



City of Racine

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

Meeting Agenda - Final Common Council

Mayor John T. Dickert
Alderman Jeff Coe, Alderman 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 Aron Wisneski, Alderman
Gregory Holding
Alderman James T. Spangenberg, Alderman Ronald D. Hart,
Alderman Robert Mozol, Alderman Kelli Stein

Monday, April 19, 2010

7:00 PM

Room 205, City Hall

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

Refer to Finance and Personnel Committee, by Ald. Spangenberg

[10-4983](#) **Subject:** communication from the City Attorney submitting the claim of Nurit BenUr for consideration.

[10-5003](#) **Subject:** Communication from Racine Habitat for Humanity requesting to transfer ownership of 1221 Highland Avenue, a former park, to Habitat for Humanity.

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

[10-5004](#) **Subject:** Communication from the Alderman of the 11th District requesting to transfer \$40,000 from account 203.000.5610 - CAR 25 Professional Services to account 101.990.5910 - Judgment & Claims.

[10-5005](#) **Subject:** Communication from the Alderman of the 11th District requesting to transfer \$30,000 from account 255.000.5970 - Library Sunday Contingency to account 101.990.5970 - Contingency.

- [10-5006](#) **Subject:** Communication from the Director of Fair Housing requesting to accept a \$1,000 donation from SC Johnson A Family Company to be donated to the Wisconsin Fair Housing Network to be applied to this years annual Fair Housing Updates & Awards/Conference Program and Luncheon event.
- [10-5008](#) **Subject:** Communication from the Director of City Development submitting a request by the Root River Council that the City of Racine support its application for a grant from the Wisconsin Department of Natural Resources.
- [10-5009](#) **Subject:** Communication from the Director of City Development requesting that the façade grant program be continued at the amount of \$10,000 per façade through 2011.
- [10-5010](#) **Subject:** Communication from the Grants Facilitator requesting permission to apply for the OJJDP 2010 Second Chance Act Juvenile Mentoring Initiative Grant (Grant Control No. 2010-016) to support initiatives of the Y-Youth Mentoring Collaborative.
- [10-5012](#) **Subject:** Communication from the Fire Chief requesting formal bidding be waived for the acquisition of water rescue dive gear under the 2009 DHS Port Security Grant.

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

- [10-4965](#) **Subject:** Communication from Real Racine requesting to use city right-of-way for the Superweek bicycle race on Thursday, July 22, 2010.
- [10-4969](#) **Subject:** Communication from the Root Pike Watershed Initiative Network requesting to rent office space in the City Hall Annex.
- [10-4974](#) **Subject:** Communication from the Racine Rotary Clubs requesting permission to utilize various parks for the 6th annual Great Midwest Dragon Boat Festival, on July 9 and 10, 2010, for the use of selling beverages, beer, food items and providing live entertainment, to close city streets and parking lanes for a parade and race administration and to utilize the parking lot at the south end of Pershing Drive. Also, sponsoring organizations request permission to place posters on or about city streets and parks regarding this free event.
- (Also refer to the Board of Parks, Recreation and Cultural Services)**
- [10-4975](#) **Subject:** Communication from Redline Tavern Corporation requesting to close North Wisconsin Street, between Hamilton and Hubbard, on July

17, 2010, for the 8th Annual "Cruz in for the Cause" benefit for the non-profit organization "SafeHaven of Racine".

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

[10-5000](#)

Subject: Communication from the Alderman of the 11th District requesting an ordinance that would allow city residents in certain residential districts to safely keep a limited number of chickens to provide eggs for household use.

[10-5001](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting final payment for design of North Beach Sanitary Lift Station by AECOM.

Refer to Transit and Parking Commission, by Ald. DeHahn

[10-4997](#)

Subject: Communication from the Monument Square Art Fair Board of Directors requesting permission to rent Lakefront Lot No. 5 for the Monument Square Art Fair on Saturday, June 12, 2010 and Sunday, June 13, 2010.

Refer to City Plan Commission, by Ald. Holding

[10-4984](#)

Subject: Request from Carolyn Seeger, representing Lincoln Lutheran, for an extension of a planned development approval for the Woodland Pointe Condominiums.

Refer to Board of Parks, Recreation, and Cultural Services, by Ald. McCarthy

[10-4999](#)

Subject: Communication from the Relay Director of the Madison-Chicago 200 Relay requesting the use of the parking lots at North Beach Park from 2:00 a.m. - 9:00 a.m. on June 12, 2010.

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Spangenberg

[10-4880](#)

Subject: Communication from the City Attorney submitting the claim of West Bend Mutual Insurance (Van's Electric) for consideration.

Recommendation of the Finance & Personnel Committee on

4-12-10: The claim of West Bend Mutual Insurance, insurer for Van's Electric, requesting reimbursement in the amount of \$1,884.72 for damages to a Van Electric's truck allegedly struck by a falling tree branch during the storm on or about September 28, 2009 while the

vehicle was parked in the 400 block of Wolff Street be denied.

Fiscal Note: N/A

[10-4881](#)

Subject: Communication from the City Attorney submitting the claim of Sedgwick CMS (Xerox) for consideration.

Recommendation of the Finance & Personnel Committee on

4-12-10: The claim of Sedgwick CMS, insurer for Xerox Corp., requesting a \$765.49 reimbursement for injuries sustained by Christine Boche allegedly falling on an icy sidewalk in the 1000 block of Main Street on February 27 2009 be denied.

Fiscal Note: N/A

[10-4926](#)

Subject: Communication from the City Attorney submitting the claim of Richard Dvorsky and Joan Dvorsky for consideration.

Recommendation of the Finance & Personnel Committee on

4-12-10: The claim of Richard & Joan Dvorsky, 306 Augusta Street, requesting reimbursement of \$7,571.25 for damages arising from a sewer allegedly backing up in their basement on October 11, 2009 be denied.

Fiscal Note: N/A

[10-4761](#)

Subject: Use of Wastewater Utility Interceptor by Caledonia during Repair of Caledonia East Forcemain.

Recommendation of the Wastewater Commission on 3/30/10: That Mayor Dickert and the City Clerk be authorized to sign an Indemnification and Hold Harmless Agreement with the Village of Caledonia. Refer to the Finance and Personnel Committee for approval. (Res.10-1980)

Recommendation of the Finance & Personnel Committee on

4-12-10: The Mayor and City Clerk be authorized and directed to enter into an Indemnification and Hold Harmless Agreement with the Village of Caledonia for the use of Wastewater Utility Interceptor by Caledonia during Repair of Caledonia East Forcemain

Fiscal Note: N/A

[10-4891](#)

Subject: Communication from the Public Health Administrator requesting permission to enter into a fee-for-service memorandum of

understanding for up to \$3,640 with Children's Hospital of Wisconsin, Inc. for Children and Youth with Special Health Care Needs.
(Res.10-1977)

Recommendation of the Finance & Personnel Committee on

4-12-10: The Mayor and City Clerk be authorized and directed to enter into a fee-for-service contract in an amount up to \$3,640 with the Children's Hospital of Wisconsin for the Southeast Regional Center for Children and Youth with Special Health Care Needs beginning January 1, 2010 through December 31, 2010.

Fiscal Note: Funds will be paid to the Health Department on a fee for service basis depending on the number of clients served in the year.

10-4899

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal from Hartmann Design, Inc. for the design of a new site naming sign at the Racine Metro Transit Center to honor Ms. Corinne Reid-Owens.
(Res.10-1979)

Recommendation on 03-31-10: Approve the proposal from Hartmann Design, Inc. for the design of a new site naming sign at the Racine Metro Transit Center to honor Ms. Corinne Reid-Owens.

Further recommends this item be referred to the Finance and Personnel Committee for funding.

Fiscal Note: Funding will be determined by the Finance and Personnel Committee.

Recommendation of the Finance & Personnel Committee on

4-12-10: Approve the proposal from Hartmann Design, Inc. to design a new site naming sign at the Racine Metro Transit Center to honor Ms. Corinne Reid-Owens not to exceed \$3,350.

Fiscal Note: \$3,350 is available in the operation budget of the Belle Urban System Enterprise Fund.

10-4902

Subject: Amendment to Household Hazardous Waste (HHW) Agreement to eliminate language regarding event in Caledonia
(Res.10-1981)

Recommendation of the Wastewater Commission on 3/30/10: That Mayor Dickert and the City Clerk be authorized to sign amendments to the Household Hazardous Waste Agreement with participating communities. Refer to the Finance and Personnel Committee for approval.

Recommendation of the Finance & Personnel Committee on

4-12-10: The Mayor and City Clerk be authorized and directed to sign amendments to the Household Hazardous Waste Agreement with participating communities.

Fiscal Note: N/A

10-4914

Subject: Communication from the Chief of Police requesting permission to apply for the \$100,000 2010 COPS Technology Program grant (City Grant Control No. 2010-013) to be utilized for installing Automated License Plate Recognition (ALPR) equipment in several squad cars. (Res.10-1983)

Recommendation of the Finance & Personnel Committee on

4-12-10: Permission be granted for the Chief of Police to apply for the \$100,000 2010 COPS Technology Program grant (City Grant Control No. 2010-013) to be utilized for installing Automated License Plate Recognition (ALPR) equipment in several squad cars.

