT&T equipment.

Recommendation: That the Mayor and City Clerk be authorized and directed to enter into an easement agreement with AT&T, for the placement of AT&T equipment on city owned property at 1825 Yout Street with the following stipulation:

That AT&T compensate the City in the amount of \$2,000 to cover the cost of landscaping the property in accordance with a landscaping plan developed by the Department of City Development.

Fiscal Note: There will be no cost to the City of Racine in granting this easement.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-1996

Subject: Communication from Mi-Tech Services requesting an easement at 300 Lake Avenue for the placement of AT&T equipment.

Recommendation: That the Mayor and City Clerk be authorized and directed to enter into an easement agreement with AT&T, for the placement of AT&T equipment on city owned property on the north side of the Lake Avenue Parking Ramp with the following stipulation:

That AT&T compensate the City in the amount of \$250 to cover the cost of necessary landscaping at this site.

Fiscal Note: There will be no cost to the City of Racine in granting this easement.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2020

Subject: Communication from the Commissioner of Public Works/City Engineer requesting that the No Parking restriction on Wright Boulevard between Ohio Street and Perry Avenue be removed.

Recommendation: That the item be referred to the Traffic Commission.

Fiscal Note: Not applicable.

A motion was made that this Communication be Referred to the Traffic Commission, . The motion was APPROVED.

08-2021

Subject: Communication from the Commissioner of Public Works/City Engineer recommending an increase in the street opening permit fee from \$125 to \$150.

Recommendation: That Section 82-73 of the Municipal Code of the City of Racine be amended by deleting, in the 5th line, \$125.00 and inserting in its place \$150.00.

Fiscal Note: This increase in the Street Opening Permit fee, which is paid by utilities and contractors, will increase revenue by \$10,000.00.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2023

Subject: Communication from the Commissioner of Public Works/City Engineer requesting that the alley bounded by Racine Street, DeKoven Avenue, 18th Street and Clark Street be paved.

Recommendation: That the communication be received and filed.

Fiscal Note: Not applicable.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2069

Subject: Communication from the Alderman of the 13th District submitting a petition on behalf of the residents of the 1300 Block of West Lawn & Monroe Avenue appealing the decision to pave the alley fronting their properties.

Recommendation: That the communication be received and filed.

Fiscal Note: Not applicable.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2073

Subject: Communication from the Greater Racine Kennel Club, Inc. (GRKC) requesting the use of the parking area along Pershing Park Drive during the All Breed Dog Show on August 10-11, 2008.

Recommendation: That the Greater Racine Kennel Club be granted permission to lease the gravel parking area north of the skateboard park north to the Pershing Park football field for the parking of recreational vehicles in conjunction with the American Kennel Club's All Breed Dog Show, in exchange for policing the area of all garbage, debris and trash generated during the weekend of Saturday, August 9, 2008, through Monday, August 11, 2008.

Fiscal Note: Not applicable.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2091

Subject: Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 51-07 (K7-059), State Street Bridge Sidewalk Replacement.

Recommendation: That the work of Zenith Tech, Inc., under Contract 51-07 (K7-059), State Street Bridge Sidewalk Replacement, be accepted and final payment authorized for a total contract amount of \$126,500.00, from funds heretofore appropriated.

Fiscal Note: Contract authorized under Resolution No. 07-0428 of October 2, 2007.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2097

Subject: Communication from the Purchasing Agent submitting bid results on Official Notice #7, Radio Communication Tower Replacement.

Recommendation: That Official Notice #7, Radio Communication Tower Replacement, be awarded to Wave Communications, Inc., at their bid price of \$44,200.00, they being the only responsible bidder.

Funds to defray the cost of this project are available in Account 987.310.5010, Antennas and Towers.

Fiscal Note: Funds are available as herein delineated.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2098

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a design alternative for Victorian Drive storm water drainage problems.

Recommendation: That Design Option 3 be approved as presented.

Fiscal Note: Design Option 3 is estimated at \$149,800.00 and funds are available in the Storm Water Utility.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2108

Subject: Resolution No. 08-0805, date May 6, 2008, relating to the following alley improvements:

PORTLAND CEMENT CONCRETE PAVING

Alley - Kearney Avenue to Hickory Grove; Twenty-first Street to Twentieth Street
Alley - Jay Eye See to Phillips Avenue; Twenty-first Street to Twentieth Street
Alley - DeKoven Avenue to Twentieth Street; East of Phillips Avenue
Alley - DeKoven Avenue to Twentieth Street; Case Avenue to Jay Eye See
Alley - DeKoven Avenue to Eighteenth Street; Clark Street to Racine Street
Alley - Jay Eye See to Case Avenue; Twentieth Street to Twenty-first Street

This Communication was Referred to the Public Works and Services Committee by Alderman Holding

08-2110

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting a check from Ohio Casualty Insurance Company for damages to the City Hall east side windows.

Recommendation: That the City of Racine accept the check in the amount of \$74,500.00 from the Ohio Casualty Insurance Company as settlement for the City's claim of damages to the windows on the east side of City Hall which was done at the time the limestone facade was cleaned.

Fiscal Note: These funds will be used for the replacement of the windows on the east side of City Hall.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2111

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations requesting to waive formal bidding for replacement of the windows on the east side of City Hall.

Recommendation: That formal bidding be waived and the proposal from B+D Contractors, Inc., New Berlin, WI, for the replacement of the windows on the east side of City Hall, be approved in the amount of \$74,500.00.

Fiscal Note: B+D Contractors, Inc. was the low bidder on the project for the original installation of these windows.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2112

Subject: Resolution No. 08-0811, dated May 6, 2008, relating to alley improvements.

Recommendation: That Resolution No. 08-0811, of May 6, 2008, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

Alley - Monroe Avenue to West Lawn Avenue; 13th Street to Wright Avenue
Alley - Northwestern Avenue to Goold Street; Golf Avenue to Georgia Avenue

and, as amended , Resolution No. 08-0811, of May 6, 2008, be adopted.

Fiscal Note: Funds will be appropriated in the 2009 C.I.P. for these alley improvements, and special assessments will be paid by the abutting property owners for the alley improvements.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2117

Subject: Resolution No. 08-0804, dated May 6, 2008, relating to street improvements.

Recommendation: That Resolution No. 08-0804, of May 6, 2008, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

Jonathon Drive from cul-de-sac to North Main Street.
North Bay Drive from Sheffield Drive to cul-de-sac.
Ruby Avenue from Melvin Avenue to Lombard Avenue.
Riverside Drive from Cedar Bend Avenue to Clayton Avenue.

and, as amended , Resolution No. 08-0804, of May 6, 2008, be adopted.

Fiscal Note: Funds will be appropriated in the 2009 C.I.P. for these street improvements, and special assessments will be paid by the abutting property owners for the street improvements.

Alderman Holding asked that item 08-2117 be considered separately.

Motion made by Alderman Wisneski that the recommendation read as follows:

To add Hickory Way from Ravine Drive to Crab Apple Drive to the list of deletions.

A motion was made that this Communication be Adopted As Amended: . The motion was APPROVED by the following vote:

AYES: 9 - Shields, Kaplan, Maack, DeHahn, Shakoor, II, Friedel, Wisneski, Spangenberg and Mozol

NOES: 5 - Coe, Anderson, McCarthy, Holding and Hart

EXCUSED: 1 - Weidner

08-2158

Subject: Resolution No. 08-0780 of May 6, 2008, relating to the Apostolic Ministries Church request to use city right-of-way on Sunday, June 22, 2008.

Recommendation: That Resolution No. 08-0780 of May 6, 2008, be adopted.

Fiscal Note: Not applicable.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

Council Action

A motion was made by Alderman Gregory Holding that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Weidner

Public Safety and Licensing Committee Report, by Ald. Shakoor

07-0530

Subject: Communication from the Alderman of the 11th District requesting adoption of an ordinance relating to residency restrictions of sex offenders within the City of Racine.

Recommendation of the Public Safety & Licensing Committee on 5-7-07: That the Communication from the Alderman of the 11th District requesting adoption of an ordinance relating to residency restrictions of sex offenders within the City of Racine be deferred until the July meeting.

Recommendation of the Public Safety & Licensing Committee on 7-23-07: That the

item be deferred to give the committee time to obtain further information.

Recommendation of the Public Safety & Licensing Committee on 5-12-08: That the item be received and filed until the State establishes guidelines.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-1710

Subject: Communication from the Chief Executive Officer of Lincoln Lutheran requesting a 15-year renewal of the agreement with City of Racine for use of the City parking lot proximate to their facility at 2000 Domanik Drive.

Recommendation of the Public Safety & Licensing Committee on 02-11-08: That the item be deferred to the next Public Safety & Licensing Committee Meeting on February 25, 2008.

Recommendation of the Public Safety and Licensing Committee on 2-25-08: That the item be deferred to the next Public Safety & Licensing Committee Meeting on March 10, 2008.

Recommendation of the Public Safety and Licensing Committee on 3-10-08: That the item be deferred to the next Public Safety & Licensing Committee Meeting on March 24, 2008.