Fiscal Note: No match required on the part of the City. The automated license plate recognition equipment has a \$12,000 line item in the 2010 budget.

10-4917

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from the National Recreation and Park Association (City Grant Control # 2010-12) in the amount of \$5,000. (Res.10-1982)

Recommendation of the Finance & Personnel Committee on

4-12-10: Permission be granted for the Director of Parks, Recreation & Cultural Services to apply for a \$5,000 grant with the National Recreation and Park Association (City Grant Control No. 2010-012) to be utilized for a community garden project.

Fiscal Note: No match required on the part of the City.

10-4944

Subject: Communication from the Deputy City Attorney and Human Resources Manager requesting the opportunity to appear before the Personnel/Finance Committee to submit a collective bargaining agreement between the City of Racine and Local 356 (Dispatchers) WPPA/CERD for consideration, covering the years 2009 - 2010. (Res.10-1986)

Recommendation of the Finance & Personnel Committee on

4-12-10: The collective bargaining agreement between the City of Racine and Local 356 (Dispatchers) WPPA/CERD be approved.

Fiscal Note: An increase of \$12,191.00 for 2009 for a 1% salary adjustment with no additional increase for 2010.

[10-4953](#)

Subject: Communication from the Fire Chief requesting permission to formally accept the 2009 Federal Emergency Management Agency Fire Act Grant EMW-2009-FO-05871 (Grant Control Number 2009-020) for \$184,000. (Res.10-1984)

Recommendation of the Finance & Personnel Committee on

4-12-10: The Mayor and City Clerk be authorized and directed to enter into a \$184,000 agreement with the 2009 Federal Emergency Management Agency Fire Act grant (City Grant Control No. 2009-020) to be utilized for the purchase of generators for five outlying fire stations and standardized physical fitness equipment for all six fire stations.

Fiscal Note: There is a 20% hard match or \$36,800 on the part of the City. Match funds in the amount of \$35,640 will be available in Account 989.300.5710. Any additional match is available in Account 268.000.5250.

[10-4955](#)

Subject: Request from the Director of City Development to apply to the Wisconsin Department of Natural Resources for a grant for environmental assessment and remediation for a brownfield property at 1700 Phillips Avenue. (Res.10-1978)

Recommendation of the Finance & Personnel Committee on

4-12-10:Permission be granted for the Director of City Development to apply for the Wisconsin Department of Natural Resources grant (City Grant Control No. 2010-015) to be utilized for the environmental assessment and remediation for a brownfield property at 1700 Phillips Avenue.

Fiscal Note: No match required on the part of the City.

[10-4958](#)

Subject: Claim for excessive assessment from Target Corporation, for 2009 Real Estate Taxes.

Recommendation of the Finance & Personnel Committee on

4-12-10: The claim for excessive assessment filed by the Target Corporation for 2009 Real Estate Taxes be denied.

Fiscal Note: N/A

[10-4959](#)

Subject: Communication from the Finance Director requesting to appear at the next Finance & Personnel Meeting to discuss 2009-2010

carry forwards. (Res.10-1987)

Recommendation of the Finance & Personnel Committee on

4-12-10: Carry forward 2009 budgets to 2010 as follows: All remaining encumbrance budgets; remaining 2008 and 2009 bonded Capital Projects budgets; \$180,485.17 General Fund operational budgets; \$598,071.25 Library Capital Projects; \$332,187.10 Sanitary Sewer Capital Projects; \$130,205.28 Façade Grant Program; \$161,013.64 Civic Centre Capital Projects.

Fiscal Note: There are sufficient funds available to be carried forward. A detailed list of all carry-forwards will be available in the Finance Department.

10-4981

Subject: (Direct Referral) Communication from the Deputy City Attorney and Human Resources Manager submitting the Local 67 - Library Employees Unit collective bargaining agreement for consideration. (Res.10-1985)

Recommendation of the Finance & Personnel Committee on

4-12-10:The collective bargaining agreement between the City of Racine and Local 67 - Library Employees Unit be approved.

Fiscal Note: 2009: \$29,900; 2010 \$0 over 2009.

Public Works and Services Committee Report, by Ald. Holding

10-4633

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting final payment on Contract 44-08 (K8-052), 2008 Sanitary Sewer Relays, A.W. Oakes and Son, Contractor. (Res.10-1967)

Recommendation of the Public Works and Services Committee on

4-13-10: That the work done by A.W. Oakes & Son, Inc. under Contract 44-08 (K8-052), 2008 Sanitary Sewer Relays, be accepted and final payment authorized for a total contract amount of \$385,208.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0926, dated July 15, 2008.

10-4923

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a proposal from Azteca Systems for the extension of Cityworks software to the Building Department. (Res.10-1972)

Recommendation of the Public Works and Services Committee on

3-30-10: Defer

Recommendation of the Public Works and Services Committee on 4-13-10: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Azteca Systems, Inc. for Extension of Cityworks Software to Building Department, on a time-and material basis not-to-exceed \$49,925.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 101.130.5830, GIS Layers.

Fiscal Note: Funds are available as herein delineated.

[10-4943](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 57-09 (K9-058), Sewer Insulation & Structural Repair - North Osborne Boulevard Ravine, Dirty Ducts Cleaning, Environmental and Insulation, Inc., contractor. (Res.10-1969)

Recommendation of the Public Works and Services Committee on 4-13-10: That Change Order No. 1 on Contract 57-09 (K9-058), Sewer Insulation & Structural Repair - North Osborne Boulevard Ravine, Dirty Ducts Cleaning, Environmental and Insulation, Inc., contractor, be approved in the amount of \$4,750.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 287.990.5310, Sanitary Sewer, Var. Loc.

Fiscal Note: Funds are available as herein delineated.

[10-4946](#)

Subject: Communication from Racine Neighborhood Watch requesting to use the City Hall Annex parking lot for its plant sale fundraiser pickup on Saturday, May 15, 2010, from 5 a.m. until 3 p.m. (Res.10-1961)

Recommendation of the Public Works and Services Committee on 4-13-10: The Mayor and City Clerk be authorized and directed to enter into a Hold Harmless Agreement with Racine Neighborhood Watch to use the City Hall Annex parking lot and lawn area abutting Grand Avenue on Saturday, May 15, 2010, from 5:00 a.m. to 3:00 p.m. in conjunction with a fundraiser.

Fiscal Note: N/A

[10-4947](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 29-09 (K9-030), 2009 Sewer Asset Management Services, AECOM, consultant. (Res.10-1968)

Recommendation of the Public Works and Services Committee on 4-13-10: That the professional services provided by AECOM Technical Services, Inc., under Contract 29-09 (K9-030), 2009 Sewer Asset Management Services, be accepted and final payment authorized for a total contract amount of \$56,623.74.

Fiscal Note: Contract was authorized under Resolution No. 09-1251, dated February 18, 2009.

[10-4949](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 63-09 (K9-064), 2009 LED Street Lights, Spectrum Lighting, Ltd., contractor. (Res.10-1971)

Recommendation of the Public Works and Services Committee on 4-13-10: That the work done by Spectrum Lighting, Ltd. under Contract 63-09 (K9-064), 2009 LED Street Lights, EECBG, be accepted and final payment authorized for a total contract amount of \$146,800.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1729, dated December 1, 2009.

[10-4950](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering requesting to rescind the final payment on Contract 01-09 (K9-001), 2009 Pavement Inspection and Planning, Resolution No. 10-1911 of March 16, 2010, in the amount of \$77,720.22. (Res.10-1975)

Recommendation of the Public Works and Services Committee on 4-13-10: As the amount listed in Resolution No. 10-1911, dated March 16, 2010, was incorrect, Resolution No. 10-1911 be rescinded.

Further recommends that the work of AECOM Technical Services, Inc., under Contract 1-09 (K9-001), 2009 Pavement Inspection and Planning, be accepted and final payment authorized for a total contract amount of \$77,925.10, from funds heretofore appropriated.

Fiscal Note: Contract was approved by Resolution 08-1169, dated December 16, 2008.

[10-4966](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 10-10 (K0-010), 2010 Republic Avenue Reconstruction C.D.B.G. (Res.10-1964)

Recommendation of the Public Works and Services Committee on 4-13-10: That Contract 10-10 (K0-010), 2010 Republic Avenue

Reconstruction C.D.B.G., be awarded to A.W. Oakes & Son, Inc., Racine, WI, at their bid price of \$351,580.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$185,113.00 - Account 890.030.5520, 2010 Concrete Street Reconstruction
\$ 85,007.00 - Account 890.030.5510, 2010 Curb and Gutter Replacement
\$ 29,800.00 - Account 287.990.5310, Sanitary Sewer, Var. Loc.
\$ 51,660.00 - Account 104.990.5420, Storm Sewer, Misc. Loc.
\$351,580.00 - Total

Fiscal Note: Funds are available as herein delineated.

[10-4967](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 11-10 (K0-011), Alley Paving (R1). (Res.10-1965)

Recommendation of the Public Works and Services Committee on 4-13-10: That Contract 11-10 (K0-011), Alley Paving (R1), be awarded to AZAR LLC, Racine, WI, at their bid price of \$282,727.61, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 2,585.66 - Account 990.908.5520, Sidewalk Replacement
\$ 1,565.00 - Account 990.908.5010, Concrete Street Paving Misc.
\$ 95,837.55 - Account 104.900.5420, Replacement Storm Sewers
\$175,420.00 - Account 906.000.5060, Concrete Paving Assessed
\$ 3,541.23 - Account 990.908.5030, Concrete Alley Paving
\$ 3,778.17 - Account 990.908.5310, New Curb & Gutter
\$282,727.61 - Total

Fiscal Note: Funds are available as herein delineated.

[10-4968](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 18-10 (K0-018), South Side Street Paving (R1). (Res.10-1966)

Recommendation of the Public Works and Services Committee on 4-13-10: That Contract 18-10 (K0-018), South Side Street Paving (R1), be awarded to Milwaukee General Construction Co., Inc., Milwaukee, WI, at their bid price of \$929,358.04, they being the lowest responsible

bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$582,480.35 - Account 906.000.5010, Concrete Street Paving
\$110,656.35 - Account 990.908.5010, Concrete Street Paving, Misc. Loc.
\$100,000.00 - Account 990.908.5320, Replacement Curb and Gutter
\$ 18,901.34 - Account 990.908.5530, Crosswalk Ramps
\$ 6,000.00 - Account 906.000.5410, Sanitary Sewer
\$ 26,900.00 - Account 287.990.5310, Sanitary Sewer, Var. Loc.
\$ 84,420.00 - Account 104.990.5420, Storm Sewer, Misc. Loc.
\$929,358.04 - Total

Fiscal Note: Funds are available as herein delineated.

[10-4971](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting Amendment No. 1 to Contract 29-10 (K0-034), 2010 Information Consulting Services, AECOM Technical Services, Inc., consultant. (Res.10-1976)

Recommendation of the Public Works and Services Committee on 4-13-10: That Amendment No. 1 to Contract 29-10 (K0-034), 2010 Information Consulting Services, AECOM Technical Services, Inc., consultant, as submitted, be approved in the amount of \$24,000.00.

Further recommends that funding to defray the cost of these professional services be appropriated from the following accounts:

\$12,071.00 - Account 289.000.5770, Machinery & Equipment
\$ 5,964.00 - Account 287.990.5310, Sanitary Sewer
\$ 5,965.00 - Account 104.990.5420, Storm Sewer, Misc. Loc.
\$24,000.00 - Total

Fiscal Note: Funds are available as herein delineated.

[10-4978](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 57-09 (K9-058), Sewer Insulation & Structural Repair - North Osborne Boulevard Ravine, Dirty Ducts Cleaning, Environmental and Insulation, contractor. (Res.10-1970)

Recommendation of the Public Works and Services Committee on 4-13-10: That the work done by Dirty Ducts Cleaning, Environmental and Insulation, Inc. under Contract 57-09 (K9-058), Sewer Insulation & Structural Repair - North Osborne Boulevard Ravine, be accepted and

final payment authorized for a total contract amount of \$51,404.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1631, dated October 6, 2009.

10-4982

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a three-party Design Engineering Services Agreement between the City of Racine, Wisconsin Dept. of Transportation and Strand Associates for State Project ID: 2290-17-00, Northwestern Avenue (STH 38) S. Memorial Drive to Golf Avenue. (Res.10-1974)

Recommendation of the Public Works and Services Committee on 4-13-10: That the Mayor and City Clerk be authorized and directed to enter into a 3-party contract with the State of Wisconsin Department of Transportation and Strand Associates, Inc. for professional design engineering services for reconstructing Northwestern Avenue (Hwy. 38) from Golf Avenue to Memorial Drive, State Project ID: 2290-17-00, for the not-to-exceed cost of \$1,010,542.56, which is funded 75% by the State of Wisconsin, or \$757,906.94, and 25% by the City of Racine, or \$252,635.62.

Further recommends that funds to defray the cost of these professional services are available in the following accounts:

\$187,500.00 - Account 990.908.5060, Northwestern-Memorial to Golf
\$ 65,135.62 - 2011 Capital Improvement Program
\$252,635.62 - Total

Fiscal Note: Funds are available as herein delineated.

10-4994

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a project agreement with the Wisconsin Department of Transportation for the reconstruction of Durand Avenue from Illinois Street to Kearney Avenue. (Res.10-1973)

Recommendation of the Public Works and Services Committee on 4-13-10: That the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for Reconstruction of Durand Avenue (STH 11) from Illinois Street to Kearney Avenue, State Project ID: 2460-07-70, be approved in the amount of \$10,380,100.00 with the City's share being \$423,275.00 and the State's share being \$9,956,825.00.

Further recommends that funding to defray the City's share of this project will be provided in the 2011-2015 Capital Improvement Program.

Fiscal Note: Funds are available as herein delineated.

[10-4998](#)

Subject: (Direct Referral) Request of The Rotary Post Prom Committee of the Downtown Rotary Club, for street closures, use of parking lot 4 and rental of Civic Center Ramps in conjunction with Post Prom 2010. (Res.10-1963)

Recommendation of the Public Works and Services Committee on 4-13-10: That the request of the Rotary Post Prom Committee of the Downtown Rotary Club, to close:

Fifth Street, from Lake Avenue to Festival Park Drive,
Festival Park Drive, from Fifth Street to Sixth Street,
Sixth Street, from Festival Park Drive to Pershing Park Drive,
Pershing Park Drive, from Sixth Street to Eleventh Street, and
Eleventh Street from Pershing Park Drive to Main Street,

from 7:00 p.m., Saturday, May 15, 2010, to 4:30 a.m., Sunday, May 16, 2010, for the Rotary Post Prom, be approved.

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 the event;
- C. The setup and dismantling of barricades will be the responsibility of the sponsor;
- D. Any overtime and/or equipment and material loss will be charged to the sponsor;
- E. Sponsor shall pay a \$350.00 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 the various City departments, on a regular shift basis, to assist in implementing this event.

Public Safety and Licensing Committee Report, by Ald. Wisneski

[10-4932](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting final payment for updating plans and specifications for roof column repairs at the Zoological Gardens by Butterfield, Rudie & Seitz Architects, Inc. (Res.10-1957)

Recommendation of the Public Safety & Licensing Committee on 4-12-10: That final payment for updating plans and specifications for roof column repairs at the Zoological Gardens by Butterfield, Rudie & Seitz Architects, Inc. be accepted.

Fiscal Note: Funds are available in account 990-740-5020, Zoo North

End Building Column Repairs.

[10-4933](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting final payment for Contract 54-09 (K9-055) Replacing Softball Lighting at Island Park South by Pieper Electric, Inc. (Res.10-1958)

Recommendation of the Public Safety & Licensing Committee on 4-12-10: That final payment for Contract 54-09 (K9-055) Replacing Softball Lighting at Island Park South by Pieper Electric, Inc. be accepted.

Fiscal Note: Funds are available in account 988-710-5020, Replace Island South Lights.

[10-4940](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the report of bids received on the sale of abandoned vehicles 03-29-2010.

Recommendation of the Public Safety & Licensing Committee on 4-12-10: That the item be received and filed.

Fiscal Note: This will generate \$9,111.01 in revenue.

[10-4941](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services wishing to meet with the Public Safety and Licensing Committee to discuss changes to Sec. 70-131(a), Fifth Street boat ramp, and Sec. 70-1(b), Violations. (Ord.3-10)

Recommendation of the Public Safety & Licensing Committee on 4-12-10: That the fees be changed from \$40.00 to \$100.00 and some of the wording be modified.

Fiscal Note: N/A

[10-4951](#)

Subject: Communication from the Purchasing Agent submitting bid results on Official Notice #6, One (1) Heavy Duty Rescue/Hazmat Equipment Truck W/6 Person Tilt Cab. (Res.10-1956)

Recommendation of the Public Safety & Licensing Committee on 4-12-10: That the bid be awarded to Pierce Manufacturing, Inc. at their final price of \$445,731.00.

Fiscal Note: Funds are available in account 268-020-5820, FEMA Fire Grant-2009/2010.

City Plan Commission Report, by Ald. Holding

[10-4939](#)

Subject: (Direct Referral) Consideration of an ordinance amendment reducing the minimum cost threshold for the review of façade projects within the Downtown Area Design Review District. (Ord.4-10)

Recommendation of the City Plan Commission on 4-14-10: That an ordinance be prepared and public hearing scheduled.

Fiscal Note: N/A

[10-4987](#)

Subject: (Direct Referral) Consideration of an ordinance amendment establishing standards for high resolution electronic message centers. (Ord.5-10)

Recommendation of the City Plan Commission on 4-14-10: That an ordinance be prepared and public hearing scheduled.