Recommendation of the Public Safety & Licensing Committee on 5-12-08: That the 15-year renewal agreement with Lincoln Lutheran be approved.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-1975

Subject: Application of Deutscher Mann Verein (German Men's Club), Robert J. Hill, Agent, for a Change of Agent for a "Class B" Club Retail Fermented Malt Beverage and Intoxicating Liquor license for 701 Villa Street. (1st District)

Recommendation of the Public Safety & Licensing Committee on 5-12-08: That the Change of Agent for a "Class B" Club application for German Men's Club, Robert J. Hill, 701 Villa Street be granted upon completion of the Responsible Beverage Servers Course.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2005

Subject: Communication from Chief of Police Wahlen, requesting to add items to the 2008 Asset Forfeiture Spending Plan.

Recommendation of the Finance & Personnel Committee on 05-12-08: The 2008 Asset Forfeiture Spending Plan be amended by increasing account 241.000.5770 Machinery & Equipment - Interview Room Remodeling & Rewiring by \$5,000; Neighborhood Security Cameras by \$25,000 and Wireless PC Sgt. & Investigation Offices by \$20,000. Account 241.000.5890 Canine (Investigations) - Recertification Training increase by \$3,000.

Recommendation of the Public Safety & Licensing Committee on 5-12-08: The 2008 Asset Forfeiture Spending Plan be amended by increasing the outlay account to a total of \$53,000.00 for use by the Police Department accounts 241.000.5770 Machinery & Equipment - Interview Room Remodeling & Rewiring by \$5,000; Neighborhood Security Cameras by \$25,000 and Wireless PC Sgt. & Investigation Offices by \$20,000. Account 241.000.5890 Canine (Investigations) - Recertification Training increase by \$3,000.

Fiscal Note: Sufficient funds are available for the appropriation.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2007

Subject: Communication from Chief of Police Wahlen, requesting to apply for the Wisconsin Department of Transportation 2008 Alcohol Enforcement Mobilization grant (Grant Control # 2008-014).

Recommendation of the Finance & Personnel Committee on 05-12-08: Permission granted for the Chief of Police to apply for an \$18,000 grant with the Wisconsin Department of Transportation 2008 Alcohol Enforcement Mobilization grant (Grant Control No. 2008-014).

Recommendation of the Public Safety & Licensing Committee on 5-12-08: That the Chief of Police be granted permission to apply for an \$18,000 grant with the Wisconsin Department of Transportation for the 2008 Alcohol Enforcement Mobilization grant. (Grant Control No. 2008-014).

Fiscal Note: The grant requires a 25% soft match (\$4,500) on the part of the City.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2009

Subject: Communication from Chief of Police Wahlen, requesting to apply for the Wisconsin Department of Transportation 2008 Pedestrian Safety Enforcement grant (Grant Control # 2008-015).

Recommendation of the Finance & Personnel Committee on 05-12-08: Permission granted for the Chief of Police to apply for a \$4,000 grant with the Wisconsin Department of Transportation 2008 Pedestrian Safety Enforcement grant (Grant Control No. 2008-015).

Recommendation of the Public Safety & Licensing Committee on 5-12-08: That the Chief of Police be granted permission to apply for a \$4,000.00 grant with the Wisconsin Department of Transportation for the 2008 Pedestrian Safety Enforcement grant. (Grant Control No. 2008-015).

Fiscal Note: There is a 25% (\$1,000) soft match required on the part of the City.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2013

Subject: Communication from Chief of Police Wahlen, requesting to apply for the Wisconsin Department of Transportation 2008 Bicycle Safety Grant (Grant Control # 2008-016).

Recommendation of the Finance & Personnel Committee on 05-12-08: Permission granted for the Chief of Police to apply for a \$4,000 grant with the Wisconsin Department of Transportation 2008 Bicycle Safety grant (Grant Control No.

2008-016).

Recommendation of the Public Safety & Licensing Committee on 5-12-08: That the Chief of Police be granted permission to apply for a \$4,000.00 grant with the Wisconsin Department of Transportation for the 2008 Bicycle Safety grant. (Grant Control No. 2008-016).

Fiscal Note: There is a 25% (\$1,000) soft match required on the part of the City.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2029

Subject: (Direct Referral) (New) Application for a Sidewalk Cafe Permit for Shillings Irish Pub & Restaurant, at 611 Wisconsin Avenue. (1st District)

Recommendation of the Public Safety & Licensing Committee on 5-12-08: That the application for a sidewalk cafe permit without alcohol, 611 Wisconsin Avenue be approved pending City Plan Commission approval.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2077

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the monthly report for the sale of abandoned vehicles for April 24, 2008.

Recommendation of the Public Safety and Licensing Committee on 5-12-08: That the item be received and filed.

Fiscal Note: This will generate \$16,827.63 in revenues.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2082

Subject: Application of Mega Marts, LLC, David J. Babcock, Agent, for a Change of Agent for a "Class A" license for 2406 S. Greenbay Road.

Recommendation of the Public Safety & Licensing Committee on 5-12-08: That the Change of Agent for a "Class A" application for Mega Marts, David J. Babcock, 2406 S. Greenbay Road be denied due lack of compliance as agent did not appear.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2090

Subject: (Direct Referral) (Amendment) Application of Sticky Rice, Morakot Khampane, Agent for "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 337 Main Street to include a Sidewalk Cafe w/ alcohol permit.

Recommendation of the Public Safety & Licensing Committee on 5-12-08: That the application for a sidewalk cafe permit with alcohol, 337 Main Street be approved pending City Plan Commission approval.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as

Reported. The motion was APPROVED.

Council Action

A motion was made by Alderman Q.A. Shakoor, II that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Weidner

City Plan Commission Report, by Ald. Holding

08-2078

Subject: (Direct Referral) Request by Dr. Kenneth Kurt seeking a conditional use permit for a health clinic at 740 College Avenue.

Recommendation of City Plan Commission on 4-30-08: That the item be deferred.

Recommendation of City Plan Commission on 5-14-08: That the conditional use permit be approved subject to conditions.

Fiscal Note: N/A

A motion was made that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED.

08-2125

Subject: (Direct Referral) Minor amendment to a conditional use permit to allow a community garden at 2000 DeKoven Avenue, Racine County Food Bank.

Recommendation of City Plan Commission on 5-14-08: That the minor amendment to the conditional use permit was approved subject to the conditions. No action necessary by the Common Council.

Fiscal Note: N/A

A motion was made that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED.

08-2126

Subject: (Direct Referral) Minor amendment to a conditional use permit for an updated sign package at 4920 Washington Avenue, Firestone.

Recommendation of City Plan Commission on 5-14-08: That the minor amendment to the conditional use permit was approved, subject to the conditions. No action necessary by the Common Council.

Fiscal Note: N/A

A motion was made that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED.

08-2128

Subject: (Direct Referral) Conditional use permit request by Rita K. Landis of Wag More, LLC for Central Bark Doggy Day Care at 5326 Durand Avenue.

Recommendation of City Plan Commission on 5-14-08: That the conditional use permit be approved subject to conditions.

Fiscal Note: N/A

A motion was made that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED.

08-2129

Subject: (Direct Referral) Conditional use permit request by Bob Kuhn of Slumberland for a furniture store at 5200 Durand Avenue (Former Ch-Chi's location).

Recommendation of City Plan Commission on 5-14-08: That the conditional use permit be approved subject to conditions.

Fiscal Note: N/A

A motion was made that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED.

Council Action

A motion was made by Alderman Gregory Holding that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Weidner

Committee of the Whole Report, by Ald. Maack

07-0387

Subject: Communication from the Director of Information Systems wishing to discuss changes in Legistar effecting council meeting format in preparation for implementation of Electronic Voting in the Council Chambers.

Recommendation of the Committee of the Whole on 05-06-2008: The item be received and filed, with Staff to keep an eye on the feasibility of interfacing.

Fiscal Note: N/A

Alderman Maack asked that item 08-0387 be considered separately.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Weidner

08-1970

Subject: Request to enter into a settlement with E.G. Developments, LLC and Champion Environmental Services, Inc. regarding the former Racine Steel Castings property at 1425 North Memorial Drive.

Recommendation of the Committee of the Whole on 05-06-2008: that the Mayor and City Clerk be authorized and directed to enter into an agreement with E.G. Developments, LLC regarding the former Racine Steel Castings property at 1425 North Memorial Drive.

Further recommend, that the Redevelopment Authority be authorized to acquire the property.

Fiscal Note: Funds for the utility connections are available in the 208 Fund.

Alderman Maack asked that item 08-1970 be considered separately.

This Communication was Referred to the Redevelopment Authority of the City of Racine

Office of the Mayor Report, by Ald. Maack

08-2152

Subject: Communication from Mayor Becker nominating appointments/reappointments to the following committees, commissions and boards for the City of Racine:

Affirmative Action Human Rights Commission:

Appoint John J. Buchaklian, 2110 Green St., to fill an unexpired term ending in May 2009.

Board of Parks, Recreation and Cultural Services:

Appoint Amanda DeSonia, 2041 Deane Blvd., for a three-year term ending in April 2011.

Reappoint Gaynell Dyess, as a Racine County representative, for a one-year term ending in April 2009.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Weidner

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

08-2076

Subject: Communication from the President and CEO of the Racine Zoo wishing to discuss the financial terms of the operating agreement between the Society and the City of Racine.

Also refer to the Board of Parks, Recreation & Cultural Services.

Recommendation of the Finance & Personnel Committee on 05-12-08: The item be referred to the Committee of the Whole.

Fiscal Note: N/A

This Communication was Referred to the Committee of the Whole

08-2155

Subject: Ordinance No. 03-08 is an amendment to Municipal Code of the City of Racine, Wisconsin relating to Administration - Powers and duties; supervision of cemeteries.