Fiscal Note: N/A

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

[10-4838](#)

Subject: Communication from the President of 4th Fest of Greater Racine requesting permission to use city right-of-way for the 4th of July parade and permission to use North Beach for the fireworks. (Res.10-1939)

Recommendation of the Public Works and Services Committee on 3-30-10: That permission be granted to Fourth Fest of Greater Racine, Inc. to close certain city streets on Monday, July 5, 2010, from 7:00 a.m. to 12:30 p.m., to hold the 2010 Independence Day Parade.

Further recommends that the Commissioner of Public Works/City Engineer be authorized and directed to communicate with the U. S. Coast Guard requesting permission to close the Main Street Bridge to boat traffic on Monday, July 5, 2010, from 7:45 a.m. to 1:00 p.m., and both the Main Street and State Street Bridges on Monday, July 5, 2010, from 9:05 p.m. to 10:40 p.m., for the Fourth Fest activities.

Further recommends that in the interest of public safety, the Commissioner of Public Works/City Engineer and Chief of Police be authorized and directed to close Goold Street, Yout Street, English Street, High Street, St. Patrick Street, Kewaunee Street, and Barker Street, from Main Street to Michigan Boulevard; Michigan Boulevard, from Goold Street to Hamilton Street; Chatham Street, from north of Yout Street to Hamilton Street; and Hoffert Drive, on Monday, July 5, 2010, between the hours of 7:00 p.m. and 10:00 p.m., with a rain date of Tuesday, July 6, 2010, to provide for a Municipal Band Concert, to be

held at North Beach Gazebo, and the fireworks display, as part of the Independence Day festivities.

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

Fiscal Note: Since the City is a co-sponsor of the event, there are no stipulations.

Recommendation of the Board of Parks, Recreation and Cultural Services 4-14-10: to approve the request from Fourth Fest of Greater Racine to use city right-of-way for the 4th of July parade and North Beach for the fireworks.

Further recommend that the Director of Parks, Recreation and Cultural Services, 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: The City is a co-sponsor of the event, there are no stipulations.

10-4945

Subject: Communication from the Pete Henkes, Lighthouse Run Meet Director, requesting to use city right-of-way and Monument Square on June 19, 2010 for the 32nd Annual Lighthouse Run. (Res.10-1962)

Recommendation of the Public Works and Services Committee on 4-13-10: Permission be granted to the sponsor of the Lighthouse Run to use certain city streets for the period of 6:00 a.m. to 10:30 a.m. on Saturday, June 19, 2010, and to close the following streets:

Main Street from State Street to Sixth Street
Lake Avenue from 8th Street to State Street
State Street from Main Street to Lake Avenue
Main Street from State Street to 3 Mile Road (west side two traffic lanes will remain open for two-way traffic)
Dodge Street from Main Street to Michigan Boulevard
Michigan Boulevard from Dodge Street to Wolff Street
Wolff Street from Michigan Boulevard to North Main Street

Further recommends that the Commissioner of Public Works be authorized and directed to communicate with the U. S. Coast Guard requesting permission to close Main Street Bridge to boat traffic for the period of 7:40 a.m. to 10:40 a.m. on Saturday, June 19, 2010 to satisfy the needs of this run.

Further recommends that this permission is 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 cost and equipment and material loss incurred by any department in the assistance of this event shall be charged to the sponsor;
- D. Sponsor shall comply with the approved policy on parking restrictions for special events, and the sponsor shall distribute to all abutting property occupants on those streets where parking is being prohibited written notices of the ban approximately 48 hours in advance of this event.
- E. Sponsor shall be responsible for all traffic control and detour signage during the event.
- F. Sponsor shall pay a \$1,400.00 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 in accordance with these stipulations.

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

Recommendation of the Board of Parks, Recreation & Cultural Services 4-14-10: to approve the request of the Lighthouse Run Director to use city right-of-way and Monument Square on July 19, 2010 for the 32nd Annual Lighthouse Run.

Further recommend that permission be granted with the following stipulations:

- A. A hold harmless agreement is executed;
- B. A liability insurance certificate is filed prior to the event;
- C. Any overtime costs incurred by any City department to assist with this project is charged to the sponsor;

Further recommends that the Director of Parks, Recreation and Cultural Services and the Chief of Police provide limited assistance in the interest of public safety to implement this event.

Fiscal note: No cost to the City - \$25.00 reservation fee paid to the City

G. Consent Agenda

Res.10-1956 Official Notice #6, One (1) Heavy Duty Rescue/Hazmat Equipment Truck W/6 Person Tilt Cab, be awarded to Pierce Manufacturing, Inc.

Resolved, that Official Notice #6, One (1) Heavy Duty Rescue/Hazmat Equipment Truck W/6 Person Tilt Cab. be awarded to Pierce Manufacturing at its final price of \$445,731.00.

Fiscal Note: Funds are available in Account 268.020.5820, FEMA Fire Grant - 2009/2010.

Sponsors: Aron Wisneski

Res.10-1957 Professional Services for updating plans and specifications for roof column repairs at the Zoological Gardens by Butterfield, Rudie & Seitz be accepted and final payment authorized

Resolved, that the Professional Services for updating plans and specifications for roof column repairs at the Zoological Gardens by Butterfield, Rudie & Seitz Architects, Inc., be accepted and final payment authorized for a total contract amount of \$330.00.

Fiscal Note: Funds are available in Account 990.740.5020, Zoo North End Building Column Repairs.

Sponsors: Aron Wisneski

Res.10-1958 Work provided by Pieper Electric, Inc., for Contract 54-09 (K9-055), Replacing Softball Lighting at Island Park South, be accepted and final payment authorized

Resolved, that the work provided by Pieper Electric, Inc., for Contract 54-09 (K9-055), Replacing Softball Lighting at Island Park South, be accepted and final payment authorized for a total contract amount of \$126,108.00.

Fiscal Note: Funds are available in Account 988.710.5020, Replace Island South Lights.

Sponsors: Aron Wisneski

Res.10-1961 Permission granted to Racine Neighborhood Watch to use City Hall Annex Parking lot for plant sale fundraiser on May 15, 2010, contingent upon entering into a Hold Harmless Agreement

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Hold Harmless Agreement with Racine Neighborhood Watch to use the City Hall Annex parking lot and lawn area abutting Grand Avenue on Saturday, May 15, 2010, from 5:00 a.m. to 3:00 p.m. in conjunction with a fundraiser.

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.10-1962 Permission granted to Lighthouse Run to use certain streets and Monument Square on June 19 contingent upon entering into a Hold Harmless Agreement with certain stipulations

Resolved, that permission be granted to the sponsor of the Lighthouse Run to use certain City streets for the period of 6:00 a.m. to 10:30 a.m. on Saturday, June 19, 2010, and to close the following streets:

Main Street from State Street to Sixth Street
Lake Avenue from 8th Street to State Street
State Street from Main Street to Lake Avenue
Main Street from State Street to 3 Mile Road (west side two traffic lanes will remain open for two-way traffic)
Dodge Street from Main Street to Michigan Boulevard
Michigan Boulevard from Dodge Street to Wolff Street
Wolff Street from Michigan Boulevard to North Main Street

Further resolved, that the Commissioner of Public Works be authorized and directed to communicate with the U. S. Coast Guard requesting permission to close Main Street Bridge to boat traffic for the period of 7:40 a.m. to 10:40 a.m. on Saturday, June 19, 2010 to satisfy the needs of this run.

Further resolved, that this permission is 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 cost and equipment and material loss incurred by any department in the assistance of this event shall be charged to the sponsor;
- D. Sponsor shall comply with the approved policy on parking restrictions for special events, and the sponsor shall distribute to all abutting property occupants on those streets where parking is being prohibited written notices of the ban approximately 48 hours in advance of this event;
- E. Sponsor shall be responsible for all traffic control and detour signage during the event;
- F. Sponsor shall pay a \$1,400.00 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 in accordance with these stipulations.

Fiscal Note: There will be nominal costs to the various City departments, on a regular shift basis, to assist in implementing this event. \$25.00 reservation fee paid to the City.

Sponsors: Gregory Holding and Terry McCarthy

Res.10-1963 Permission granted to Downtown Rotary Club to use Parking Lot 4 and rental of Civic Center Ramps for Post Prom 2010 contingent upon entering

into a Hold Harmless Agreement with stipulations

Resolved, that the request of the Rotary Post Prom Committee of the Downtown Rotary Club, to close:

Fifth Street, from Lake Avenue to Festival Park Drive,
Festival Park Drive, from Fifth Street to Sixth Street,
Sixth Street, from Festival Park Drive to Pershing Park Drive,
Pershing Park Drive, from Sixth Street to Eleventh Street, and
Eleventh Street from Pershing Park Drive to Main Street,

from 7:00 p.m., Saturday, May 15, 2010, to 4:30 a.m., Sunday, May 16, 2010, for the Rotary Post Prom, be approved.

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 the event;
- C. The setup and dismantling of barricades will be the responsibility of the sponsor;
- D. Any overtime and/or equipment and material loss will be charged to the sponsor;
- E. Sponsor shall pay a \$350.00 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 the various City departments, on a regular shift basis, to assist in implementing this event.

Sponsors: Gregory Holding

Res.10-1964 Contract 10-10 (K10-010), 2010 Republic Avenue Reconstruction C.D.B.G. be awarded to A.W. Oakes & Son, Inc.

Resolved, that Contract 10-10 (K10-010), 2010 Republic Avenue Reconstruction C.D.B.G., be awarded to A.W. Oakes & Son, Inc., Racine, WI, at its bid price of \$351,580.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 185,113.00 - Account 890.030.5520, 2010 Concrete St. Reconstruction
\$ 85,007.00 - Account 890.030.5510, 2010 Curb & Gutter Replacement
\$ 29,800.00 - Account 287.990.5310, Sanitary Sewer, Var. Loc.
\$ 51,660.00 - Account 104.990.5420, Storm Sewer, Misc. Loc.
\$ 351,580.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-1965 Contract 11-10 (K10-011), Alley Paving (R1), be awarded to AZAR, LLC

Resolved, that Contract 11-10 (K10-011), Alley Paving (R1), be awarded to AZAR LLC, Racine, WI, at its bid price of \$282,727.61, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 2,585.66 - Account 990.908.5520, Sidewalk Replacement
\$ 1,565.00 - Account 990.908.5010, Concrete Street Paving Misc.
\$ 95,837.55 - Account 104.900.5420, Replacement Storm Sewers
\$ 175,420.00 - Account 906.000.5060, Concrete Paving Assessed
\$ 3,541.23 - Account 990.908.5030, Concrete Alley Paving
\$ 3,778.17 - Account 990.908.5310, New Curb & Gutter
\$ 282,727.61 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-1966 Contract 18-10 (K10-018), South Side Street Paving (R1), be awarded to Milwaukee General Construction Company, Inc.

Resolved, that Contract 18-10 (K10-018), South Side Street Paving (R1), be awarded to Milwaukee General Construction Co., Inc., Milwaukee, WI, at its bid price of \$929,358.04, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 582,480.35 - Account 906.000.5010, Concrete Street Paving
\$ 110,656.35 - Account 990.908.5010, Concrete Street Paving, Misc. Loc.
\$ 100,000.00 - Account 990.908.5320, Replacement Curb and Gutter
\$ 18,901.34 - Account 990.908.5530, Crosswalk Ramps
\$ 6,000.00 - Account 906.000.5410, Sanitary Sewer
\$ 26,900.00 - Account 287.990.5310, Sanitary Sewer, Var. Loc.
\$ 84,420.00 - Account 104.990.5420, Storm Sewer, Misc. Loc.
\$ 929,358.04 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-1967 Work done by A.W. Oakes & Son, Inc., under Contract 44-08 (K8-052), 2008 Sanitary Sewer Relays, be accepted and final payment authorized

Resolved, that the work done by A.W. Oakes & Son, Inc., under Contract 44-08 (K8-052), 2008 Sanitary Sewer Relays, be accepted, and final payment authorized for a total contract amount of \$385,208.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0926, dated July 15, 2008.

Sponsors: Gregory Holding

Res.10-1968 Professional Services provided by AECOM Technical Services, Inc., be accepted and final payment authorized

Resolved, that the professional services provided by AECOM Technical Services, Inc., under Contract 29-09 (K9-030), 2009 Sewer Asset Management Services, be accepted and final payment authorized for a total contract amount of \$56,623.74.

Fiscal Note: Contract was authorized under Resolution No. 09-1251, dated February 18, 2009.

Sponsors: Gregory Holding

Res.10-1969 Change Order No. 1 on Contract 57-09 (K9-058), Sewer Insulation & Structural Repair - North Osborne Boulevard Ravine, Dirty Ducts Cleaning, be approved

Resolved, that Change Order No. 1 on Contract 57-09 (K9-058), Sewer Insulation & Structural Repair - North Osborne Boulevard Ravine, Dirty Ducts Cleaning, Environmental and Insulation, Inc., contractor, be approved in the amount of \$4,750.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 287.990.5310, Sanitary Sewer, Var. Loc.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-1970 Work done by Dirty Ducts Cleaning under Contract 57-09 (K9-058), Sewer Insulation & Structural Repair - North Osborne Boulevard Ravine, be accepted and final payment authorized

Resolved, that the work done by Dirty Ducts Cleaning, Environmental and Insulation, Inc., under Contract 57-09 (K9-058), Sewer Insulation & Structural Repair - North Osborne Boulevard Ravine, be accepted and final payment authorized for a total contract amount of \$51,404.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1631, dated October 6, 2009.

Sponsors: Gregory Holding

Res.10-1971 Work done by Spectrum Lighting, Ltd., under Contract 63-09 (K9-064), 2009 LED Street Lights, EECBG, be accepted and final payment authorized

Resolved, that the work done by Spectrum Lighting, Ltd., under Contract

63-09 (K9-064), 2009 LED Street Lights, EECBG, be accepted and final payment authorized for a total contract amount of \$146,800.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1729, dated December 1, 2009.

Sponsors: Gregory Holding

Res.10-1972 Mayor and City Clerk be authorized to enter into a Professional Services Agreement with Azteca Systems, Inc., for Extension of Cityworks Software to Building Department

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Professional Services Agreement with Azteca Systems, Inc., for Extension of Cityworks Software to Building Department, on a time-and material basis not-to-exceed \$49,925.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 101.130.5830, GIS Layers.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-1973 Mayor and City Clerk be authorized to enter into a 2-Party Agreement with the Wisconsin DOT for Reconstruction of Durand Avenue

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 2-party agreement with the Wisconsin Department of Transportation for Reconstruction of Durand Avenue (STH 11) from Illinois Street to Kearney Avenue, State Project ID: 2460-07-70, in the approved amount of \$10,380,100.00, with the City's share being \$423,275.00, and the State's share being \$9,956,825.00.

Further resolved, that funding to defray the City's share of this project will be provided in the 2011-2015 Capital Improvement Program.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-1974 Mayor and City Clerk be authorized to enter into a 3-Party Agreement between the City, Wisconsin DOT, and Strand Associates for professional design engineering services for reconstructing Northwestern Avenue

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 3-party contract with the State of Wisconsin Department of Transportation and Strand Associates, Inc., for professional design engineering services for reconstructing Northwestern Avenue (Hwy. 38) from Golf Avenue to Memorial Drive, State Project ID: 2290-17-00, for the not-to-exceed cost of \$1,010,542.56, which is funded 75% by the State of Wisconsin, or \$757,906.94, and 25% by the City of Racine, or \$252,635.62.

Further resolved, that funds to defray the cost of these professional services are available in the following accounts:

\$ 187,500.00 - Account 990.908.5060, Northwestern-Memorial to Golf
\$ 65,135.62 - 2011 Capital Improvement Program
\$ 252,635.62 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-1975 Rescind Resolution 10-1911 of March 16, 2010, approve the work and authorize final payment to AECOM Technical Services, Inc., under Contract 1-09 (K9-001), 2009 Pavement Inspection and Planning

Whereas, the amount listed in Resolution No. 10-1911, dated March 16, 2010, was incorrect.

Now, therefore, be it resolved, that Resolution No. 10-1911 of March 16, 2010 be rescinded.

Further resolved, that the work of AECOM Technical Services, Inc., under Contract 1-09 (K9-001), 2009 Pavement Inspection and Planning, be accepted and final payment authorized for a total contract amount of \$77,925.10, from funds heretofore appropriated.

Fiscal Note: Contract was approved by Resolution 08-1169, dated December 16, 2008.

Sponsors: Gregory Holding

Res.10-1976 Amendment No. 1 to Contract 29-10 (K0-034), 2010 Information Consulting Services, AECOM Technical Services, Inc., be approved

Resolved, that Amendment No. 1 to Contract 29-10 (K0-034), 2010 Information Consulting Services, AECOM Technical Services, Inc., consultant, as submitted, be approved in the amount of \$24,000.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from the following accounts:

\$ 12,071.00 - Account 289.000.5770, Machinery & Equipment
\$ 5,964.00 - Account 287.990.5310, Sanitary Sewer
\$ 5,965.00 - Account 104.990.5420, Storm Sewer, Misc. Loc.
\$ 24,000.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.10-1977 Mayor and City Clerk enter into a Memorandum of Understanding with Children's Hospital of Wisconsin, Inc., for Children and Youth with Special

Health Care Needs

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a fee-for-service contract in an amount up to \$3,640 with the Children's Hospital of Wisconsin for the Southeast Regional Center for Children and Youth with Special Health Care Needs beginning January 1, 2010 through December 31, 2010.

Fiscal Note: Funds will be paid to the Health Department on a fee for service basis depending on the number of clients served in the year.

Sponsors: James T. Spangenberg

Res.10-1978 Permission granted to the Director of City Development to apply for a Wisconsin Recovery Initiative-Assessment Money Grant from the Wisconsin DNR

Resolved, that permission be granted to the Director of City Development to apply for the Wisconsin Department of Natural Resources Grant (City Grant Control No. 2010-015) to be utilized for the environmental assessment and remediation for a brownfield property at 1700 Phillips Avenue.

Fiscal Note: No match required on the part of the City.