Recommendation of the Board of Parks, Recreation & Cultural Services 5-14-08: that the amendment be approved.

Fiscal note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Weidner

Standing Joint Review Board Report, by Ald. Maack

08-2017

Subject: (Direct Referral) Amendment to the Project Plans of Tax Incremental Districts No. 2, No. 5, and No. 7.

Recommendation of Standing Joint Review Board on 4-24-08: That the item be deferred.

Recommendation of Standing Joint Review Board on 5-09-08: Reports, pursuant to Wis. Stats. S.66.1105(4m)(b), that it has approved Common Council Resolution 08-0806, a Resolution Amending, Describing and Making Certain Findings and Approving Project Plan Amendment for Tax Incremental Districts No. 2, 5 & 7 in Order to Share Revenue with Tax Incremental Districts No. 3, 6 & 8 of the City of Racine, Wisconsin; and

Further that the item be received and filed.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2018

Subject: (Direct Referral) Amendment to the Project Plan and Boundary of Tax Incremental District No. 10.

Recommendation of Standing Joint Review Board on 4-24-08: That the item be deferred.

Recommendation of Standing Joint Review Board on 5-09-08: Reports, pursuant to Wis. Stats. S.66.1105(4m)(b), that it has approved Common Council Resolution 08-0807, A Resolution Amending, Describing and Making Certain Findings for Approving a Project Plan Amendment and Amended Boundaries for Tax Incremental District No. 10 of the City of Racine, Wisconsin; and

Further that the item be received and filed.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

08-2019

Subject: (Direct Referral) Amendment to the Project Plan of Tax Incremental District No. 15.

Recommendation of Standing Joint Review Board on 4-24-08: That the item be deferred.

Recommendation of Standing Joint Review Board on 5-09-08: Reports, pursuant to Wis. Stats. S.66.1105(4m)(b), that it has approved Common Council Resolution 08-0808, A Resolution Amending, Describing and Making Certain Findings for Approving Project Plan Amendment for Tax Incremental District No. 15 of the City of Racine, Wisconsin; and

Further that the item be received and filed.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

Council Action

A motion was made by Alderman David L. Maack that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Weidner

G. Resolutions

[Res.08-0780](#)

Apostolic Ministries Church Event

Resolved, that the Apostolic Ministries Church be granted permission to close LaSalle Street, between State Street and Prospect Street, on Sunday, June 22, 2008, from 10:00 a.m. to 3:00 p.m., for a church event.

Further resolved, that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. Proof of liability insurance be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.

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

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

A motion was made by Alderman Holding that this Resolution be Adopted.

[Res.08-0812](#)

Authorizing the Study of a Cooperative Boundary Plan between the Village of Mount Pleasant and the City of Racine

Whereas, the Common Council of the City of Racine has determined that in order to promote the public health, safety and welfare of the City citizens, the City must provide for the harmonious and planned development of the City of Racine in conjunction with its neighbors; and

Whereas, the legislature has provided a means for municipalities to cooperate and plan for development and growth as well as establish boundaries among themselves under the provisions of section 66.0307, Wisconsin Statutes; and

Whereas, the City of Racine values and supports the future by cooperative intergovernmental agreements.

Now, Therefore, Be it Resolved, by the Common Council of the City of Racine that:

1. The City of Racine, through its agents and officials, is authorized to participate in the preparation of a cooperative boundary plan with the Village of Mount Pleasant under the procedures and standards set forth in §66.0307, Wis. Stats.;
2. That the City of Racine, staff and consultants are hereby authorized and directed to work with representatives of the Village of Mount Pleasant to prepare a cooperative plan for consideration by the Village Board and the City Council and if approved the eventual submission to the Department of Administration for review;
3. The City Clerk is directed to give written notice of the adoption of any cooperative boundary plan approved by the Common Council of the City of Racine within five (5) days of adoption to the following entities:
 - A. Department of Administration
Department of Transportation
Department of Agriculture, Trade and Consumer Protection
Department of Natural Resources;
 - B. The Clerks of any municipality, school district, technical college, district, sewerage district or sanitary district which has any part of its territory within five (5) miles of either the City of Racine or the Village of Mount Pleasant;
 - C. The Racine County Clerk;
 - D. The Racine County zoning agency created under §59.63(2), Wis. Stats., or the Southeastern Wisconsin Regional Planning Commission.

Fiscal Note: N/A

A motion was made by Alderman Maack that this Resolution be Adopted.

Res.08-0813

Design Option 3 for Victorian Drive Storm Water Drainage

Resolved, that Design Option 3 for Victorian Drive Storm Water Drainage problems be approved as presented.

Fiscal Note: Design Option 3 is estimated at \$149,800.00 and funds are available in the Storm Water Utility Account, 104.900.5420.

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0814

Permission for Great Racine Kennel Club to use parking area along Pershing Park Drive

Resolved, that the Greater Racine Kennel Club be granted permission to lease the gravel parking area north of the skateboard park north to the Pershing Park football field for the parking of recreational vehicles in conjunction with the American Kennel Club's All Breed Dog Show, in exchange for policing the area of all garbage, debris and trash generated during the weekend of Saturday, August 9, 2008, through Monday, August 11, 2008.

Fiscal Note: Not applicable.

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0815

Easement Agreement with AT&T at 1825 Yout Street for placement of AT&T equipment

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an easement agreement with AT&T, for the placement of AT&T equipment on city owned property at 1825 Yout Street with the following stipulation:

That AT&T compensate the City in the amount of \$2,000 to cover the cost of landscaping the property in accordance with a landscaping plan developed by the Department of City Development.

Fiscal Note: There will be no cost to the City of Racine in granting this easement.

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0816

Easement Agreement with AT&T for placement of AT&T equipment at 300 Lake Avenue

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an easement agreement with AT&T, for the placement of AT&T equipment on city owned property on the north side of the Lake Avenue Parking Ramp with the following stipulation:

That AT&T compensate the City in the amount of \$250 to cover the cost of necessary landscaping at this site.

Fiscal Note: There will be no cost to the City of Racine in granting this easement.

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0817

Award of bid for Official Notice #7 Radio Communication Tower Replacement

Resolved, that Official Notice #7, Radio Communication Tower Replacement, be awarded to Wave Communications, Inc., at their bid price of \$44,200.00, they being the only responsible bidder.

Further Resolved that funds to defray the cost of this project are available in Account 987.310.5010, Antennas and Towers.

Fiscal Note: Funds are available as herein delineated.

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0818

Final Payment on Contract for PS-2007 Pavement Inspections

Resolved, that the professional services provided by Earth Tech, Inc., under Contract 13-07 (K7-013), PS - 2007 Pavement Inspections, be accepted and final payment authorized for a total contract amount of \$74,682.18, from funds heretofore appropriated.

Fiscal Note: Contract authorized under Resolution No. 07-0005 of January 16, 2007.

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0819 Final payment on Contract for State Street Bridge Sidewalk Replacement

Resolved, that the work of Zenith Tech, Inc., under Contract 51-07 (K7-059), State Street Bridge Sidewalk Replacement, be accepted and final payment authorized for a total contract amount of \$126,500.00, from funds heretofore appropriated.

Fiscal Note: Contract authorized under Resolution No. 07-0428 of October 2, 2007.

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0820 Settlement for damage to City Hall Windows

Resolved, that the City of Racine accept the check in the amount of \$74,500.00 from the Ohio Casualty Insurance Company as settlement for the City's claim of damages to the windows on the east side of City Hall which was done at the time the limestone facade was cleaned.

Fiscal Note: These funds will be used for the replacement of the windows on the east side of City Hall.

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0821 Waive formal bidding and accept proposal from B&D Contractors for replacement of windows at City Hall

Resolved, that formal bidding be waived and the proposal from B+D Contractors, Inc., New Berlin, WI, for the replacement of the windows on the east side of City Hall, be approved in the amount of \$74,500.00.

Fiscal Note: B+D Contractors, Inc. was the low bidder on the project for the original installation of these windows.

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0822 Final - Ten (10) Year
Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 13th day of May, 2008, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

PORTLAND CEMENT CONCRETE PAVING

Carter Street from English Street to Yout Street
Homestead Street Howard Street to dead end.
West Lawn Avenue from Republic Avenue to Victory Avenue
Seventeenth Street from Indiana Street to Kentucky Street
Seventeenth Street from Oregon Street to Indiana Street
Victory Avenue from Seventeenth Street to Seventeenth Street
Olive Street from Ohio Street to Virginia Street

SEWER AND WATER LATERALS

Homestead Street from Howard Street to dead end.
Seventeenth Street from Indiana Street to Kentucky Street
Seventeenth Street from Oregon Street to Indiana Street

SANITARY SEWER

Homestead Street from Howard Street to dead end.

WATER MAIN

Homestead Street from Howard Street to dead end

CURB AND GUTTER

Homestead Street from Howard Street to dead end

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Racine as follows:

1. That the report of the Commissioner of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.
2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner of Public Works.
3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.
4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.
5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.
6. That the assessments may be paid in cash or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per annum.
7. The City Clerk is directed to publish this resolution in the official newspaper of the City of Racine as a Class I notice in the assessment district.
8. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll, whose post office address is known or can with reasonable diligence be ascertained.

Dated _____
Signed _____

Mayor

Published _____

Attest _____

City Clerk

A motion was made by Alderman Holding to refer Res. 08-0822 to the Public Works and Services Committee.