Sponsors: James T. Spangenberg

Res.10-1979 Approve proposal from Hartman Design, Inc., to design of new site naming sign at Racine Metro Transit Center

Resolved, that the proposal from Hartmann Design, Inc., to design a new site naming sign at the Racine Metro Transit Center to honor Ms. Corinne Reid-Owens be approved at the not to exceed fee of \$3,350.

Fiscal Note: \$3,350 is available in the operation budget of the Belle Urban System Enterprise Fund.

Sponsors: James T. Spangenberg

Res.10-1980 Mayor and City Clerk be authorized to enter into an Indemnification and Hold Harmless Agreement with the Village of Caledonia for use of Wastewater Utility Interceptor

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an Indemnification and Hold Harmless Agreement with the Village of Caledonia for the use of Wastewater Utility Interceptor by Caledonia during Repair of Caledonia East Forcemain.

Fiscal Note: N/A

Sponsors: James T. Spangenberg

Res.10-1981 Mayor and City Clerk be authorized to enter into amendments to the Household Hazardous Waste Agreements with participating communities

Resolved, that the Mayor and City Clerk be authorized and directed to sign amendments to the Household Hazardous Waste Agreement with the Village of Wind Point, the Village of North Bay and the Village of Mt. Pleasant.

Fiscal Note: N/A

Sponsors: James T. Spangenberg

Res.10-1982 Permission granted to the Director of Parks to apply for a grant from the National Recreation and Park Association to be utilized for a community garden project

Resolved, that permission be granted for the Director of Parks, Recreation & Cultural Services to apply for a \$5,000 grant with the National Recreation and Park Association (City Grant Control No. 2010-012) to be utilized for a community garden project.

Fiscal Note: No match required on the part of the City.

Sponsors: James T. Spangenberg

Res.10-1983 Permission granted for the Chief of Police to apply for the 2010 COPS Technology Program Grant

Resolved, that permission be granted for the Chief of Police to apply for the \$100,000 2010 COPS Technology Program Grant (City Grant Control No. 2010-013) to be utilized for installing Automated License Plate Recognition (ALPR) equipment in several squad cars.

Fiscal Note: No match required on the part of the City. The automated license plate recognition equipment has a \$12,000 line item in the 2010 budget.

Sponsors: James T. Spangenberg

Res.10-1984 Fire Chief be granted approval to accept the 2009 Federal Emergency Management Agency Fire Act Grant, and the Mayor and City Clerk be authorized to enter into the Grant Agreement

Resolved, that permission be granted to the Fire Chief to accept the 2009 Federal Emergency Management Agency Fire Act Grant EMW-2009-FO-5871 (Grant Control Number 2009-020), for \$184,000.

Further resolved, that the Mayor and City Clerk be authorized and directed to enter into a \$184,000 agreement with the 2009 Federal Emergency Management Agency Fire Act Grant (City Grant Control No. 2009-020) to be utilized for the purchase of generators for five outlying fire stations and standardized physical fitness equipment for all six fire stations.

Fiscal Note: There is a 20% hard match or \$36,800 on the part of the City.

Match funds in the amount of \$35,640 will be available in Account 989.300.5710. Any additional match is available in Account 268.000.5250.

Sponsors: James T. Spangenberg

Res.10-1986 Collective Bargaining Agreement between City of Racine and Local 356 (Dispatchers) WPPA/CERD, be approved for the years 2009-2010

Resolved, that the collective bargaining agreement between the City of Racine and Local 356 (Dispatchers) WPPA/CERD, be approved for the years 2009-2010.

Fiscal Note: An increase of \$12,191.00 for 2009 for a 1% salary adjustment with no additional increase for 2010.

Sponsors: James T. Spangenberg

Res.10-1987 Approval for Finance Director to carry forward 2009 budgets to 2010

Resolved, that the Finance Director carry forward 2009 budgets to 2010 as follows: All remaining encumbrance budgets; remaining 2008 and 2009 bonded Capital Projects budgets; \$180,485.17 General Fund operational budgets; \$598,071.25 Library Capital Projects; \$332,187.10 Sanitary Sewer Capital Projects; \$130,205.28 Façade Grant Program; \$161,013.64 Civic Centre Capital Projects.

Fiscal Note: There are sufficient funds available to be carried forward. A detailed list of all carry-forwards will be available in the Finance Department.

Sponsors: James T. Spangenberg

H. Resolutions

Res.10-1959 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 30th day of March, 2010 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

Franklin Street from Eighteenth Street to Seventeenth Street

Fifteenth Street from College Avenue to Wisconsin Avenue

Murray Avenue from Seventeenth Street to Sixteenth Street

Owen Avenue from Sixteenth Street to +/-725' North of Sixteenth Street

Alley from Twentieth Street to Twenty-First Street; Phillips Avenue to S. Memorial Drive

Franklin Street from 13th Street to 12th Street

SANITARY SEWER

Fifteenth Street from College Avenue to Wisconsin Avenue

SEWER AND WATER LATERALS

Fifteenth Street from College Avenue to Wisconsin Avenue

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

Sponsors: Gregory Holding

Res.10-1960 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 April, 2010 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

Liberty Street from Rickeman Court to Forest Street
Rosalind Avenue from Spruce Street to Knoll Place
Pine Ridge Circle from Pine Ridge Land (N) to Pine Ridge Lane (S)
Pine Ridge Lane from Pine Ridge Circle to Waterbury Lane
Pine Ridge Lane from Waterbury Lane to Chicory Road

CURB AND GUTTER

Pine Ridge Circle from Pine Ridge Land (N) to Pine Ridge Lane (S)
Pine Ridge Lane from Pine Ridge Circle to Waterbury Lane
Pine Ridge Lane from Waterbury Lane to Chicory Road

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

Sponsors: Gregory Holding

Res.10-1985 Collective Bargaining Agreement between City of Racine and Local 67 - Library Employees Unit be approved

Resolved that the collective bargaining agreement between the City of Racine and Local 67 - Library Employees Unit, be approved.

Fiscal Note: 2009: \$29,900; 2010 \$0 over 2009.

Sponsors: James T. Spangenberg

I. Ordinances

Ord.3-10 Ordinance No. 3-10

To amend Sec. 70-131(a) and 70-1(b) of the Municipal Code of the City of Racine, Wisconsin relating to Fifth Street boat ramp - Violations; payment of forfeiture in lieu of court appearance.

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

Part 1:

Sec. 70-131(a) of the Municipal Code of the City of Racine is hereby amended by changing in the second sentence the word "concessionaire" to "owner" and

by changing at the end of the sentence "concession building" to read "facility".

Part 2:

Sec. 70-1(b) of the Municipal Code of the City of Racine is amended by changing the fee amount in Sec. 131(a), Fifth Street boat ramp use, "\$40.00" to read "\$100.00".

Part 3:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Aron Wisneski

Ord.4-10

Ordinance 4-10

To amend Section 114-826(1) of the Municipal Code of the City of Racine, Wisconsin relating to Downtown Area Design Guidelines - Prohibitions and exemptions.

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

Part 1:

Section 114-826(1) of the Municipal Code of the City of Racine is hereby amended by deleting the phrase "having a project cost of \$5,000 or more, in aggregate" and by inserting in its place the following phrase, "for projects whose impact will result in the alteration of the visual character or impact of the facade."

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

Ord.5-10

Ordinance No. 5-10

To amend the title of Sec. 114-1033(a) and (b), and to create Sec. 114-1033(c) of the Municipal Code of the City of Racine, Wisconsin relating to Zoning.

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

Part 1:

Section 114-1033(a) and (b) of the Municipal Code of the City of Racine is hereby amended by changing the title of each section by adding "*LED*" before the word "Electronic" in each title.

Part 2:

Section 114-1033(c) of the Municipal Code of the City of Racine is hereby created to read as follows:

"(c) High Resolution Electronic Signs.

(1) Definition: A high resolution, digitalized picture displayed on a sign or surface which has the capability of what appears to be constant motion. For purposes of this section, high resolution electronic signs are not LED signs.

(2) Zones:

a. High resolution electronic signs are allowed as a Conditional Use in the B-2 and B-3 Zoning Districts.

b. High resolution electronic signs are not allowed in the B-1, O, O1, 1-1, 1-2, 1-P, B-4 and B-5 zones, educational facilities or in any residential zone or where there is a residential use on the premises.

(3) Height:

a. Maximum height of any high resolution electronic sign allowed is 15' from existing grade. This includes the cabinet and any decorative top

structures on the sign.

(4) Motion:

a. No more than 25% of the total allowable sign area allowed may be used as a high resolution electronic sign.

b. Constant animation is not allowed. There must be a minimum 60 seconds between image changes.

(5) Number and Spacing:

a. One high resolution electronic sign is allowed per zoning lot or development.

b. Signs must be spaced a minimum of 1,000 linear feet apart.

c. High resolution electronic signs are not allowed if within a 200' radius of a residential property, use or zone.

d. Signs may not encroach into the City right-of-way.

e. The above standards do not apply to off premise signs (i.e: billboards).

(6) Safety:

a. Signs may not interfere with any traffic signals.

b. If determined by the City to a detriment to public safety, the City retains the right to require the sign be removed within 60 (sixty) days of notification to the sign owner."

Part 3:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

Ord.6-10

Ord. 6-10

To repeal and recreate Chapter 2, Article VII., Code of Ethics, of the Municipal Code of the City of Racine, Wisconsin relating to Administration.

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

Part 1:

Chapter 2, Article VII. Of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“2-576. Purpose.

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the best interest of the people, the community and the government and in the proper channels of governmental structure; that public offices and employment not be used for personal gain, and that the public have confidence in the integrity of its government. To assist in attaining these goals, there is established a code of ethics for all City of Racine (“City”) officials, including members of boards, committees, commissions, the mayor and employees, whether elected or appointed, paid or unpaid.

2-577. Policy.

(a) The purpose of this code is to establish guidelines for ethical standards of conduct for all City officials and employees by setting forth those acts or actions which are incompatible with the best interests of the city and by requiring such officials and employees to disclose personal interests, financial or otherwise, in matters affecting the City.

(b) Nothing contained in this code is intended to deny to any individual the rights granted by the United States Constitution, the constitution of this state, the laws of this state or labor agreements between the City and its bargaining units.

2-578. Definitions.

The following definitions shall be applicable in this code.

Anything of value: Any money or property, favor, gift, service, payment, advance, forbearance, loan or promise of future employment, including but not limited to remuneration, tickets, passes, lodging, travel, recreational expenses and admission offered and provided by persons doing business or interested in doing business with the City. “Anything of value” does not include compensation and expenses paid by the state, fees and expenses which are permitted and reported under Wis. Stat. § 19.56, political contributions which are reported under chapter 11 of the State Statutes, or hospitality extended for

a purpose unrelated to state business by a person other than an organization.

Associated (when used with reference to an organization) includes any organization in which an individual or a member of their immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity or of which an individual or member of their immediate family is an authorized representative or agent.

Board: The Board of Ethics created by this code of ethics ordinance.

Business: Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.

Candidate for Elective Office: Any person who files nomination papers and a declaration under Wis. Stat. § 8.10 for the purpose of appearing on the ballot for election to an office in the City of Racine or any person nominated for a City office in an election through the write-in process and who files a declaration pursuant to Wis. Stat. § 8.10.

Confidential Information: Written material or oral information related to City government which is not otherwise subject to the public records law and which is designated by statute, ordinance, court decision, lawful order, or custom as confidential.

Conflict of Interest: A public official's act or failure to act in the discharge of his/her official duties which could reasonably be expected to produce or assist in producing a substantial economic or personal benefit for such official, his/her family or an organization with which he/she is associated.

Economic Interest: Any interest that will yield directly or indirectly a monetary or other material benefit to the public official or to any person employing or retaining the services of the public official, or any member of the family of said public official, except as permitted by Wis. Stat. § 946.13.

Financial Interest: Any interest which would yield, directly or indirectly, a monetary or other material benefit to the public official or his/her spouse or to any person employing or retaining the services of the public official or his/her spouse.

Gift: The payment or receipt of anything of value without valuable consideration.

Immediate Family: Any individual related to a public official as spouse or legal dependent for federal income tax purposes.

Income: The meaning given under the federal internal revenue code.

Incompatibility: A conflict between one's official responsibilities and personal or economic interest which would prevent the public official from the complete

and proper discharge of his/her official duties.

Organization: Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual, body politic or charitable entity.

Person: Any natural person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, joint venture, trust, or other legal entity recognized as such by the laws of the State.

Privileged information: Information obtained under government authority which has not become a part of the body of public information

Public Official: Any person holding an elected city office and candidates for elected city office, or any person holding an appointed city office, including all city department heads, administrative managers, all city employees, and all citizens appointed by the mayor or common council to advisory boards, or commissions, and elected officials, and appointed members of committees and panels who are not elected.

Statement of Economic Interest: The factual statement filed pursuant to the provision of this chapter which contains the information set forth in subsection 2-579.

Valuable and Sufficient Consideration: Payment or compensation of an amount equivalent to the actual value of any item received. If the actual value cannot be determined, payment or compensation of a reasonable value is acceptable.

2-579. Financial disclosure and certification.

(a) *Statement of economic interests and certification.* Except as otherwise provided herein, all city officers (except the municipal judge), candidates for city elective office, the city administrator, administrative managers, the finance director and assistant treasurer, the assistant purchasing agent, the assistant commissioner of public works, the deputy city clerk, the deputy city attorney and the chief of operations of the water/wastewater utilities shall file a statement of economic interests, which shall contain the type of information required in Wis. Stats. § 19.44(1), and shall be provided subject to the conditions contained in Wis. Stats. § 19.44(2), (3), and (4). A city officer who serves without salary upon appointment by the mayor or common council shall not be required to file a statement of economic interests but shall file a signed certification that he or she has received a copy of the laws and ordinances relating to conduct prohibited in the state and city code of ethics, that he or she has read such provisions and agrees to abide by the applicable standards of conduct.

(b) *Filing statement.* Individuals required to file a statement of economic interests shall file the statement with the board within the time specified in Wis. Stats. § 19.43(1) or (2), as applicable, or, if a candidate for elective city office, Wis. Stats. § 19.43(4).

(c) *Form to be provided.* The city clerk shall, by March 1 of each year, provide the statement of economic interests form to all persons required to file the statement, excepting candidates for elective city office, along with a notice to complete and return the form by March 31 of that year. The city clerk shall provide the form to candidates for elective city office at the time the candidate files his campaign registration form. The city clerk shall provide the certification form, along with a copy of the applicable state laws and city ordinances, to those persons required to file the certification specified above upon the initial appointment of such persons to the board, commission or committee. The city clerk shall also provide the certification form to those board, commission and committee members not required to file the statement of economic interests but who are serving an appointment on February 1, 1997.

(d) *Preservation of records.* The city clerk shall preserve the statements of economic interests for a period of six years from the date of receipt, except that:

(1) Upon the expiration of three years after an individual ceases to be a city public official the clerk shall, unless the former official otherwise requests, destroy any statement of economic interests filed by him and any copies thereof in the city clerk's possession.

(2) Upon the expiration of three years after any election at which a candidate for elective city office was not elected, the city clerk shall destroy any statements of economic interests filed by him as a candidate and any copies thereof in the city clerk's possession, unless the individual continues to hold another position for which he is required to file a statement, or unless the individual otherwise requests.

(e) *Disclosure.* The city clerk shall make statements of economic interests available to the public under the conditions for public inspection contained in Wis. Stats. § 19.55.

Sec. 2-580. Penalties for failure to disclose economic interests.

(a) *Candidates.* The city clerk is directed to omit the name of any candidate for elective city office from an election ballot who has not timely filed his statement of economic interests with the city clerk in accordance with this chapter.

(b) *Officers and employees.* The city clerk shall advise the city treasurer of any officer or employee who is required to file a statement of economic interests and fails to do so in accordance with the requirements of this chapter. The city treasurer is directed to withhold the salary and compensation of all kind from any such person until the officer or employee complies with this requirement. If the statement of economic interests or the certification of an officer who serves without salary is not received by the city clerk within the time required, the city clerk will provide written notice of such delinquency to the officer. If the statement or certification is not filed with the city clerk within 30 days after the date the notice is served or mailed by the city clerk, then the

appointment of the officer shall be terminated by the appointing authority.

2-581. Prohibited conduct.

(a) Violation of work rules.

Appointed officials and employees shall adhere to the rules of work and performance standards established for their positions. Officials and employees shall not exceed their authority or breach the law or ask others to do so. They shall cooperate with public officials and employees from other governmental bodies, agencies, or jurisdictions unless prohibited by law from doing so. They shall not disclose confidential information or privileged information gained in the course of, or by reason of his/her official position, activities or employment.

(b) Use of office for private gain.

No public official may use their public position or office to obtain financial gain or anything of substantial value for the private benefit of themselves or their immediate family, or for an organization with which they are associated. This includes the acceptance of free or discounted admissions to athletic or other entertainment events.

A local public official is not prohibited from using the title or prestige of their office to obtain campaign contributions that are permitted and reported as required by Chapter 11 of the Wisconsin State Statutes.

(c) Offering or receiving anything of value.

No person may offer or give to a public official, directly or indirectly, and no public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official.

A candidate for office or a public official may not utilize their vote to influence or promise to take or refrain from taking official action on matters under consideration or upon condition that any person make or refrain from making a political contribution or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any person who is subject to a registration requirement under Wis. Stat. §11.05, or any person making a communication that contains a reference to a clearly identified public official or candidate for public office.

(d) Taking action affecting a matter in which an official has financial interest.

A public official may not take any official action that substantially affects a matter in which the official, a member of their immediate family, or an organization with which the official is associated has a substantial financial interest. Nor, may the official's office be used in a way that directly or indirectly produces or assists in the production of a substantial benefit for the official, or one or more members of the official's immediate family, or an organization that

the official is associated with.

However, a public official is not prohibited from taking any action concerning the lawful payment of salaries, employee benefits or reimbursement of actual and necessary expenses. Nor is the official prohibited from taking official action to any proposed modification of a City ordinance.