Res.08-0823

Amend 2008 Asset Forfeiture Spending Plan

Resolved, that the 2008 Asset Forfeiture Spending Plan be amended by increasing the outlay account to a total of \$53,000.00 for use by the Police Department as follows: Account 241.000.5770 Machinery & Equipment - Interview Room Remodeling & Rewiring by \$5,000; Neighborhood Security Cameras by \$25,000 and Wireless PC Sgt. & Investigation Offices by \$20,000. Account 241.000.5890 Canine (Investigations) - Recertification Training increase by \$3,000.

Fiscal Note: Sufficient funds are available for the appropriation.

A motion was made by Alderman Shakoor, that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Weidner

Res.08-0824

Permission to apply for Wisconsin DOT 2008 Alcohol Enforcement Mobilization Grant

Resolved, that permission be granted for the Chief of Police to apply for an \$18,000 grant with the Wisconsin Department of Transportation 2008 Alcohol Enforcement Mobilization grant (Grant Control No. 2008-014).

Fiscal Note: The grant requires a 25% soft match (\$4,500) on the part of the City.

A motion was made by Alderman Shakoor that this Resolution be Adopted.

Res.08-0825

Permission to apply for Wisconsin DOT 2008 Pedestrian Safety Enforcement Grant

Resolved, that the permission be granted for the Chief of Police to apply for a \$4,000 grant with the Wisconsin Department of Transportation 2008 Pedestrian Safety Enforcement grant (Grant Control No. 2008-015).

Fiscal Note: There is a 25% (\$1,000) soft match required on the part of the City.

A motion was made by Alderman Shakoor that this Resolution be Adopted.

Res.08-0826

Permission to apply for Wisconsin DOT 2008 Bicycle Safety Grant

Resolved, that the Chief of Police to apply for a \$4,000 grant with the Wisconsin Department of Transportation 2008 Bicycle Safety grant (Grant Control No. 2008-016).

Fiscal Note: There is a 25% (\$1,000) soft match required on the part of the City.

A motion was made by Alderman Shakoor that this Resolution be Adopted.

Res.08-0827

Renewal Agreement with Lincoln Lutheran for use of City parking lot at 2000 Domanik Drive

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 15 year renewal agreement with Lincoln Lutheran of Racine, Wisconsin for use of the City parking lot proximate to their facility at 2000 Domanik Drive.

Fiscal Note: N/A

A motion was made by Alderman Shakoor that this Resolution be Adopted.

Res.08-0828

Permission to create an additional HR Benefits Coordinator

Resolved, that permission be granted for the creation of an additional Human Resource Benefits Coordinator position for the Human Resources Department.

Fiscal Note: The position's annual cost of approximately \$90,000 will be funded from the 405 Health Insurance Fund. The 2008 cost will be \$45,000.

A motion was made by Alderman Friedel that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 12 - Anderson, Shields, Kaplan, Maack, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

NOES: 2 - Coe and McCarthy

EXCUSED: 1 - Weidner

Res.08-0829

Permission for City to provide fencing for Post Prom

Resolved, that permission be granted for the City of Racine to annually provide 950 linear feet of fencing with 95 fencing stands to the Downtown Rotary Club of Racine for their annual Post Prom.

Fiscal Note: There will be minimal costs to the City. The Rotary Club will pick up and set up fencing.

A motion was made by Alderman Friedel that this Resolution be Adopted.

Res.08-0830

Permission for General Manager of Water Utilities to amend 2008 Capital Improvement Program

Resolved, that permission be granted to the General Manager of Racine Water Utilities to amend the 2008 Capital Improvement Program. The additional funding will be utilized to furnish, install and maintain SCADA data collection equipment at the Mt. Pleasant and Sturtevant areas.

Fiscal Note: Funds are available in the utility reserves.

A motion was made by Alderman Friedel that this Resolution be Adopted. The

motion was **APPROVED** by the following vote:

AYES: 14 - Coe, Anderson, Shields, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Weidner

Res.08-0831

Award bid for printing Common Council Proceedings

Resolved, that the The Racine Journal Times be awarded the bid to publish the Common Council Proceedings and all legal notices for the period of June 1, 2008 through May 31, 2009, they being the only bidder.

Fiscal Note: There are sufficient funds available in Account 101.010.5540, City Council Proceedings.

A motion was made by Alderman Friedel that this Resolution be Adopted.

Res.08-0832

Conditional Use Permit for 740 College Avenue

Resolved, that the request from Dr. Kenneth Kurt seeking a conditional use permit to operate a fitness center and health clinic at 740 College Avenue be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on May 14, 2008 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the hours the establishment is open to the general public be 5:00 a.m. - 10:00 p.m., Monday - Friday; and 6:00 a.m. - 5:00 p.m. Saturday and Sunday. The facility will include a health spa, massage therapy, fitness club, sports facility with training, medical offices, substance abuse counseling, and physical therapy. Accessory uses may include a small cafe and community room.
- d. That at such time the proposed changes to the pedestrian access on the west side of the building are submitted, that the modifications be reviewed and approved by the Downtown Area Design Review Commission.
- e. That all signs be professionally made, comply with the zoning ordinance requirements and be submitted for review and approval by the Downtown Area Design Review Commission.
- f. That all trash and recyclables be stored in closed containers and screened from view.
- g. That the applicant submit a detailed landscape plan within 30 days of occupancy to be reviewed and approved by the Community Development Director. Said landscape plan shall include proposed plantings for the planter bed along 8th Street, and the planter bed located along the building curve on 8th Street and College Avenue.
- h. That all codes and ordinances be complied with and required permits acquired.
- i. That no minor changes be made from the conditions of this permit without the

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

j. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0833

Conditional Use Permit for 5326 Durand Avenue

Resolved, that the request by Rita K. Landis representing Wag More, LLC. seeking a conditional use permit for the operation of a dog care facility at 5326 Durand Avenue. be approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on May 14, 2008 be approved subject to the conditions contained herein.

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

c. That the maximum hours the operation is to be open to the public are from 6:30 a.m. to 7:00 p.m. Monday through Friday, and occasional functions on weeknights and weekends.

d. That revised site plan be submitted for the review and approval of the Director of City Development that illustrates type of fencing and locations, dog training areas, dog runs, and describes number of dogs per handler.

e. That all parking and drop off areas be contained on site.

f. That the parking lot be re-stripped to delineate all parking spaces and handicapped parking spaces.

g. That there be no outside storage of equipment or materials.

h. That prior to the issuance of an occupancy permit, the following shall be accomplished:

1. The location and proposed screening detail for the trash receptacle be reviewed and approved by Director of City Development prior to occupancy.

2. Being part of the Regency Mall retail development, completion of the three party agreement between the owners of the High Ridge Centre, Toys-R-Us , and Regency Mall. Said agreement shall be submitted to the Director of City Development for review and approval. Said agreement shall address the construction, design, scheduling and maintenance of a cross access drive, and contain a construction completion date of no later than November 1, 2008.

i. That all trash, animal waste and recyclables be stored in closed containers and screened from view.

j. That all signs be professionally made, comply with the zoning ordinance requirements and be submitted to the Director of City Development for review and approval.

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

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

m. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0834

Conditional Use Permit for 5200 Durand Avenue

Resolved, that the request from Bob Kuhn representing Slumberland seeking a conditional use permit for a furniture store at 5200 Durand Avenue as part of the Regency Mall retail development be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on May 14, 2008 be approved subject to the conditions contained herein.
- b. That all applicable permits and occupancy permits be obtained from the Building Inspection Department
- c. That the hours the establishment is open to the general public be Monday through Friday, 10:00 a.m. to 8:00 p.m.; Saturday 10:00 a.m. to 6:00 p.m.; and Sunday 12:00 p.m. to 5:00 p.m.
- d. That prior to the issuance of a building permit the following shall be submitted for the review and approval of the Director of City Development:
 1. Revised architectural plans specifying the use of decorative concrete block for all surfaces within eight feet of grade, and illustrating proposed window placement.
 2. Detailed designs and specifications for the retaining wall proposed to be constructed along the north property line.
 3. Color chips illustrating treatment of overhead garage doors.
- e. That prior to the issuance of an occupancy permit, the following shall be accomplished:
 1. Install landscaping in accordance with a final landscaping plan that is to be presented to the Director of City Development for review and approval. If occupancy is requested prior to the installation of landscaping, then a letter of credit equal in value to the cost of materials and installation shall be submitted to the Director of City Development for review and approval. Said letter of credit shall be released upon confirmation of landscaping installation. In no case shall landscaping be installed later than June 1, 2009.
 2. Being part of the Regency Mall retail development, completion of the three party agreement between the owners of the High Ridge Centre, Toys-R-Us and Regency Mall. Said agreement shall be submitted to the Director of City Development for review and approval. Said agreement shall address the construction, design, scheduling, and maintenance of a cross access drive, and contain a construction completion date of no later than November 1, 2008.

- f. That all signs be professionally made, comply with the zoning ordinance requirements and established Regency Mall development standards, and be submitted to the Director of City Development for review and approval.
- g. That any reconfiguration of ingress/egress drives be approved by the Commissioner of Public Works.
- h. That all trash and recyclables be stored in closed containers and screened from view.
- i. That all codes and ordinances be complied with and required permits acquired.
- j. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- k. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

A motion was made by Alderman Holding that this Resolution be Adopted.