(e) Bribery.

Public officials and employees are prohibited from accepting any money, property or other personal advantage they are not authorized to receive by anyone who promises this with the intention of influencing the public official or employee's conduct regarding any matter in which law is pending.

(f) Misconduct in office.

Public officials and employees are prohibited from:

(1) Intentionally failing or refusing to perform a known mandatory, nondiscretionary, ministerial duty of their office or employment within the time or in the manner required by law.

(2) Performing an act knowingly in excess of their lawful authority or one in which they know they are forbidden by law to do in their official capacity.

(3) Whether by act of commission or omission, exercising a discretionary power in a manner inconsistent with the duties of their office or employment or the rights of others and with intention to obtain a dishonest advantage for themselves or another.

(3) Intentionally falsifying an account, record book, return, certificate, report or statement in the officer or employee's official capacity.

(4) Intentionally soliciting or accepting anything of value, known by the officer or employee to be greater or less than is fixed by law, for the performance of any service or duty.

(5) Using City property in a manner that is prohibited by policy, or that causes unnecessary costs, congestion, disruption or damage to City property, or other inappropriate uses which include but are not limited to:

A. Intentionally or unintentionally permitting the use of City property, equipment or vehicles by unauthorized persons;

B. Using City logos or titles to misrepresent materials as official or misrepresenting, either implicitly or explicitly, personal views or comments as an official City policy or position;

C. Using property owned by the City or services paid for with City

funds for personal gain or to maintain or support a private business.

D. Violating any portion of the City's "Computer Hardware and Software Policy."

(g) Nepotism.

Public officials and employees are prohibited from:

(1) Using their public office to obtain employment for the official's spouse or a dependent relative. However, if the official is not involved in the hiring, promotion or conditions of employment, a qualified spouse or dependent may be hired or promoted.

(2) Advocating for or hiring or promoting, or exercising jurisdiction, supervision or direction over someone the official is related to as a parent, grandparent, child, grandchild, sibling, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew or spouse.

(h) Incompatibility of offices.

No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service conflicts with the proper discharge of his or her official duties or would tend to impair such official's or employee's independence or judgment or action in the performance of such duties, unless otherwise permitted by law and unless disclosure is made as herein provided.

(i) Conduct prohibited by state law.

Except as specifically provided in this chapter, the provisions of all applicable Wisconsin Statutes, including but not limited to Wis. Stat. §§ 19.41 - 19.59, 66.0501, 125.51, 946.10, 946.12 and 946.13, are adopted and by reference made a part of this code and shall apply to public officials whenever applicable. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Code.

Sec. 2-582. Action upon conflict of interest.

(a) If any city officer or employee who, in the discharge of official duties, is required to take an action that is prohibited by this chapter, and which would result in a conflict of interest, such city officer or employee:

(1) Shall not take such action.

(2) Shall prepare a written statement describing the matter requiring action or decision, and the nature of the possible conflict of interest with respect to such action or decision.

(3) Shall deliver copies of such statement to the ethics board and to his

immediate superior, if any.

(4) In the case of an alderman, may deliver a copy of such statement to the mayor and common council. The city clerk shall cause such statement to be printed in the official proceedings and, upon request, such alderman shall be excused from voting, deliberating and taking other actions on the matter on which a possible conflict exists.

(b) If the city officer or employee is not an alderman, his superior, if any, shall assign the matter to another employee who does not have a possible conflict of interest. If the city officer or employee has no immediate superior, he may seek advice from the ethics board to remove himself from influence over actions and decisions on the matter on which the possible conflict exists.

(c) The board shall review the statement describing the matter requiring an action or decision and the nature of the possible conflict of interest, and may advise the city officer or employee. Any person subject to this article may request of the board written advice regarding the propriety of any matter to which he is or may become a party. Written advice issued under this subsection shall be confidential except that it may be subpoenaed by any court of record or the common council or committee thereof. No person, except the person who initially requested preparation of the statement, may make the contents of any written advice or other records of the board public. It shall be prima facie evidence of intent to comply with this article when a person refers a matter to the board and abides by its written advice.

(d) A city officer or employee may request the board to obtain an advisory opinion from an impartial attorney on the application of this article to a given set of circumstances, real or hypothetical, or the board may request such an opinion on its own motion.

(e) Nothing in this section prohibits an alderman from making decisions concerning reimbursement of expenses, salaries or salary-related benefits of aldermen.

2-583. Board of ethics.

(a) There is hereby created a board of ethics, consisting of six residents of the city, one of whom shall be an attorney licensed to practice law in the state, to be appointed by the mayor and confirmed by the common council. Appointments shall be for a term of six years, expiring on May 1 of the final year of service.

(b) The board shall be authorized to hire, within its budget limitations, such part-time personnel as may from time to time be necessary in the administration of this chapter. Such personnel may include, without limitation due to enumeration, a court reporter, an investigator, and secretarial help.

(c) Any action by the board shall require an affirmative vote of four members.

(d) No later than May 15 of each year, the board shall report to the mayor and

the common council concerning its actions in the preceding calendar year, including a summary of its determinations and the current and complete text of all guidelines issued by the board.

Sec. 2-584. Duties of ethics board; hearings.

(a) The board shall adopt guidelines and procedures necessary to carry out the provisions of this chapter and shall promptly advise the affected officers and employees thereof.

(b) The board shall accept from any person a verified complaint, in writing, relating to the code of ethics as it applies to officers and employees of the city. Such verified complaint shall specify the activities of such officer or employee which are alleged to be in violation of the code of ethics.

(c) Within ten days after receipt of a verified, written complaint the board of ethics shall notify the officer or employee accused in such complaint of the existence of the complaint. The board shall thereafter, at a regular or special meeting, determine whether, based on the complaint, probable cause exists to believe that the code of ethics has been violated.

If the board determines that no probable cause exists, it shall dismiss the complaint and notify the accused officer or employee, the complainant and such other persons as the board determines to have an interest.

If the board finds probable cause to believe a violation exists, it shall then proceed to hold a hearing using the following procedures:

(1) Notice of the finding of probable cause and notice of hearing and a copy of the complaint shall be sent to the accused officer or employee by certified mail at his last known post office address.

(2) Such hearing shall be held more than 20 days but less than 40 days from the postmarked date of the notice of hearing.

(3) The hearing shall be held before the board or four members thereof, presided over by the chairman or his designated representative. If requested by the board, the city attorney shall act as counsel to the board; otherwise, one member of the board shall act as counsel. The accused may be represented by counsel.

(4) Counsel for the board and the accused or his counsel may present evidence, call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person presiding over the hearing. The chairman of the board is empowered to issue subpoenas to compel attendance of witnesses at such hearing.

(5) The hearing shall be conducted in accordance with the Wisconsin Rules of Criminal Evidence, and the person conducting the hearing shall take notes of testimony and shall mark and preserve all exhibits.

(6) The hearing shall be conducted in closed session unless the accused officer or employee requests, in writing, that it be open to the public.

(7) Within 20 days of the completion of the hearing and the filing of briefs, if any, the board shall make a written determination as to the existence of a violation of the code of ethics by the accused officer or employee. It shall also make a written recommendation as to what action, if any, should be taken to discipline such officer or employee, or what action should be taken to correct the violation. Such determination and recommendation shall be mailed by certified mail to such officer or employee within the 20-day period. Copies shall also be delivered to the common council in the same manner as a report of a standing committee for such action as the common council may deem proper.

(8) Where the board has determined there is probable cause that the code of ethics has been violated by any police officer or firefighter or the chief of either the police or fire department, the determination and recommendation shall be sent to the board of police and fire commissioners, with a request that proceedings be had in accordance with provisions of Wis. Stat. § 62.13.

(9) The board may compromise or settle any potential action or violation of this chapter. Whenever the board enters into a settlement agreement with an individual who is accused of a violation of this chapter, the board shall reduce the agreement to writing, together with a statement of the board's findings and reasons for entering into the agreement and shall retain the statement and agreement in its records for inspection.

(10) If the board determines that a violation of this article has occurred, its findings of fact and conclusions may contain one or more of the following orders or recommendations:

A. An order requiring the accused to forfeit not more than \$5,000.00 for each violation of section 2-581.

B. If the board determines that the accused has realized economic gain as a result of the violation, an order requiring the accused to forfeit the amount gained as a result of the violation.

2-585 Ethics advisory opinions.

(a) Any individual (personally or on behalf of an organization or governmental body) or appointing officer (with the consent of a prospective appointee) may request of the Board, or in the absence of an ethics board, the City Attorney, an advisory opinion regarding the propriety of any matter to which the person is or may become a party.

(b) Advisory opinions and requests shall be in writing. Any individual requesting an advisory opinion or any individuals or organizations mentioned in the opinion shall not be made public, unless the individual, organization or governmental body consents to it and alterations are made to the summary of

the opinion, which prevents disclosure of the identities of individuals involved in the opinion.”

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Aron Wisneski

J. Adjourn

Office of The City Clerk

If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 636-9171 at least 48 hours prior to this meeting.