Res.08-0835

Agreement with E.G. Developments, LLC to acquire property at 1425 North Memorial Drive

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with E.G. Developments, LLC regarding the former Racine Steel Castings property at 1425 North Memorial Drive.

Further resolved, that the Redevelopment Authority be authorized to acquire the property.

Fiscal Note: Funds for the utility connections are available in the 208 Fund.

A motion was made by Alderman Maack to refer Res. 08-0835 to the Redevelopment Authority of the City of Racine.

H. Ordinances

Ord.09-08

Ord. 9-08

To amend Sec. 82-73 of the Municipal Code of the City of Racine, Wisconsin relating to Streets; Excavations - Permit and street restoration fees.

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

Part 1:

Section 82-73 of the Municipal Code of the City of Racine is hereby amended by deleting in the fifth line "\$125.00" and inserting in its place "\$150.00."

Part 2:

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

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Referred to Public Works and Services Committee

Ord.10-08

Ordinance No. 10-08

To repeal and recreate Chapter 62, Article II of the Municipal Code of the City of Racine, Wisconsin, being an Article of the Municipal Code of the City of Racine relating to discrimination.

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

Part 1:

ARTICLE II. DISCRIMINATION.

Sec. 62-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accommodation means and includes any room, apartment, house, building or structure, any part of which is used for human habitation on a temporary or permanent basis.

Aggrieved person means a person who claims to have been injured by discrimination or believes that he or she will be injured by discrimination that is about to occur.

Commission means the affirmative action and human rights commission.

Commissioner means a member of the affirmative action and human rights commission.

Complainant means any person who files a complaint with the commission pursuant to the provisions of this article.

Department means the City of Racine Fair Housing Department.

Disability means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment, or being regarded as having such an impairment. Disability does not include the current illegal use of a controlled substance, as defined in Wis. Stats. § 961.01 (4), or a controlled substance analog, as defined in Wis. Stats. § 961.01 (4m), unless the individual is participating in a supervised drug rehabilitation program.

Disabled means having a disability.

Discriminate, discrimination and discriminating refer to any type of act or refusal to act prohibited by this article, which is based to any degree on a consideration by the actor of the age, sex, race, color, veteran's status, disabled veteran's status, religion, disability, national origin, marital status, sexual orientation, familial status or economic status of any other person.

Economic status means the lawful source of income of a person.

Employer means and includes every person, firm, corporation, state, county, town, city, village, school district, sewer district, drainage district and other public or quasi-public corporations as well as any agent, manager, representative or other person having control or custody of any employment, place of employment or of any employee.

Familial status means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

- (1) A person is pregnant.
- (2) A person is in the process of securing sole or joint legal custody, periods of physical placement, or visitation rights of a minor child.
- (3) A person's household includes one or more minor or adult relatives.
- (4) A person's household includes one or more adults or minor children in his or her legal custody, or physical placement or with whom he or she has visitation rights.
- (5) A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

Hearing means a hearing under the jurisdiction of the commission, except where otherwise indicated.

Housing means and includes any improved property, or any portion thereof, including a mobile home, manufactured home, or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. Housing includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

Interested person means an adult relative or friend of a member of a person protected under this ordinance, or an official or representative of a private agency, corporation, or association concerned with the welfare of a member of such a protected person.

No probable cause complaint means a complaint, the insufficiency of which is so manifest on a bare inspection of the complaint, that its character may be determined without argument or research.

Owner means and includes the lessee, sublessee, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing in the city.

Person means and includes any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee, trustee in bankruptcy or other fiduciary, or the lessee, proprietor, manager, employee or any other agent of any such person.

Probable cause means reasonable grounds to believe that a violation of this article, not exempted herein, may have occurred or may be occurring.

Respondent means any person who, according to the allegations contained in any complaint filed with the commission, has violated any discriminatory practice prohibited by this article and has been named in the complaint as a respondent.

Veteran means a person serving in the active or reserve Army, Navy, Marine Corps, Coast Guard, or Air Force, or National Guard or Air National Guard, or who so served and who was discharged or released therefrom under conditions other than dishonorable.

Sec. 62-27. Declaration of policy.

(a) It is hereby declared to be the public policy of the city to assure equal opportunities to all citizens of the city, regardless of age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status, and to that end to prohibit discrimination based on these factors.

(b) Since the prohibition of discriminatory practices is not sufficient to effectuate the principle of equal employment without affirmative and direct action, the city adopts this article designed to increase the representation of under-represented groups in all departments, job classifications, and salary categories in city employment. The city, in developing the affirmative action plan, shall require an affirmative action plan from vendors, contractors, and firms with which it does business of \$10,000.00 or more per contract.

Sec. 62-28. Penalty for violation of article.

Unless otherwise specified, any person adjudged to have committed a violation of this article shall forfeit that penalty as provided in section 1-15, plus the costs of prosecution. Such forfeiture shall be assessed on a daily basis for each and every day such violation shall continue without limit.

Sec. 62-29. Affirmative action officer.

There is hereby created the position of affirmative action officer, who shall have responsibility and authority for the development and implementation of the city's affirmative action plan. The affirmative action officer shall have a background which demonstrates a commitment to the policy of this article. The affirmative action officer shall be appointed by the mayor subject to the confirmation of the common council, shall be under the supervision of the manager of the human resources department and shall be directly responsible to the mayor and common council. Prior to such appointment, the mayor shall seek recommendations as to the suitable candidates for this position from the affirmative action and human rights commission. The appointment of the affirmative action officer shall be made by the mayor within 90 days after receiving such recommendations from the affirmative action and human

rights commission.

Sec. 62-30. Affirmative action and human rights commission--Composition; appointments; compensation; ex officio member.

The mayor, subject to confirmation by the common council, shall appoint a commission on affirmative action and human rights consisting of nine members, two of whom shall be aldermen, and one of whom shall be an attorney. Members shall, be city residents, shall be appointed from the entire city, and at no time shall the total of women and ethnic or racial minorities constitute less than a majority of the commission. Commissioners shall receive no compensation for their services. The affirmative action officer is an ex officio member of the commission.

Sec. 62-31. Same--Appointment and terms; oath of office.

The members of the commission shall be appointed by the mayor, subject to confirmation of the common council. Vacancies shall be filled in the same manner. All appointments shall be made on the first Tuesday of May and shall be for a term of three years. The term of office shall begin on appointment, confirmation and qualification of a successor. The aldermen members of the commission shall be members thereof only as long as they continue to hold office as aldermen. Every person appointed as a member of the commission shall take and file an official oath.

Sec. 62-32. Same--Officers.

Each year within 30 days after the time designated for the beginning of terms, the members of the commission shall organize by the election, from among their number, of a president and a secretary and such other officers as they may deem necessary.

Sec. 62-33. Same--Quorum.

Five members of the commission shall constitute a quorum on all matters requiring consideration by the entire commission.

Sec. 62-34. Same--Powers and duties.

The commission shall have the following powers and duties:

- (1) To annually review, approve and recommend the affirmative action goals and timetables as proposed by the affirmative action officer.
- (2) To advise affected and/or other under-represented groups of their rights under the affirmative action plan.
- (3) To disseminate information and to attempt by means of discussion as well as other proper means to educate the people of the city to a greater understanding, appreciation and practice of equal rights, and affirmative action to the end that the city will be a better place in which to live.
- (4) To adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this article. Such rules and regulations shall be filed with the city clerk and a copy thereof mailed to each member of the common council.
- (5) To develop and review the contract compliance requirements of the city and to develop a policy with respect to vendors and contractors.

(6) To make specific recommendations to the common council so as to bring all appropriate ordinances into conformity with the policies of this article, if necessary.

(7) The commission shall be an advisory body to the mayor and the common council and may study and investigate problems relating to discrimination and denial of rights by reason of age, sex, race, veteran's status, disabled veteran's status, creed, color, national origin, disability or disabilities, marital status, familial status, sexual orientation or economic status, and shall make such recommendations to the mayor and common council as it deems necessary to eliminate problems of discrimination in the city. The commission shall receive and investigate complaints of and initiate its own investigations of any practice of discrimination against any person within the city because of age, sex, race, disabled veteran's status, creed, color, national origin, disability or disabilities, marital status, sexual orientation, familial status or economic status.

(8) To receive complaints alleging violation of this article arising from bona fide transactions and to attempt to eliminate or remedy any violation by means of conciliation, education or other means.

In those cases where the commission obtains compliance with this article or the commission finds that the complaint is without foundation, no public disclosure shall be made by the commission of the names of the persons named in the complaint, unless requested by the respondent.

(9) To compel the attendance of witnesses and the production of all papers and records by subpoena, when necessary, for the purpose of its hearings under section 62-42.

Sec. 62-35. Financing of commission.

The common council shall provide in the annual city budget for the amount which it deems necessary to carry on the activities of the commission for the ensuing year. The commission shall be subject to the published ordinances of the city and shall have no authority to expend funds other than those appropriated or approved by the common council. All funds received by the commission shall be paid into the general fund of the city. All expenditures made by the commission shall be made in the same manner as other municipal expenditures and in accordance with the laws of the state and this Code.

Sec. 62-36. Other commission personnel.

The commission may employ such staff as may be authorized by the common council. All personnel so authorized shall be recruited and employed under the personnel classification set up by the human resources department with the approval of the mayor and common council. The commission shall have the right to recommend to the human resources department individuals for filling the authorized staff positions.

Sec. 62-37. Discriminatory practices prohibited.

It shall be a prohibited discriminatory practice for any person:

(1) By threats, intimidations, coercion, extortion, or conspiracy, to induce or attempt to induce any person owning an interest in any housing or accommodation in the city to sell, rent or lease, or not to sell, rent or lease, or contract to construct such housing

or accommodation to any person because of such person's age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status.

(2) To refuse or offer or negotiate for the transfer, sale, rental or lease, or contract to construct, or to refuse to transfer, sell, rent or lease, or contract to construct, or otherwise to deny or withhold from any person any housing because of age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status.

(3) To discriminate against any person in the terms, conditions or provisions pertaining to the transfer, sale, rental or lease, or contract to construct of any housing, or in the furnishing of facilities or services in connection therewith, or in any other manner.

(4) To print, broadcast or publish, or cause to be printed, broadcasted or published, any notice or advertisement relating to the transfer, sale, rental or lease of any housing which expresses limitation specification or discrimination as to race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, sexual orientation, familial status, lawful source of income, or economic status.

(5) To refuse to lend money or security, guarantee any loan, accept any mortgage, to exact different or more stringent price, terms, services, or conditions for the sale, lease, financing, or rental of housing, or in any other manner make available any other funds or resources for the construction, acquisition, purchase, rehabilitation, repair or maintenance of any housing or housing accommodation when such refusal is based on a consideration of the age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status of the person refused.

(6) To do or refuse to do any act which affects the purpose of any activity prohibited by this article.

(7) To refuse to furnish goods or services to any person when such refusal is based on a consideration of the age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status of the person refused.

(8) To hire or promote, discharge or make any other personnel transaction when such practice is based on a consideration of the age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status of the person refused.

(9) Who is engaged in the business of insuring against hazards, to refusing to enter into, or to exact different terms, conditions, or privileges with respect to, a contract of insurance against hazards to a dwelling.

(10) Segregate, separate, exclude or treat unequally in the sale or rental of, or otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter.

(11) Segregate, separate, exclude or treat unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that person.

(12) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing, except that in the case of rental housing the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.

(13) Refuse to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.

(14) If an individual's vision, hearing or mobility is impaired, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from an individual as a condition of continued residence in housing or engage in the harassment of the individual because he or she keeps an animal that is specially trained to lead or assist the individual with impaired vision, hearing or mobility if all of the following apply:

(a) Upon request, the individual shows to the lessor, seller or representative of the condominium association credentials issued by a school recognized by the department as accredited to train animals for individuals with impaired vision, hearing or mobility.

(b) The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.

This subsection does not apply in the case of the rental of owner-occupied housing if the owner or a member of his or her immediate family occupying the housing possesses and, upon request, presents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.

(15) No person may design or construct covered multifamily housing, as defined in Wis. Stats. § 101.132 (1) (d), unless it meets the standards specified in Wis. Stats. § 101.132 (2) (a) 1. to 4. In addition, no person may remodel, as defined in Wis. Stats. § 101.132 (1) (h), housing with 3 or more dwelling units unless the remodeled housing meets the standards specified in Wis. Stats. § 101.132 (2) (a) 1. to 4. as required under Wis. Stats. § 101.132 (2) (b) 1., 2. or 3., whichever is applicable.

Sec. 62-38. Exemption for housing the elderly.

Housing for older persons shall be exempt from the prohibition against age and familial status discrimination under this article if:

- (1) The Housing and Urban Development (HUD) Secretary or the Wisconsin Department of Workforce Development (DWD) Secretary has determined that such housing is specifically designed for and occupied by elderly persons under a federal, state or local government program;
 - (2) Such housing is intended for, and solely occupied by, persons who are 62 years of age or older; or
 - (3) Intended and operated for occupancy by persons 55 years of age or older, and
 - (a) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;
 - (b) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and
 - (c) the housing facility or community complies with rules issued by HUD or DWD for verification of occupancy, which shall provide for verification by reliable surveys and affidavits and include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of subparagraph (b). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.
 - (4) Housing shall not fail to meet the requirements for housing for older persons by reason of:
 - (a) persons residing in such housing as of the date of enactment of this ordinance who do not meet the age requirements of subsections (2) or (3), provided that new occupants of such housing meet the age requirements of sections (2) or (3); or
 - (b) unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subsections (3) or (4).
- Sec. 62-39. Information allowed.

Nothing in this article shall be deemed to prohibit an owner or employer, or his agent, from requiring that any person who seeks to buy, rent or lease any housing, or become an employee, supply information concerning his prior residence, family, marital, financial and business status.

Sec. 62-40. Person's ability to pay, past history, consideration allowed.

Nothing in this article shall be deemed to prohibit an owner or his agent, or prospective employer, from refusing to sell, rent or lease any housing to, or to employ, any person on the basis of his treatment of any property formerly occupied by him or on the basis of his record in paying his rent or other obligations when due, or his ability to pay.

Sec. 62-41. Complaints.

(a) Form and content. Any complaint charging a violation of any provision of this article shall be in writing and shall be verified and signed by the complainant. Such complaints may be initiated by the aggrieved person as complainant or by an interested person, who shall mail or hand-deliver the complaint to the commission or dictate it to a commissioner, who shall thereupon reduce the complaint to writing and the complainant shall execute and verify the complaint. The department is authorized to accept complaints on behalf of the commission. All such complaints shall contain the following:

- (1) The name and address of the complainant, and the name and address of the

aggrieved person if different from the complainant;

- (2) The name and address of the respondent or respondents;
- (3) A statement setting forth the particulars of the alleged violation or discriminatory practice; and
- (4) The date or dates of the alleged violation or discriminatory practice.

(b) Where filed. Complaints shall be filed with the commission by the complainant or his duly authorized agent and may be filed in person or by mail.

(c) When filed. Complaints shall be filed no later than one year after the complainant knew or should reasonably have known the alleged act or acts occurred or terminated. The Commission, on the Commission's own initiative, may also file such a complaint. The Commission may also investigate housing practices to determine whether a complaint should be brought under this section.

(d) Notice to respondent. Upon the filing of a complaint, the commission shall serve a copy thereof, by certified mail with return receipt requested, upon the respondent within 20 days of such filing.

(e) Notice to aggrieved person. Upon the filing of a complaint, if the complainant is not the aggrieved person, the commission shall serve a copy thereof, by certified mail with return receipt requested, upon the aggrieved person within 20 days of such filing.

(f) Amendment and withdrawal. A complaint may be amended or withdrawn by the complainant at any time with and subject to approval of the commission and under such terms as the commission shall direct. If the aggrieved person is not the complainant, the aggrieved person may seek to withdraw the complaint at any time with and subject to approval of the commission and under such terms as the commission shall direct.

Sec. 62-42. Enforcement procedures.

Except as provided in section 62-43, the commission shall use the following procedures in acting on complaints of discrimination:

(a) For all complaints of discrimination other than alleged fair housing discrimination, the commission shall use the following procedures:

(1) The commission shall not accept any complaint filed more than one year after the alleged discrimination occurred or terminated. The commission shall not investigate any complaint unless it is in writing and verified by the complainant, and a copy of the complaint sent to the person or persons complained of, referred to in this article as "respondent," by certified mail.

(2) Reference to panel. If such verified complaint alleges facts sufficient to constitute a violation of the provisions of this article, the chairman of the commission shall designate a panel of three commissioners to make prompt investigation thereof.

(3) If the investigative panel, by affirmative vote of the three members thereof, determines after preliminary investigation that there is probable cause for believing the allegations of the complaint, the commission shall immediately endeavor to eliminate the alleged violation by conference, conciliation or persuasion. In case of failure to so eliminate the discrimination, the commission shall issue a written notice of hearing to all parties, specifying the nature of the discrimination which appears to have been committed, and requiring the respondent to answer the complaint in writing within ten days after receipt of the notice of hearing and to appear at the

hearing on the appointed date. The notice shall specify a time of hearing not less than 30 days after service of the notice for hearing. The testimony at the hearing shall be recorded.

The hearing shall be held before an adjudicating panel appointed by the chairman, composed of three commissioners, and shall be public. The hearing, at the direction of the chairman, may be held before the full commission. All testimony presented at a hearing shall be under oath and subject to cross examination by the respondent and/or the panel members. A respondent may be represented by counsel.

(4) If, after the hearing, the panel finds that the respondent has engaged in or is engaging in a discriminatory practice or violation of this article, it shall make and submit to the commission written findings of fact and conclusions thereon, and shall recommend such action to be taken by the respondent and, where necessary, by the complainant as will effect the purposes of this article by eliminating the discriminatory practice of the violation.

A copy of such findings, conclusions and recommended action, together with a summary of the findings of fact, shall be mailed to the last known address of the complainant and the respondent by certified mail.

(5) Appeals to commission of panel decision.

a. If, within ten days following the certified mailing of the panel's decision, the commission does not receive notice of appeal, the findings, conclusions and orders of the panel shall become findings, conclusions and orders of the full commission.

b. If, within ten days following the certified mailing of the panel's decision, the complainant or respondent serves notice of appeal, such appeal may be had to the full commission. Such appeal shall be on the panel's record. The commission shall have the power to affirm, reverse or modify the determination of the hearing panel.

(6) Transfer of proceedings. At any time after a finding of probable cause, the commission may transfer the proceedings from the three-member panel to the full commission.

(7) The commission shall monitor compliance with its conciliation agreements and orders in such manner as it shall determine appropriate.

(8) Whenever, in the judgment of the commission, judicial enforcement of the article is necessary, the commission shall, in writing, request the city attorney to enforce this article in the name of the city. Upon receipt of such request, the city attorney shall have the power to seek enforcement of this article in a court of competent jurisdiction.

(9) All orders of the commission shall be final administrative determinations and shall be subject to review as provided by law.

(10) An attorney from the city attorney's office shall attend hearings held under this article to act in the capacity as legal advisor to the adjudicating panel or commission in all cases not involving a complaint against the city. This role shall be solely advisory in nature and no voting rights shall attach.

(b) For all complaints of alleged fair housing discrimination, the commission shall use the following procedures:

(1) The department shall serve notice on the complainant, and on the aggrieved person if different from the complainant, acknowledging the filing of the complaint and advising of the time limits and choice of forums provided under this subsection

and the right to bring a private civil action under sub. (13).

(2) Upon the filing of an initial, amended, final, or supplemental complaint, the department shall, within five days, serve a copy of the complaint upon the respondent, except where testing may be conducted. The initial complaint shall be served before the commencement of the investigation by the department, except where testing may be conducted. The notice shall be sent by certified mail, return receipt requested. The notice to the respondent shall include a written statement from the department directing the respondent to respond in writing to the allegations in the complaint within 20 days after the date of the notice and further stating that, if the respondent fails to answer the complaint in writing, the department will make an initial determination as to whether discrimination has occurred based only on the department's investigation and the information supplied by the complainant.

(3) The department shall conduct an initial investigation of the complaint. The department may test as part of this investigation for the purpose of establishing violations of this chapter. The results of such initial investigation shall be reported to the commission at its first regularly scheduled meeting after 20 days after the date of service of the complaint upon the respondent.

(4) The commission may dismiss the complaint if the complainant fails to respond to the department within 20 days from the date of mailing of any correspondence from the department concerning the complaint, if the department's correspondence requests a response and if the correspondence is sent by certified mail, return receipt requested, to the last-known address of the complainant.

(5) The commission and its duly authorized agents may hold hearings, subpoena witnesses, take testimony, and make investigations as provided in this subsection. However, under no circumstances may an individual member of the commission undertake an investigation independent of any commission or department investigation. The department, with the approval of the commission, shall develop and implement an investigation manual for use in conducting investigations.

(6) Subcommittee

(a) The commission shall appoint a subcommittee of three commissioners to investigate all complaints that allege a fair housing violation and that are timely filed. The subcommittee may subpoena persons or documents for the purpose of investigation. If during an investigation it appears that the respondent has engaged in discrimination against the complainant, or an aggrieved person, that is not alleged in the complaint, the commission or the subcommittee may advise the complainant that the complaint should be amended. If the complaint is amended, the subcommittee shall also investigate the allegations of the amended complaint.

(b) At the conclusion of the investigation of the allegations, the subcommittee shall make a determination as to whether probable cause exists to believe that discrimination has occurred or is about to occur. In making a determination of probable cause, the subcommittee shall consider whether the facts concerning the alleged discrimination are sufficient to warrant the initiation of a civil action. If the subcommittee determines that probable cause exists, the subcommittee shall immediately issue a charge on behalf of the aggrieved person and refer the charge to the city attorney. If the city attorney concurs in the subcommittee's determination of probable cause, the city attorney shall represent the aggrieved person at the hearing under sub. (8) or, if an election is made under sub. (6)(c), shall commence a civil action in the name of the state on behalf of the aggrieved person under sub. (13).

(c) Service of copies of the charge shall be made on the complainant, the respondent, and the aggrieved person by certified mail, return receipt requested. When a charge is filed, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in that charge decided in a civil action under sub. (13) in lieu of a hearing under sub. (8). The election shall be made no later than 20 days after the receipt by the electing person of service of the charge, along with information about how to make the election. If an election is made, the person making the election shall give notice of doing so to the commission and to all other complainants and respondents to whom the charge relates. The commission shall notify the aggrieved persons that an election is made.

(d) No charge may be issued regarding alleged discrimination after the beginning of the trial of a civil action commenced by the aggrieved party under sub. (13) or 42 USC 3613, seeking relief with respect to that discriminatory act.

(e) If the subcommittee initially determines that there is no probable cause to believe that discrimination occurred as alleged in the complaint, it may dismiss those allegations. The department shall, by a notice to be served with the determination, notify the parties of the complainant's right to appeal the dismissal of the claim to the commission for a hearing on the issue under par. (9). Service of the determination shall be made by certified mail, return receipt requested.

(7) Temporary Judicial Relief or Conciliation.

(a) At any time after a complaint is filed alleging fair housing discrimination, the commission may request the city attorney to file a petition in the circuit court for the county in which the act of discrimination allegedly occurred or for the county in which a respondent resides or transacts business, seeking a temporary injunction or restraining order against the respondent to prevent the respondent from performing an act that would tend to render ineffectual an order that the department may enter with respect to the complaint, pending final determination of proceedings under this section. On receipt of the commission's request, the city attorney shall promptly file the petition.

(b) Upon the filing of a complaint alleging fair housing discrimination, the department may endeavor to eliminate the discrimination by conference, conciliation and persuasion. The department shall notify the parties that conciliation services are available.

(c) Conciliation efforts may be undertaken by the City of Racine Conflict Resolution Center during the period beginning with the filing of the complaint and ending with the dismissal of the complaint under sub. (6)(e) or the issuance of a charge under sub. (6)(b).

(d) If conciliation resolves the dispute, a written conciliation agreement shall be prepared that shall state all measures to be taken by each party. The agreement may provide for dismissal of the complaint if the dismissal is without prejudice to the complainant's right to pursue the complaint against any respondent who fails to comply with the terms of the agreement. The agreement shall be signed by the respondent, the complainant, and the aggrieved person and is subject to approval by the commission. A conciliation agreement entered into under this subdivision is a public record and is subject to inspection under section 19.35, Wis. Stats., unless the parties to the agreement request that the record be exempt from disclosure and the commission finds that disclosure is not required to further the purposes of this chapter.

(e) Whenever the commission has reasonable cause to believe that a respondent has breached a conciliation agreement, the commission shall refer the matter to the city attorney with a recommendation that a civil action be filed for enforcement of the agreement.

(8) Hearing Procedures.

(a) After a subcommittee issues a charge under par. (6)(b), the department shall serve the charge, along with a written notice of hearing, specifying the nature and acts of discrimination that appear to have been committed, and requiring the respondent to answer the charge at a hearing before the commission. The notice shall specify a time of hearing, not less than 10 days after service of the charge and a place of hearing.

(b) If an election to file a civil action is not made under par. (6)(c), the hearing shall be conducted by a hearing examiner. If the city attorney has concurred in the subcommittee's determination of probable cause under par. (6)(b), the aggrieved person on whose behalf the charge was issued shall be represented by the city attorney. Any other person who is aggrieved, with respect to the issues to be determined at the hearing, may be represented by private counsel.

(c) The commission, the city attorney, or a party's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney shall be in substantially the same form as provided in section 805.07 (4), Wis. Stats., and shall be served in the manner provided in section 805.07 (5). The attorney shall, at the time of issuance, send a copy of the subpoena to the commission.

(d) The testimony at the hearing shall be recorded by the commission. Discovery shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence. The hearing under this paragraph shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record. The burden of proof is on the party alleging discrimination.

(e) If, after the hearing, the commission finds by a fair preponderance of the evidence that the respondent has committed a fair housing discrimination violation, the commission shall make written findings and order the respondent to take actions that will effectuate the purpose of this chapter, and may order other penalties, damages, and costs as provided in pars. (10) and (11). The department shall serve a certified copy of the final findings and order on the aggrieved party, the complainant, and the respondent. The enforcement of the order is automatically stayed upon the filing of a petition for review under par. (12).

(f) If the commission finds that the respondent has not engaged in discrimination as alleged in the complaint, the department shall serve a certified copy of the commission's findings on the aggrieved party, the complainant, and the respondent together with an order dismissing the complaint.

(9) Time Limitations.

(a) The department shall commence proceedings with respect to a complaint before the end of the 5th day after receipt of the complaint.

(b) The subcommittee shall investigate the allegations of the complaint and complete the investigation not later than 45 days after receipt of the complaint. If the

subcommittee is unable to complete the investigation within 45 days, it shall notify the commission, complainant, and respondent in writing of the reasons for not doing so.

(c) If a hearing is conducted under sub. 8, the commission shall conduct such hearing and issue written findings not later than 100 days after receipt of the complaint. If the commission is unable to complete the investigation within 100 days, it shall notify the complainant and respondent in writing of the reasons for not doing so.

(d) The department shall make final administrative disposition of a complaint within one year after the date of receipt of a complaint, unless it is impracticable to do so. If the department is unable to do so, it shall notify the complainant and respondent in writing of the reasons for not doing so.

(10) Damages and Penalties.

(a) If the commission finds that a respondent has engaged in or is about to engage in a discriminatory act prohibited under this chapter, the commission shall promptly issue an order for such relief as may be appropriate, which may include economic and noneconomic damages suffered by the aggrieved person, regardless of whether he or she intervened in the action, and injunctive or other equitable relief. The commission may not order punitive damages.

(b) In addition to any damages ordered under subpar. a, the commission may assess a forfeiture against a respondent as provided in section 1-15, plus the costs of prosecution. Such forfeiture shall be assessed on a daily basis for each and every day such violation shall continue without limit. Notwithstanding the foregoing, if a respondent has been adjudged to have committed one other discriminatory act under this chapter during the preceding five-year period, based on the offense date of the prior discriminatory act, the commission may assess a daily-basis forfeiture against a respondent as provided in section 1-15, plus the costs of prosecution, and shall assess an additional forfeiture in an amount not exceeding \$25,000. Notwithstanding the foregoing, if a respondent has been adjudged to have committed two or more prior other discriminatory act under this chapter during the preceding seven-year period, based on the offense date of the prior discriminatory act, the commission may assess a daily-basis forfeiture against a respondent as provided in section 1-15, plus the costs of prosecution, and shall assess an additional forfeiture in an amount not exceeding \$50,000.

(11) Attorney Fees and Costs. The commission may allow a prevailing complainant, including the city, reasonable attorney fees and costs. The city shall be liable for those fees and costs if the city is a respondent and is determined to have committed a discriminatory act.

(12) Judicial Review. Within 30 days after service upon all parties of an order or determination of the commission under this chapter, the respondent, the complainant or the aggrieved party may appeal the order or the determination to the circuit court for the county in which the alleged discrimination took place by the filing of a petition for review. The court shall review the order or determination as provided in sections 227.52 to 227.58, Wis. Stats.

(13) Civil Actions.

(a) Any person alleging a fair housing discrimination violation, including the city attorney on behalf of an aggrieved person, may bring a civil action for injunctive relief, for damages, including punitive damages, and, in the case of a prevailing plaintiff, for

court costs and reasonable attorney fees.

(b) An action commenced under subpar. (a) may be brought in the circuit court for the county where the alleged violation occurred or for the county where the person against whom the civil complaint is filed resides or has a principal place of business, and shall be commenced within one year after the alleged violation occurred or terminated. The one-year statute of limitations under this paragraph shall be tolled while an administrative proceeding with respect to the same complaint is pending.

(c) The court may issue a permanent or temporary injunction or restraining order to assure the rights granted by this section. The court may order other relief that the court considers appropriate, including monetary damages, actual and punitive, a forfeiture as provided in sub. (10) and costs and fees as provided in sub. (11)

(14) Discrimination by Licensed or Chartered Persons.

(a) If the commission finds reasonable cause to believe that an act of discrimination has been or is being committed in violation of this section by a person and that the person is licensed or chartered under city ordinance, the commission shall notify the licensing or chartering agency of its findings and may file a complaint with such agency together with a request that the agency initiate proceedings to suspend or revoke the license or charter of such person or take other less restrictive disciplinary action.

(b) Upon filing a complaint under par. (a), the commission shall make available to the appropriate licensing or chartering agency all pertinent documents and files in its custody, and shall cooperate fully with such agency in the agency's proceedings.

Sec. 62-43. Proceedings on complaints of discrimination filed against the city.

The commission shall use the following procedures in acting on complaints of discrimination filed against the city:

(1) Upon receipt of a written, verified complaint naming the city as respondent, a copy of such complaint shall be served on the city attorney.

(2) Reference to panel. If such verified complaint alleges facts sufficient to constitute a violation of the provisions of this article, the chairman of the commission shall designate a panel of three commissioners to make prompt investigation thereof.

(3) If the investigative panel, by affirmative vote of the three members thereof, determines after preliminary investigation that there is probable cause to believe the allegations of the complaint, the commission shall immediately endeavor to eliminate the alleged violation by conference, conciliation or persuasion. In case of failure to so eliminate the discrimination, the commission shall report its findings and recommendations to the mayor or common council.

(4) The mayor or common council shall further investigate the matter if needed, and shall approve or disapprove the recommendations of the commission, in whole or in part. The complainant shall be notified of such action.

(5) No further action shall be taken on the complaint by the commission. A complainant may at any time pursue any other available legal or equitable remedies.

Sec. 62-44. Affirmative action plan--Preparation and scope.

(a) Within 90 days of his appointment, the affirmative action officer in concert with the head of each department, board, commission or committee shall develop a written affirmative action plan. The plan, to be updated annually, is to be developed pursuant to the federal guidelines, as amended from time to time, which are hereby incorporated by reference, and is to further reflect reasonable goals and timetables for achieving substantially increased employment of affected and/or other under-represented groups. In addition to the above guidelines, the plan should include, but not be limited to, the following employment and career development information concerning the department:

- (1) The available job slots.
- (2) Recruitment policies.
- (3) Selection and placement procedure.
- (4) Testing programs.
- (5) Training programs.
- (6) Promotion policies and procedures.
- (7) Transfer policies.
- (8) Compensation programs.
- (9) Available facilities.
- (10) Layoff and recall policies.
- (11) Procedure for disciplinary action.
- (12) Harassment-free work atmosphere for affected and/or other under-represented groups.

(b) In preparation of the affirmative action plan, the affirmative action officer shall have the full cooperation of the department head, board, commission, or committee and access to all department policies and procedures, administrative rules and regulations, personnel files and other documents or information relating to the employment, training, promotion, transfer, termination or discipline of personnel in the city employ. However, no records are to be used in any manner that would divulge the identity of the parties involved. Provided, further, that if the employee or applicant was assured by the city that any of the aforementioned documents were to be held in strict confidence, the permission of the applicant or employee shall be obtained prior to the release of these documents to the affirmative action officer.

Sec. 62-45. Same--Adoption.

(a) The affirmative action officer shall incorporate the goals and timetables of the individual departments into the city's affirmative action plan, which shall be submitted to the commission. This plan shall reflect the reasonable goals and timetables for achieving equal employment opportunities and requirements for affected and/or other under-represented groups at all levels and/or job classifications.

(b) Upon approval by the affirmative action commission, the plan shall be submitted to the mayor and common council for approval and adoption. Once adopted, the plan shall be distributed to all department heads, who shall adhere to the goals, timetables and procedures prescribed therein.

Sec. 62-46. Same--Implementation.

Implementation of the city's affirmative action plan shall include but not be limited to the following:

- (1) Recruitment. Every effort shall be made to recruit applicants from under-utilized categories to provide employment lists of qualified candidates that will facilitate the implementation of departmental and affirmative action goals. The manager of the

human resources department, with the assistance of the affirmative action officer, shall expand the recruitment programs to include but not be limited to the following:

- a. Inform members of the affected and/or other under-represented groups of the affirmative action plan and seek their support in attracting applicants.
- b. Include information about the affirmative action plan on all job and contract announcements.
- c. Prepare a specific brochure summarizing the affirmative action plan and disseminate it throughout the community.
- d. Work with appropriate community resources to develop techniques, models and strategies that will maximize the recruitment of affected and/or other under-represented groups.

(2) Testing, selection and placement policies.

- a. The manager of the human resources department, in conjunction with the affirmative action officer, shall review all testing, selection and placement policies of the city to determine that they are nondiscriminatory and free of cultural bias, and develop other evaluation methods that are task related and that are in accord with the guidelines promulgated by the Federal Equal Employment Opportunity Commission.
- b. The manager of the human resources department, in conjunction with the affirmative action officer, shall develop procedures to establish viable career ladders or bridges between entry level, nonmanagement and management positions for all city employees with specific emphasis on affected and/or other under-represented groups.

(3) Education and training programs. The affirmative action officer shall, with the cooperation of the manager of the human resources department of the city, develop education and training programs designed to develop the job related knowledge and skills essential to compensate for past education and opportunity deficiencies. These programs shall be designed to develop each employee's fullest potential and to upgrade the employee's position in the city employ. The affirmative action officer shall work with the affirmative action commission to develop and provide all employees with relevant training to increase their awareness in the areas of cultural perception and human relations.

(4) Analysis of job turnover. The affirmative action officer shall maintain statistics and institute research to identify the reasons for job turnover among all city employees which may have affirmative action ramifications.

Sec. 62-47. Accountability and reports.

- (a) The affirmative action officer shall be responsible for the successful implementation and coordination of the affirmative action plan. In turn, each department head shall be accountable to the affirmative action officer for the successful implementation of the affirmative action plan.
- (b) The affirmative action officer shall at least quarterly file a written progress report with the affirmative action commission, the mayor and common council indicating the progress towards achieving the affirmative action goals. The report shall include but not be limited to the following:

- (1) A summary of the affirmative action goals as well as any special projects tied to this plan.
- (2) Totals of all persons hired, promoted, transferred, demoted, suspended, terminated, interviewed and/or rejected, indicating affected and/or under-represented groups. Waivers of hiring priority and reasons therefor shall also be provided.
- (3) A description of the recruitment and training programs instituted to achieve the objectives of the affirmative action plan.
- (4) A summary of survival counseling and other supportive programs provided to resolve and prevent problems.
- (5) A review of contract compliance status.
- (6) A report listing the number of complaints, the category of discrimination and action taken in investigating complaints.

Sec. 62-48. Review of regulations.

This article is to be reviewed by the city attorney and the commission and reports filed with the common council six months from the date of the adoption of the affirmative action plan.

Part 2:

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

Passed by the Common Council

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Referred to Finance and Personnel Committee

J. Adjourn

The meeting was adjourned at 7:50 P.M. by Alderman Shakoor. The next scheduled meeting of the Council is June 3, 2008.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK