



**AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, July 7, 2014**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Proclamation recognizing July as **Park and Recreation Month** (Ramsey)
4. PUBLIC HEARINGS
 - a. Public Hearing to Solicit Input on the Community Development, Housing, and Homeless needs in the City for Inclusion in the **2015 Annual Action Plan** (Christensen)
5. CITIZENS PARTICIPATION
6. CONSENT AGENDA

All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the General Order of Business and considered at this point on the agenda.

- a. Approval of the **Special Minutes** of June 5, and June 9, 2014 Special Meetings and the **Minutes** of the Regular Meeting of June 16, 2014 (LeMire)
 - b. Resolution authorizing **Final Payment** of Public Works Contract C13-16, Post and Emerson Storm Sewer (Boysen)
 - c. Application for a **Zoning Map Amendment** to change to zoning district classification from R-2, Two-family Residential District, to R-3, Low Density Multi-family Residential District for property located at 1715 Elmwood Avenue (Christensen)
Refer to Plan Commission
7. ORDINANCES
 - a. Proposed Ordinance to amend Section 13.02 of the Code of General Ordinances of the City of Beloit related to **Parking in the Downtown** for the Farmer's Market and to create Sections 13.10 and 13.25(4)(bg) of the Code of General Ordinances of the City of Beloit pertaining to Temporary No Parking Regulations (Jacobs)
First Reading, suspend rules for Second Reading
8. APPOINTMENTS
 - a. Council President **Committee/Board/Commission Appointments**
9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION

- a. Presentation for **Parks and Recreation Programs** (Ramsey)

11. REPORTS FROM BOARD AND CITY OFFICERS

- a. Resolution adopting **Equal Opportunities Commission** (EOC) Rules of Procedure (Christensen)

12. ADJOURNMENT

** Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511.

Dated: July 2, 2014
Rebecca Houseman LeMire
City of Beloit City Clerk
www.beloitwi.gov

You can watch this meeting live on Charter PEG digital channel 992. Meetings are rebroadcast during the week of the Council meeting on Wednesday at 8:30 a.m. and Thursday at 9:00 a.m. and the following Monday at 8:00 p.m.

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including here in Beloit, Wisconsin; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, Beloit, Wisconsin recognizes the benefits derived from parks and recreation resources

NOW, THEREFORE, THE CITY COUNCIL PRESIDENT OF THE БЕЛОIT CITY COUNCIL, does hereby recognize July as Park and Recreation Month in the City of Beloit.

Adopted this 7th day of July, 2014.

City Council of the City of Beloit

Mark Spreitzer, President

Attest:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Public Hearing to Solicit Input on Community Development, Housing and Homeless Needs in the City for Incorporation in the 2015 Annual Action Plan

Date: July 7, 2014

Presenter(s): Julie Christensen

Department: Community Development Authority

Overview/Background Information:

The Department of Housing and Urban Development requires that we provide an opportunity each year for citizens to give input on public housing, community development, homeless and housing needs and to prepare an Annual Action Plan in order to qualify to receive its CDBG funding.

Key Issues (maximum of 5):

1. Each year, the City is required to hold a public hearing to seek input on community development, housing, homeless, and public housing needs for incorporation into the CDBG Annual Action Plan.
-

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

- Consideration of this request supports Strategic Goal #4.
-

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels** – Not applicable
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – Not Applicable
 - **Reduce dependence on activities that harm life sustaining eco-systems** – Not Applicable
 - **Meet the hierarchy of present and future human needs fairly and efficiently** – The public hearing will give the public an opportunity to communicate present and future needs of our low and moderate income population.
-

Action required/Recommendation:

Hold the public hearing.

Fiscal Note/Budget Impact:

None

Attachments:

None



PROCEEDINGS OF THE BELOIT CITY COUNCIL
Special Meeting
100 State Street, Beloit, WI 53511
Thursday, June 5, 2014

Presiding: Mark Spreitzer
Present: Sheila De Forest, Charles M. Haynes, Ana Kelly, Chuck Kincaid, and David F. Luebke
Absent: None

1. President Spreitzer called the meeting to order at 4:03 p.m. in the Forum at Beloit City Hall.
2. President Spreitzer said that the purpose of the meeting was to review and select finalists to be interviewed at the June 9, 2014 meeting for the City Council vacancy. He said that ten applications had been received, and he reviewed the process by which the Council vacancy would be filled. Councilor Haynes made a motion to select Mark E. Preuschl, James Faragher, Mike Zoril, Dorothy J. Harrell, Jason Dowd, and Regina D. Hendrix as finalists to be interviewed on June 9, 2014, and Councilor Kincaid seconded. The Motion carried 6-0.
3. President Spreitzer reviewed the procedures for the interviews at the June 9, 2014 meeting. Councilor De Forest made a motion to adopt the procedure as stated, and Councilor Haynes seconded. Councilor De Forest requested fewer interview questions to allow candidates time for a genuine response. Councilor Haynes made a motion to amend the interview procedure to allow a two minute opening statement, a fifteen minute interview, and a two minute closing statement. Councilor De Forest seconded, and the amendment carried 6-0. Councilor De Forest made a motion to amend the procedure to change the number of questions from six to four, and Councilor Luebke seconded. The motion to amend carried 6-0. The motion to adopt the procedure as amended carried 6-0.
4. Deputy City Clerks Jelene Ahrens and Judy Elson randomly selected the order of interviews for the candidates as follows: James Faragher, Mike Zoril, Regina D. Hendrix, Dorothy J. Harrell, Mark E. Preuschl, and Jason Dowd.
5. At 5:02 p.m., Councilor Luebke made a motion to adjourn the meeting, and Councilor De Forest seconded. The motion carried 6-0.

Jelene J. Ahrens, WCMC, City Clerk

www.beloitwi.gov

Date Approved by Council:



PROCEEDINGS OF THE BELOIT CITY COUNCIL
Special Meeting
100 State Street, Beloit, WI 53511
Thursday, June 9, 2014

Presiding: Mark Spreitzer
Present: Sheila De Forest, Charles M. Haynes, Ana Kelly, (arrived at 6:14 p.m.), Chuck Kincaid, and David F. Luebke
Absent: None

1. The meeting was called to order at 6:05 p.m. in the Forum at Beloit City Hall.
2. President Spreitzer reviewed the written questionnaire and procedures to be used for interviewing selected applicants to fulfill the vacancy on the Beloit City Council. Councilor Luebke made a motion to adopt the questionnaire, and Councilor Kincaid seconded. The motion carried 6-0.
3. Councilor Haynes suggested that the council wait until 6:15 p.m. to allow for Ana Kelly to arrive if possible. Beginning at 6:15 p.m. each applicant was called to the podium and the interviews were conducted. The candidates appearing were: James Faragher, Mike Zoril, Regina D. Hendrix, Dorothy J. Harrell, Mark E. Preuschl, and Jason Dowd.
4. The Council took a five minute recess starting at 7:40 p.m. At 7:49 p.m. President Spreitzer resumed the meeting. Councilor Luebke made a motion that a vote be taken to select the new Councilor, and Councilor Kincaid seconded. Councilor De Forest asked for more time to discuss the gaps in representation. The motion to vote failed 3-3 with Councilors De Forest, Kelly and Spreitzer voting in opposition. Councilor De Forest asked the Council to consider a person of color considering the diversity of our community and someone of a different perspective. Councilor Kincaid concurred with Councilor De Forest. President Spreitzer said he would like to see someone who could be a future leader of the Council and serve multiple terms. Councilor Luebke made a motion to proceed to a vote, and Councilor Haynes seconded. The motion carried 6-0.
5. Deputy Clerk Judy Elson distributed the ballots and the City Councilors voted by secret ballot. The vote was a tie with three votes for Dorothy J. Harrell and three votes for Regina D. Hendrix. Candidate Dorothy J. Harrell withdrew her name. President Spreitzer made a motion to appoint Regina D. Hendrix as the new City Councilor, and Councilor Luebke seconded. The motion carried 6-0, and Regina D. Hendrix was selected by acclamation.
6. At 8:04 p.m. Councilor Kincaid made a motion to adjourn the meeting, and Councilor Luebke seconded. The motion carried. 6-0

Jelene J. Ahrens, WCMC, City Clerk

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Date Approved by Council:



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Monday, June 16, 2014

Presiding: Mark Spreitzer
Present: Sheila De Forest, Charles M. Haynes, Regina Hendrix, Ana Kelly,
Chuck Kincaid, David F. Luebke,
Absent: None

1. The meeting was called to order at 7:03 p.m. in the Forum at Beloit City Hall
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS - None
4. PUBLIC HEARINGS
 - a. Community Development Director Julie Christensen presented a proposed Ordinance amending the Future Land Use Map of the City of **Beloit Comprehensive Plan** to change the future land use designation of the property located at 308 W. Grand Avenue from Single-family Residential, Urban, to Office. Ms. Christensen stated the applicant intends to renovate the building on the property to create long- and short-term rentable office space. She stated the Plan Commission held a public hearing and voted to adopt the amendment to the Comprehensive Plan. President Spreitzer opened and closed the public hearing with no appearances. Councilor Kincaid moved to suspend the rules and offer a second reading of the ordinance, second by Councilor Kelly. Motion was approved 7-0. Councilor Kincaid moved to approve the ordinance, second by Councilor Kelly. Motion carried 7-0. File 8058 Ordinance 3540
5. CITIZENS PARTICIPATION - None
6. CONSENT AGENDA

Councilor De Forest requested that item 6.l. be removed from the Consent Agenda. Councilor Luebke made a motion to adopt the consent agenda, which consists of items 6.a. through 6.k., second by Councilor Haynes. Motion carried by a vote of 7-0 that the Consent Agenda be accepted, approved, adopted, or referred and acted upon as required by state and local code.

- a. The **Minutes** of the Regular Meeting of June 2, 2014 were approved
- b. The Resolution approving renewal of a **Class "B" Beer and "Class C" Wine License** for Salvador's Restaurant, located at 907 Bayliss Avenue, Salvador Sanchez, Owner, was approved. File 8645
- c. The Resolution approving renewal of a **Class "B" Beer and Reserve "Class B" Liquor License** for BMC Property Management LLC, d/b/a Rivals Sports Bar and Grill, located at 443 East Grand Avenue, Michael Dennis Jero, Agent, was approved. File 8645
- d. The Resolution approving **Change of Agent** for BRBK, LLC, d/b/a The Alibi, 1180 Madison Road, from Bonnie R. Kunde to Wendy K. Drake, was approved. File 8645
- e. The Resolution approving **Change of Agent** for CVS Pharmacy, d/b/a CVS Pharmacy #5600, located at 2149 Prairie Avenue from Kimberly Kitchens to Debra Gajdoski was approved. File 8645
- f. The Resolution approving **Change of Agent** for Beloit Express, Inc. d/b/a Holiday Inn Express, located at 2790 Milwaukee Road from Kelsey Szudy to Liza Carrasco was approved. File 8645
- g. The Resolution approving **Improvements** within Riverside Park- West located at 1055 Third Street was approved. File 8647

- h. The Resolution Setting a Date for a Public hearing for the **Vacation** of Milwaukee Road Frontage in the City of Beloit, Rock County, Wisconsin was accepted and referred to the Plan Commission. File 8650_
- i. The Resolution authorizing the City Manager to apply for the **National Clean Diesel Grant** through the Leonardo Academy that provides for the reduction of Diesel Emission and Fuel Consumption was approved. File 8599
- j. The Resolution approving the Conveyance of a **Utility Easement** to the City of Beloit, 856 Fourth Street, was approved. File 8615
- k. The Resolution awarding **Public Works Contract C14-12** Soil Cap for 202 Shirland Avenue was approved. File 8651

- l. Attorney Casper presented a Resolution releasing City's **Right of First Refusal and Waiving Lease Restrictions** on 2555 Kennedy Drive in the Beloit Industrial Park. City Attorney Casper stated the buyer of the property found a 1983 Restrictive Covenant that the City recorded that stated if the owner were to sell the property the City should be notified and be given the opportunity to purchase the property under the same terms and conditions as any buyer. Attorney Casper explained the second covenant stated there could be no leasing or rental of the property, and this new owner intends to rent the property and asks the City to waive the Restrictive Covenants. Economic Development Director Andrew Janke stated the Covenant was protection for the City if the undeveloped land was sold and the buyer did not develop the land, and the City would have the right to repurchase the site. Mr. Janke stated this property was developed 30+ years ago and if the City did exercise this covenant, we would have to reimburse the owner for the cost of the land and the value of the building. Councilor Luebke made a motion to release the City's Right of First Refusal and Waiving Lease Restrictions on 2555 Kennedy Drive, second by De Forest. Motion carried 7-0. File 7009

7. ORDINANCES

- a. Director of Water Resources Harry Mathos, presented the proposed Ordinance to amend the Table of Contents, Sections 27.01(1), 27.02, 27.03(2), 27.03(4), 27.04, 27.11, 27.15, 27.16, 27.18(2), 27.18(5), 27.19(2), 27.19(4) and 27.20; to create Section 27.15(3)(c); and repeal section 27.20 of Chapter 27 of the Code of General Ordinances of the City of Beloit as it relates to **Private Wells**. Mr. Mathos stated the DNR requires the Water Utility to develop and implement a private well abandonment program to protect the City's drinking water supply from contaminants that may be introduced through inadequately designed, non-compliant private wells. Mr. Mathos said and ordinance was amended to authorize well operating permits and a resolution was written and appears later on the Agenda. On the merits of the ordinance, Councilor Haynes made a motion to enact, second by Councilor Luebke. Motion carried 7-0. File 8044 Ordinance 3539

8. APPOINTMENTS

President Spreitzer announced the openings and submitted the following appointments to the City Committees, Boards and Commissions for approval. The appointments were approved on a motion by Councilor Haynes and a second by Councilor Kelly. The motion carried 7-0.

- a. **Alcohol Beverage License Control Committee:** Betty B Barnett for a term ending June 30, 2017 and Tina Goecks as School District of Beloit Representative for the 2014-2015 school year. File 6145
- b. **Equal Opportunities Commission:** Joe Hansen and Mike Zoril for terms ending June 30, 2017. File 7465
- c. **Municipal Library Board:** John Watrous and Sandra Kincaid for terms ending June 30, 2017. File 5991

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- a. Councilor Luebke said that he attended the demolition of the former Turtle Town Hall.
- b. Councilor De Forest congratulated Councilor Regina Hendrix on her appointment and welcomed her to the Council; expressed gratitude to Human Resources Director Florence Haley for her years of service to the City; congratulated Tony Farrell and the Finnegan Brothers for their induction in the Hall of Honor. She stated she attended the Save Our Youth breakfast, Porter Avenue Watch Group picnic, dinner theater at The Castle and the Rock County Prevention Strategic Planning meeting.
- c. Councilor Kincaid attended Farmers Market and acquired a pen listing the summer programs by the Friends of Riverfront and encouraged the public to attend the many Friday evening events.
- d. Councilor Hendrix expressed her gratitude to be appointed to the Council and stated she was looking forward to the remainder of her term.
- e. Councilor Kelly stated she attended the ground breaking at the old Turtle Town Hall, Beloit Memorial graduation and the Plein Air event which was well attended.
- f. Councilor Haynes welcomed Regina Hendrix as the newly appointed Councilor.
- g. Councilor Spreitzer stated he attended the ground breaking at the old Turtle Town Hall, the picnic at the Community Garden in the Merrill Neighborhood, and enjoyed Beloit College's reunion weekend celebrating his five year reunion.

10. CITY MANAGER'S PRESENTATION - None

11. REPORTS FROM BOARD AND CITY OFFICERS

- a. Public Works Director, Gregory Boysen, presented a resolution adjusting the award amount and authorizing **Final Payment** of Public Works Contract C13-07 Street Resurfacing. He stated the additional costs were for the addition of Reynolds Drive to the Alcoa Building; because of the unexpected poor conditions of streets during resurfacing which required base repairs; and for the paving done in Big Hill Park to prevent two years of construction which would disrupt park activities. Councilor De Forest made a motion to lay over this resolution as she would like to see detailed documentation for the variances, documentation related to the additional expenses and why these decisions were made, second by Councilor Kincaid. City Manager Larry Arft explained that the City did not go over budget as there were plenty of funds in the Capital Budget to cover the required paving which was not a discretionary decision as the repairs had to be made. Manager Arft stated there was money in the parks budget for the Big Hill Park plan and to complete it in one year was more efficient and less disruptive. President Spreitzer called for a roll call vote to layover. Motion failed 3-4 with Councilors Haynes, Spreitzer, Kelly and Luebke voting no. President Spritzer called for a vote on the resolution, and it carried with a vote of 6-1 with Councilor De Forest voting no. File 8605
- b. Mr. Mathos presented a resolution for **Fees** for Private Wells and explained the resolution included a waiver for the first permit fee. Councilor Haynes made a motion to approve the resolution, second by Councilor De Forest. Motion carried 7-0. File 8044
- c. Mr. Janke presented a resolution authorizing the City Manager to enter into a Wisconsin Economic Development Corporation (WEDC) Idle Industrial Sites **Development Agreement** with Hendricks Commercial Properties. He explained that the Council authorized the application for this grant partnered with Hendricks Development and this past December was notified that the City would receive the grant of one million dollars. Mr. Janke said one of the requirements of this grant was the City had to enter into a development agreement with Hendricks Commercial Properties. He stated another requirement of the grant was for matching contributions and Hendricks Commercial Properties is investing thirty-eight million dollars which is more than required for matching funds. Mr. Janke stated this was not a job creation project, and jobs were not a requirement of this agreement, however, in the long history of working with Hendricks Commercial Properties, jobs will be created in the community. Councilor Luebke made a motion to approve this resolution, second by Councilor Haynes. Motion carried 7-0 File 8619
- d. Mr. Janke introduced a resolution amending the **2014 Capital Budget** for the WEDC Idle Industrial Site Grant Project which would enable the one million dollar grant to be passed through to Hendricks Commercial Properties. Councilor Haynes moved approval, second by Councilor Kelly. Motion carried 7-0. File 8619/8618

- e. Mr. Mathos presented a resolution approving the **Compliance Maintenance Annual Report** for 2013 and explained that this report from the Department of Natural Resources is an evaluation of the Wastewater Treatment Facility and again this year they scored a perfect 4.0 which he stated was a testament to the staff at the facility. Councilor Haynes made a motion to approve, second by Councilor Kelly. Motion carried 7-0. File 5303
12. At 7:40 p.m., Councilor Hendrix made a motion to adjourn the meeting, second by Councilor De Forest. The motion carried 7-0.

Judith A. Elson
Deputy City Clerk

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Date approved by Council:

RESOLUTION
AUTHORIZING FINAL PAYMENT OF PUBLIC WORKS CONTRACT C13-16
POST AND EMERSON STORM SEWER

WHEREAS, this project added storm sewer to Post Road, Emerson Street and Prairie Avenue. The project improved drainage on all three streets. Once the storm sewer was installed, the pavement and terraces were replaced with new asphalt, concrete and seed restoration; and

WHEREAS, work under this contract has been completed satisfactorily and in conformance with the requirements of the contract; and

WHEREAS, the city engineer, comptroller, and attorney recommend final payment to the contractor.

NOW, THEREFORE, BE IT RESOLVED, by the City of Beloit City Council that E&N Hughes Co., Inc., Monroe, Wisconsin, and hereby is, paid \$4,603.65 for the final payment for Public Works Contract C13-16 Post and Emerson Storm Sewer.

Dated at Beloit, Wisconsin, this 7th day of July 2014.

BELOIT CITY COUNCIL

Mark Spreitzer, President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award Final Pay for C13-16, Post and Emerson Storm Sewer

Date: July 7, 2014

Presenter(s) Greg Boysen, Public Works Director

Department(s): Public Works/Engineering

Overview/Background Information:

E & N Hughes Co., Inc. has completed construction of project C13-16 Post and Emerson Storm Sewer, and has submitted all of the required paperwork and bonds. Final payment now needs to be issued.

This project added storm sewer to Post Road, Emerson Street and Prairie Avenue. The project improved drainage on all three streets. Once the storm sewer was installed, the pavement and terraces were replaced with new asphalt, concrete and seed restoration.

Key Issues (maximum of 5):

1. E & N Hughes Co., Inc. was the low bidder for this project, and they have completed construction to the satisfaction of Engineering.
2. The contractor is due \$4,603.65 for the completion of the project.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- Reduce dependence upon fossil fuels
N/A
- Reduce dependence on chemicals and other manufacturing substances that accumulate in nature
N/A
- Reduce dependence on activities that harm life sustaining eco-systems
N/A
- Meet the hierarchy of present and future human needs fairly and efficiently
N/A

If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.

Action required/Recommendation:

The Engineering Division recommends approval of the final payment to E & N Hughes Co., Inc. for \$4,603.65

Fiscal Note/Budget Impact:

Funds are available in the 2013 CIP budget.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Michael Flesch, City Engineer

FROM: Bill Frisbee, Storm Water Engineer

DATE: December 11, 2013

SUBJECT: Final Payment Contract C13-16
Post and Emerson Storm Sewer

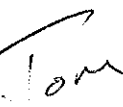
The work on this project was completed on November 17, 2013. I have inspected the work and find it to be satisfactory and in compliance with the requirements of the contract. The contractor has asked for final payment. The project was inspected by city staff. The final payment quantities have been approved by the contractor.

The original contract amount was for \$191,929.30, and the final contract amount is \$220,689.15 which is a 14.98% increase. The increase in cost was primarily due to milling and overlaying all of Emerson Street. This happened because the road did not hold up well to the construction traffic. Payments to date under this contract total \$215,315.50. All lien waivers from subcontractors are on file.

Therefore, I recommend a final payment in the amount of \$4,603.65 be made to E&N Hughes Co., Inc.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Bill Frisbee

FROM: Thomas R. Casper 

DATE: December 23, 2013

SUBJECT: **Final Payment Public Works Contract C13-16**
E & N Hughes Co., Inc.
Post and Emerson Storm Sewer

I have reviewed the materials you sent over for final payment approval on the above contract. Everything appears in order and you may process the matter in your normal fashion.

/tdh
encs.

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment Application for the property located at 1715 Elmwood Avenue – Council Referral to the Plan Commission

Date: July 7, 2014

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Jack Meyers has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-2, Two-Family Residential District, to R-3, Low-Density Multi-Family Residential District, for the property located at 1715 Elmwood Avenue.

Key Issues (maximum of 5):

- The Plan Commission approved a Preliminary Subdivision Plat on October 9, 2013. Since this approval, the property owner has decided to pursue a low-density, multi-family development. The section of the development from Kadlec Drive to the east will be developed as single- or two-family dwellings, while the rest of the development will be a mix of multi-family dwellings.
 - This property is currently vacant land. It is approximately 14.4 acres.
 - This application is being processed congruently with the application to amend the Comprehensive Plan's Future Land Use Map to recommend Mixed Residential for the subject property.
 - This application is being considered in accordance with the Zoning Map Amendment procedures contained in Section 2-300 of the Zoning Ordinance.
-

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

- Consideration of this request supports Strategic Goal #5.
-

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels** – N/A
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
 - **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
 - **Meet the hierarchy of present and future human needs fairly and efficiently** – The development of this parcel will connect existing roadways and infrastructure, meeting the present needs of the neighborhood. Additionally, future needs of the community will be met by offering diverse housing opportunities and increasing the municipal tax base.
-

Action required/Recommendation:

- Referral to the Plan Commission for the July 9, 2014 meeting
 - This item will most likely return to the City Council for a public hearing and possible action on August 18, 2014
-

Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Map and Application

CITY of BELOIT

PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2014-08

1. Address of subject property: 1715 Elmwood Ave.

2. Legal description: Lot: _____ Block: _____ Subdivision: documents attached
(If property has not been subdivided, attach a copy of the complete legal description from deed.)

Property dimensions are: _____ feet by _____ feet = _____ square feet.

If more than two acres, give area in acres: 17.5 acres.

3. Tax Parcel Number(s): 206-11340600

4. Owner of record: Elmwood Commons LLC Phone: 414-975-2359
500 W. Bradley Rd #C112 Fox Point, Wisconsin 53217
(Address) (City) (State) (Zip)

5. Applicant's Name: Elmwood Commons LLC (Jack E. Meyers)
500 W. Bradley Rd #C112 Fox Point, Wisconsin 53217
(Address) (City) (State) (Zip)
414-975-2359 / _____ / _____
(Office Phone #) (Cell Phone #) (E-mail Address)

6. **THE FOLLOWING ACTION IS REQUESTED:**

Change zoning district classification from: R-2 to: R-3

All existing uses on this property are: R-2, revised preliminary plat
Elmwood Commons, approved October 9, 2013

7. All the proposed uses for this property are:

Principal use(s): portion of development west of Kadlec Drive to
be rezoned from R-2 to R-3. Lots 1-8,37,38 will remain R-2

Secondary use(s): _____

Accessory use(s): _____

8. I/we represent that I/~~we~~ have a vested interest in this property in the following manner:

- Owner
- Leasehold, Length of lease: _____
- Contractual, Nature of contract: _____
- Other, explain: _____

9. Individual~~s~~ responsible for compliance with conditions (if any), if request is granted:

Name(s): Jack E. Meyers Phone: 414-975-2359
500 W. Bradley Rd. #C112 Fox Point, Wisconsin 53217
(Address) (City) (State) (Zip)

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/we also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

Jack E. Meyers, Jack E. Meyers, 6/4/2014
(Signature of Owner) (Print name) (Date)

_____, _____, _____
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff	
Filing Fee: \$275.00	Amount Paid: <u>275.00</u> Meeting Date: <u>7/9/14</u>
Number of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>STNR</u>	Date: <u>6/5/14</u>
Date Notice Published: _____	Date Notice Mailed: _____

authorized to make temporary regulations of parking upon such street or streets as deemed appropriate. Notice shall be given of any such regulations by the posting, within a reasonable time before such regulations are to become effective, of reasonably conspicuous signs or by other appropriate and convenient means.”

Section 3. Section 13.25(4)(bg) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

“(bg) Any person issued a parking citation for violation of §13.105 of this chapter may settle and compromise the claim for such illegal parking by paying to the City the sum of \$20 within 10 days of the date of the alleged offense or \$40 after 10 days of the date of the alleged offense. Payment may be made at or remitted to the Administrator of the Municipal Court. Failure to comply with the provisions of this subsection shall result in the issuance of a summons and/or a warrant for the arrest of the alleged violator, who shall be subject to the penalties prescribed in sub. (5).”

Section 4. This ordinance shall be in force and take effect upon passage and publication.

Adopted this _____ day of _____, 2014.

BELOIT CITY COUNCIL

Mark Spreitzer, President

ATTEST:

Rebecca Houseman LeMire, City Clerk

PUBLISHED:

EFFECTIVE DATE:

01-611100-5231-_____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Farmer's Market Parking and other Temporary Parking Regulations

Date: July 7, 2014

Presenter(s): Captain Daniel Molland

Department(s): Police

Overview/Background Information:

The Beloit Police Department has determined the need to amend section 13.02 of the Code of General Ordinances of the City of Beloit, related to downtown parking during the Farmer's Market. This section will allow for the Beloit Police Department to issue parking tickets and tow vehicles when vehicles are parked in violation of signs and impacting the Farmer's Market. Creation of section 13.105 Temporary Parking regulations gives authority to make temporary regulations on parking when deemed appropriate.

Key Issues (maximum of 5):

1. The amendment to 13.02 is related to parking in the downtown for the Farmer's Market
2. The amendment to 13.02 provides the Beloit Police Department authority to enforce parking violations during the Farmer's Market.
3. Creation of 13.105 authorizes the Chief of Police or his/her designee to make temporary regulation of parking when necessary for cleaning, clearing or reporting of any street(s) or in the interest of public safety, or for other emergency or special conditions.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

This amendment and creation to the ordinances conforms to the following goals:

1. Proactively partner with individuals and businesses to promote a safe and healthy community, minimize personal injury, prevent loss of life, and protect property and natural resources.
2. Communicate and partner with other jurisdictions and organizations to coordinate effective and efficient service delivery and stimulate regional prosperity.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels**
N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**
N/A
- **Reduce dependence on activities that harm life sustaining eco-systems**
N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently**
N/A

If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.

Action required/Recommendation:

The proposed ordinance has been reviewed by staff and the Traffic Review Committee and is recommended for approval.

Fiscal Note/Budget Impact:

The proposed ordinance should not obligate any additional City funds.

**RESOLUTION ADOPTING
EQUAL OPPORTUNITIES COMMISSION (EOC)
RULES OF PROCEDURE**

WHEREAS, the Equal Opportunities Commission (EOC) was created by the City of Beloit to improve the quality of life by the elimination of racism in the Beloit Community, and

WHEREAS, the Department of Housing and Urban Development (HUD) requires the City to prepare and implement an Analysis of Impediments to Fair Housing, and

WHEREAS, the City of Beloit EOC has prepared an Analysis of Impediments to Fair Housing (AI) and submitted it to HUD, and

WHEREAS, the EOC has identified inconsistent administration of the Fair Housing Code as an impediment to fair housing choice and has adopted a Strategy for addressing this impediment as development of Rules of Procedure, and

WHEREAS, the EOC has developed Rules of Procedure to address the impediment of inconsistent administering the Fair Housing Code, and

WHEREAS, the EOC has within its powers and duties in administering the Fair Housing Code the ability to adopt, amend, and publish rules for governing its meeting and hearings subject to City Council approval, and

WHEREAS, the EOC has unanimously approved a resolution recommending that the City Council adopt the EOC Rules of Procedure.

NOW THEREFORE BE IT RESOLVED, that the Equal Opportunities Commission of the City of Beloit, Rock County, Wisconsin hereby recommends adoption of EOC Rules of Procedure.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Beloit City Council, Rock County, Wisconsin adopts the EOC Rules of Procedure.

Adopted this 7th day of July, 2014.

Mark Spreitzer, Council President

ATTEST:

Rebecca Houseman Lemire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Consideration of the proposed Rules of Procedure for the Equal Opportunities Commission

Date: July 7, 2014

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

The Equal Opportunities Commission (EOC) is recommending the adoption of Rules of Procedure for activities carried out under the Chapter 20 Fair Housing Code. On June 18, 2014 the EOC unanimously approved the attached Rules of Procedure. The Commission believes the Rules of Procedure will provide consistent guidance and administration of Fair Housing activities.

Key Issues (maximum of 5):

1. The EOC and City staff prepared the Analysis of Impediments to Fair Housing report required by HUD, which identified inconsistent administration of the Fair Housing Code as an impediment to Fair Housing choice due to staff and Commission turn-over, and frequent transfer of EOC responsibility to different City Departments.
 2. The EOC Rules of Procedure provide detailed requirements for how staff and the EOC will handle complaints, issue notices, conduct mediation and conciliation, conduct hearings, handle the submittal of evidence, and other procedures that will facilitate the consistent administration and enforcement of the Fair Housing Ordinance.
-

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

- Consideration of this request supports Strategic Goal #5.
-

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels** – Not applicable
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – Not Applicable
 - **Reduce dependence on activities that harm life sustaining eco-systems** – Not Applicable
 - **Meet the hierarchy of present and future human needs fairly and efficiently** – The adoption of Rules of Procedure will ensure that housing discrimination is addressed in a consistent, organized manner, which improves quality of life in the community.
-

Action required/Recommendation:

EOC recommends approval of the proposed Rules of Procedure

Fiscal Note/Budget Impact:

Not Applicable

Attachments:

EOC Rules of Procedure

Rules of Procedures for

City of Beloit

Equal Opportunities Commission

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1.0 General Provisions

1.1 Commission Officers

- (a) The Commission at its regular meeting in August of each year shall elect a Chair and Vice Chair.
- (b) The Chair shall preside over all meetings of the Commission and shall decide all points of procedure subject to reversal by a majority of the members of the Commission.
- (c) The City shall appoint a staff liaison to the EOC. The EOC staff liaison shall prepare minutes of all meetings and shall mail or email a copy to each member of the Commission at least five (5) calendar days before a regular meeting and at least 24 hours before special meetings. The original copy of the minutes shall be filed with the City Clerk's Office.

1.2 Powers and Duties. The powers and duties of the Commission shall be those set forth in section 1.82(6) of the Code of General Ordinances for the City of Beloit.

1.3 Quorum

- (a) A quorum for a meeting of the Equal Opportunities Commission shall be interpreted consistently with the requirements found in section 1.82(9) of the Code of General Ordinances for the City of Beloit.
- (b) Section 1.82(10) of the Code of General Ordinances for the City of Beloit shall define the votes necessary to pass motions by the Equal Opportunities Commission.

1.4 Regular and Special Meetings

- (a) Regular meetings of the Commission shall be held the third Wednesday of each even-numbered month or as otherwise scheduled by the EOC at a time and place as officially posted, in accordance with section 1.82(7) of the Code of General Ordinances for the City of Beloit.
- (b) Commission Attendance. All Commissioners shall contact the EOC staff liaison when unable to attend a Commission meeting or hearing. When possible, contact shall be made at least one day prior to the scheduled meeting. Commissioners shall attend meetings in

accordance with section 1.82(14) of the Code of General Ordinances for the City of Beloit.

- (c) Special meetings may be called by the Chair, or by written request of any three members of the Commission in accordance with section 1.82(7) of the Code of General Ordinances for the City of Beloit.
 - (1) Public notice of special meetings shall be given in accordance with the open meeting law of the State of Wisconsin, §19.81 to §19.87, Wis. Stats.
 - (2) Notice of special meetings shall be mailed or emailed to each member at least 24 (twenty-four) hours before the time of the meeting or by notice given orally at least 24 (twenty-four) hours before the time of the meeting. If notice is only given orally, then city staff will keep a log of date and time each commissioner was notified.
 - (3) Oral notices shall be deemed sufficient if oral notice is left with someone at the member's place of business or abode.
- (d) Any matter that may be considered at a regular meeting of the Commission may be considered at a special meeting.

1.5 Committees. The Commission may periodically establish committees to assist in the discharge of its duties. To establish committees, a majority vote shall be taken by those Commission members in attendance. The nature and scope of committee activities shall be subject to Commission discretion.

- (a) Regular and Ad Hoc Committees
 - (1) Regular Committees are groups created by the Commission which are expected to have an on-going role in carrying out the Commission's mission.
 - (2) Ad Hoc Committees are created by the Commission to address a specific issue and which are expected to meet for a limited period of time.
 - (3) Membership on regular and ad hoc committees shall be composed exclusively of Commission members. Members are appointed by the Chair.

- (4) A quorum for any meeting of a regular or ad hoc committee of the Equal Opportunities Commission shall be composed of more than one-half of appointed members.

(b) Special Committees

- (1) Special Committees are created to assist the Commission in carrying out its mission where the Commission has determined that outside expertise or additional resources are needed.
- (2) Membership on any Special Committee shall consist of a maximum of twenty-five (25) voting members. Additional persons may participate as non-voting members, including serving on subcommittees and task forces and participating in discussions.
- (3) Upon creation of a new Special Committee, the EOC staff liaison and the Commission shall recommend committee members for a period of one year unless otherwise determined by the Commission.
- (4) Where possible, the membership of Special Committees shall be representative of advocacy groups, residents, and protected classes as contained in the Ordinance, private sector representatives and social service agencies as may have concern with the subject matter of the committee, and shall be committed to the principle of equal opportunities.

- (c) Attendance at Committee meetings shall be governed by section 1.82(14) of the Code of General Ordinances for the City of Beloit.
- (d) Each committee shall elect a chair and vice chair at its first meeting. Those committees remaining in service shall conduct elections annually thereafter. The chair will preside over all meetings of the committee and shall decide all points of procedure subject to reversal by a majority of the voting committee members.

1.6 Amendments and Rules of Order

- (a) These Rules may be amended by a vote of a majority of the members of the Commission in attendance at any regular or special meeting of the Commission and shall be submitted to the City Council for

approval in accordance with section 1.82(11) of the Code of General Ordinances for the City of Beloit.

- (b) Except where otherwise provided in these Rules, a majority vote of the members of the Commission in attendance at any meeting thereof shall prevail on any motion or action. Committees may be established or dissolved only by a vote of a majority of the members of the Commission. Except as otherwise provided herein, and in the absence of a standing rule established by the Commission, ROBERT'S RULES OF ORDER NEWLY REVISED (11th Edition) shall govern the proceedings at the meeting of the Commission or of any committee thereof.
- (c) The Chair or any person acting in her/his stead may vote on any matter properly brought before the Commission or before any committee or sub-committee on which the Chair serves.

1.7 Public Comments

- (a) Speakers are encouraged to pre-register her/his desire to speak before the Equal Opportunities Commission. Speakers will be granted five (5) minutes for her/his comments before the Commission.
- (b) The Chair may extend the time limit for an individual speaker or may modify the time limit for public comment because of the length of the agenda, the number of speakers or time constraints of the Commission.
- (c) Questions of speakers will be held until after all registrants have spoken.

2.0 Definitions

- 2.1 Affidavit--A statement in writing based on personal knowledge and made under oath.
- 2.2 Complainant--A Complainant is any person who has filed a complaint under Chapter 20 of the Code of General Ordinances for the City of Beloit in which it is alleged that an act of housing discrimination has been committed in violation of said law.
- 2.3 Conciliation--The adjustment and settlement of a dispute in a neutral un-antagonistic manner. Conciliation may be accomplished by the parties or with the assistance of the Investigator.
- 2.4 Conciliation or Settlement Agreement--The terms and conditions for the resolution of a complaint. A conciliation or settlement agreement may be entered into by the parties with or without the assistance of the Investigator.
- 2.5 Day--When used in time computation under these Rules, means a calendar day, except that if the last day of the time period is a Saturday, Sunday or holiday observed by the City of Beloit, the last day shall be the next business day.
- 2.6 Equal Opportunities Commission may be abbreviated as EOC in these Rules.
- 2.7 Formal Complaint--A formal complaint is a complaint which requires administrative action under the procedures outlined in Section 3.0 of these Rules.
- 2.8 Filing--The physical receipt of a document at the EOC office. Filing may include personal or postal delivery. Documents shall not be served by a facsimile transmission or e-mail.
- 2.9 Ordinance—Ordinance shall refer to Chapter 20 of the Code of General Ordinances for the City of Beloit.
- 2.10 Probable Cause--Probable cause means a reasonable ground for belief, supported by facts and circumstances strong enough in themselves to warrant a prudent person to believe that discrimination probably has been or is being committed.

- 2.11 Respondent--A Respondent is any person who is alleged by a complainant to have committed an act of discrimination in violation of Chapter 20 of the Code of General Ordinances for the City of Beloit.

- 2.12 A word or term referred to in these Rules shall have the meaning as defined or understood in Chapter 20 of the Code of Ordinances for the City of Beloit except where specifically noted.

3.0 Procedures for Processing Complaints

3.1. Filing of Complaints

- (a) The EOC shall not accept any complaint filed more than three hundred sixty five (365) days after the date the alleged housing discrimination occurred.
 - (1) Where a complainant alleges a pattern or practice of discrimination, the period referred to shall begin to run from the last act or occurrence of alleged discrimination.
 - (2) Where a complainant alleges that there is a continuing violation of the Ordinance, the period referred to shall begin to run from the last act or occurrence of alleged discrimination.
- (b) A formal complaint may be filed by the Complainant in person, electronically mailed, mailed, or called in to the office of the Equal Opportunities Commission (EOC). The Complainant may be required to provide additional information to the EOC staff during the “intake” of the complaint such that the complaint will meet the standard set forth below in subsections (1) through (3) below, or to obtain information necessary before the investigation process begins.
 - (1) A formal complaint shall be set forth on an approved form.
 - (2) A formal complaint must contain a statement of allegations, which if proven, would establish a “prima facie” case of discrimination.
 - (3) A formal complaint must contain the Complainant’s signature.
 - (4) The EOC staff liaison may provide assistance in the identification and clarification of issues and in the drafting of the formal complaint.
- (c) Once a complaint has been filed, the EOC shall serve notice upon the Complainant, acknowledging the filing, and advising the Complainant of the applicable time limits and the choice of forums available to the Complainant.
- (d) The Respondent shall be notified of the complaint and all amendments and provided a copy of the same. The Respondent shall be notified of the

right to file a written answer to the allegation(s) of the complaint. If the Respondent chooses to file an answer, said answer shall be filed within twenty (20) days of the notice of the complaint.

- (e) The EOC shall not investigate any complaint which is not a formal complaint as defined in Section 2.0 of these Rules or for which a copy has not been provided to the Respondent.
- (f) Any person who files a complaint with the EOC shall promptly inform the EOC of any changes of address or telephone number, or any prolonged absences from the address which s/he has provided to the EOC when necessary. In addition, a Complainant shall, at the time of filing a complaint, provide the EOC with the name, address and telephone number of a person who will always know how to reach the Complainant.

3.2 Amending a Complaint. A complaint may be amended or supplemented by the Complainant, at any time prior to the issuance of a notice of hearing.

3.3 Withdrawal of Complaint

- (a) The Complainant may withdraw her/his complaint at any time. Reasons for the request to withdraw shall be stated in writing.
- (b) Withdrawal of a charge, in whole or in part, is accomplished by notifying the EOC, in writing, of the Complainant's desire to withdraw a complaint and shall identify what portions of the complaint are being withdrawn. Said notification must include the Complainant's signature, or that of her/his representative of record.
- (c) Withdrawal of a complaint shall be without prejudice unless the parties agree in writing to the contrary.

3.4 Dismissal of Complaints

- (a) The EOC may dismiss a complaint under the following circumstances:
 - (1) If the Complainant fails to provide requested necessary information or facts.
 - (2) If the Complainant refuses to appear or to be available for interviews or conferences.
 - (3) If the Complainant refuses to cooperate to the extent that the EOC is unable to resolve the complaint.

- (4) If the Complainant withdraws the complaint.
- (5) If the Commission lacks jurisdiction.

4.0 Investigation

- 4.1 All complaints filed as required in Section 3.0 of these Rules shall be investigated by an Investigator to determine whether or not probable cause exists to believe that the Ordinance may have been violated. Such investigation shall commence no later than the 30th day after filing of the complaint.
- 4.2 Powers and Duties of the Investigator
- (a) When a complaint is assigned, the Investigator requests information, documents and/or witness's statements from the parties.
 - (b) All information requested by the Investigator shall be submitted in a timely manner. In the event an extension is requested by a party, the Investigator may grant one (1) extension of no more than fifteen (15) days.
 - (c) The Investigator may use whatever means necessary in conducting his/her investigation, including but not limited to, an on-site visit, interviewing witnesses and reviewing records or other documents.
 - (d) When the Investigator determines that s/he has gathered sufficient information, s/he will provide the EOC staff liaison an Investigative Report as required by Section 5.0 of these Rules.
- 4.3 The Investigator shall identify early opportunities for the parties to resolve the issues in the complaint.
- (a) If resolved, the Investigator will negotiate a conciliation or settlement agreement as provided by Section 6.0 of these Rules and submit for review and approval by the EOC.
 - (b) If not resolved, the Investigator will determine if both parties are willing to mediate their differences through a third party mediation/resolution services firm.
 - (1) If both parties agree, they will be referred to the third party mediation/resolution services firm.
 - (2) If there is a mediated settlement, the written settlement will be submitted to the EOC and is subject to Commission's approval.

5.0 Initial Determination of Probable/No Probable Cause

- 5.1 The Investigator conduct an investigation and shall prepare a written report indicating whether or not s/he believes there is probable cause to believe that the Ordinance may have been violated and on what facts such determination is based. The report shall be as prescribed in section 20.05(8) of the Code of General Ordinances for the City of Beloit. The report shall be sent to the EOC staff liaison. The EOC staff liaison shall provide written notice of the determination to the parties and their attorneys or representatives.
- 5.2 An Investigator may find “Probable Cause”, “No Probable Cause” or a combination of “Probable Cause” and “No Probable Cause” according to the issues presented in the complaint.
- (a) The Complainant may appeal any part of the Initial Determination which finds “No Probable Cause.”
 - (b) Proceedings for issues where “Probable Cause” was found shall be stayed until any issues for which “No Probable Cause” was found are resolved.
 - (c) Initial Determinations finding “Probable Cause” are not subject to appeal.
- 5.3 Appeals of “No Probable Cause” to the Commission
- (a) Within 30 days after the date of an initial determination finding that there is no probable cause, a Complainant may file a written request to appeal that determination to the EOC. The request shall state specifically the grounds upon which the appeal is based. The EOC shall notify the Respondent that an appeal has been filed within 10 days of the filing of the appeal.
 - (b) The parties shall be afforded a reasonable opportunity to submit additional evidence or arguments. Any such evidence or arguments shall be submitted in writing.
 - (c) The EOC staff liaison may grant one (1) extension of no more than fifteen (15) days for the submission of the briefs or other written materials.
 - (d) Either party may request the opportunity to present oral argument to the Commission. Such a request shall be made within 30 days of the filing of the appeal and shall state good cause for the need for oral argument. If no request for oral argument is received or if the Commission deems that

good cause has not been shown, the appeal shall be decided based upon the written submissions of the parties and the investigative file.

- (e) As a matter of public service either party may request to view the investigative file, and/or request a complimentary copy of the same. All other parties requesting copies shall pay a reasonable fee for photocopying expenses as determined by the City of Beloit.
- (f) The Commission shall review and consider the following to determine whether there is probable cause to believe the Respondent has discriminated against the Complainant in violation of the Ordinance:
 - (1) The investigative file.
 - (2) Any additional documents or arguments submitted to the file.
 - (3) Any written briefs or arguments properly submitted by the parties or their attorney or representative.
 - (4) Any oral arguments made by the parties during a hearing, if any.
- (g) The Commission shall issue a decision and Order either affirming or reversing, in whole or in part, the Initial Determination, or vacating the Initial Determination and remanding the case to the Investigator for further investigation.
 - (1) If the Commission affirms the initial determination of no probable cause to believe the Ordinance may have been violated, the Commission shall issue an order dismissing the complaint or the issue(s) in the complaint to which the “No Probable Cause” finding applies. The decision shall constitute the final order of the Commission.
 - (2) If the Commission reverses the initial determination of no probable cause, the complaint shall be remanded back for conciliation or mediation.
 - (3) If the Commission is unable to find probable cause or no probable cause, the complaint may be remanded back to the Investigator for further investigation or findings.
- (h) The decision of the Commission shall be reduced to writing and written notice of the decision shall be sent to the parties and their attorneys or representatives.

6.0 Conciliation/Negotiated Settlement Agreements

- 6.1 Settlements of complaints of discrimination are encouraged by the Commission at any stage of the process. An agreement may contain any provisions mutually agreed upon by the parties except those contrary to local, state or federal law. The Commission may or may not be a party to the settlement or conciliation agreement. Any party may waive conciliation.
- 6.2 The Investigator or another person designated by the Commission may act as conciliator and attempt to resolve the matter complained of by agreement between the two parties. The agreement must be approved by the Commission.
- 6.3 The Commission may require, as a term of settlement, reporting systems, affirmative action, monitoring or other terms as may be necessary to effectuate the purposes of the Ordinance.
- 6.4 In the event that an agreement is reached, the agreement shall be reduced to writing shall be signed by the Complainant, Respondent and the Chairperson of the EOC. An agreement, signed by the Chair of the EOC, shall have the effect of a final order of the Commission.
- 6.5 Should conciliation fail or be waived by any party, the conciliator shall notify the Commission in writing that conciliation has been unsuccessful. Copies of this letter shall be sent to all parties. Nothing in this section shall prohibit the Commission from attempting to conciliate a complaint between or among any consenting parties, where there are multiple Complainants or Respondents.

7.0 General Hearing Procedures

7.1 Purpose and Scope. If conciliation efforts have failed or have been waived, the Commission shall hear evidence and argument at a hearing.

7.2 Powers and Duties

(a) General Powers and Duties

(1) The Commission shall have the duty to conduct a fair and impartial hearing.

(2) The Commission shall take all necessary action to avoid delay in the disposition of proceedings and to maintain order. The Commission shall have all power necessary to those ends, including but not limited to the following:

- a. To administer oaths and affirmations;
- b. To issue subpoenas;
- c. To rule upon offers of proof and receive evidence;
- d. To regulate the course of the hearing and the conduct of the parties and their agents or representatives;
- e. To hold conferences for settlement, simplification or stipulation of the issues, or any other proper purposes; and
- f. To consider and rule upon all procedural and other motions appropriate to the proceeding and the parties.

(b) Interference. No employee or agent or any representative of the parties to a complaint shall interfere with the Commission, the Investigator or the EOC staff liaison in the performance of her/his duties.

(c) Ex Parte Communications

(1) No person, nor her/his agent, employee or representative, who has an interest in a particular proceeding, shall communicate ex parte, directly or indirectly with members of the Commission with

respect to the merits of the complaint or a factually-related proceeding.

- (2) The members of the Commission shall not communicate ex parte, directly or indirectly, with any person, or her/his agent, employee or representative, who has an interest in a particular proceeding, with regard to the merits of the complaint or a factually-related proceeding.
- (3) If an ex parte communication is made to or by a member of the Commission, in violation of subsections (1) or (2) herein, the Commission member shall promptly disclose the content of such communication to the Commission and all parties.
- (4) A person, or her/his agent, employee or representative, who has an interest in a particular proceeding may make an ex parte request for the limited purposes of requesting the issuance of a subpoena or for communications related to scheduling of proceedings.

(d) Disqualification of Commission Member

- (1) When a member of the Commission deems her/himself disqualified to participate in a particular proceeding, s/he shall withdraw by notice on the record.
- (2) Any party may file an affidavit, stating in detail the matters alleged to constitute grounds for disqualification of a member of the Commission. Only one such affidavit shall be filed by the same party in the case. An affidavit of prejudice must be filed no later than ten (10) days from the date that a party becomes aware of or should have become aware of the grounds for disqualification.
- (3) If, in the opinion of the member of the Commission, the affidavit of prejudice is sufficient on its face, the member shall disqualify her/himself and withdraw from the proceeding.

7.3 Prehearing Procedures. The Commission may, at its own discretion, direct the parties or their representatives to meet for a conference to consider any or all of the following:

- (a) Simplification and clarification of the issues;

- (b) Stipulations, admissions of fact and the contents and authenticity of documents;
- (c) Such other matters as may aid in the orderly and expeditious disposition of the proceedings, including the disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceedings; and
- (d) The Commission shall enter in the recorded record a summary which recites the results of the conference. Such summary shall include rulings upon matters considered at the conference, together with appropriate directions to the parties.

7.4 Notice of Hearings. The Commission shall cause written notice of the hearing to be issued and mailed by certified mail not less than forty-five (45) days prior to the hearing, provided that a hearing may be held on shorter notice where substantial injury to a party would otherwise result. Notice shall include the following:

- (a) A statement of the time, date, place and nature of the proceedings;
- (b) A reference to the particular sections of the Ordinance and rules involved;
- (c) A statement of the nature of the claim involved.

7.5 Procedural Steps

(a) Motions

- (1) Every motion or response, including accompanying papers, shall be provided to all parties or their representatives and filed with the Commission.
- (2) Upon receipt of any written motion, the Commission shall determine what procedures shall be used to address said motion.

(b) Subpoenas. Subpoenas may be issued as authorized by Chapter 885, Wisconsin Statutes, as amended.

- (1) Subpoenas may be issued by the attorney of record as provided by §805.07, Wisconsin Statutes. Where individuals are not represented by an attorney, parties may request ex parte for subpoenas to be issued by the Commission.

- (2) The parties are responsible for serving any subpoenas they request from the Commission and the party serving the subpoena must pay the cost of fees to any witness who is subpoenaed as provided by §814.67, Wis. Stats.

(c) Discovery

- (1) Depositions and other discovery shall be allowed in accordance with Chapter 804, Wisconsin Statutes, as amended, except that neither depositions nor discovery shall be permitted prior to the time when the Commission has been notified that conciliation had been unsuccessful.
- (2) The Commission shall make all reasonable rules related to discovery procedures in a particular proceeding as it deems appropriate.

7.6 Sanctions

- (a) If a party, or an agent or representative of a party, refuses to comply with an order of the Commission, the Commission shall take action in regard thereto as is just, including but not limited to the following:
 - (1) Infer that the admission, testimony, documents or other evidence sought would have been adverse to the party.
 - (2) Order that for the purposes of the proceeding, the matter or matters concerning which the order or subpoena was issued be taken as established adversely to the party.
 - (3) Order that the party may not introduce into evidence or otherwise rely, in support of any claim or defense, upon testimony by such party, agent or representative, or the documents or other evidence.
 - (4) Order that the party may not object to introduction and use of secondary evidence to show what the withheld admission, testimony, documents or other evidence would have shown.
 - (5) Order that a pleading, or part of a pleading, or a motion or other submission by a party concerning which the order or subpoena

was issued, be stricken or the decision of the proceeding be rendered against the party, or both.

- (6) The Commission shall render any remedy necessary to achieve justice between the parties.
 - (b) It shall be the duty of the parties to seek and the Commission to grant, such of the foregoing means of relief or other appropriate relief as may be sufficient to compensate for the lack of withheld testimony, documents, or other evidence.
 - (c) In case of failure to make discovery or to comply with an order, the Commission may invoke the aid of the City Attorney who shall apply to the appropriate court for an order or other court action necessary to secure enforcement of such discovery orders.
- 7.7 Submission of Documentary Evidence in Advance. Where practicable, the Commission may require:
- (a) That all documentary evidence which is to be offered during the taking of evidence be submitted to the Commission and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence.
 - (b) That documentary evidence not submitted in advance, as may be required by (a) herein, be not received in evidence in the absence of a showing that the offering party has good cause for his/her failure to produce the evidence sooner.
- 7.8 Oath or Affirmation. All testimony before the Commission shall be taken under oath or by affirmation.
- 7.9 Rights of Parties. Every party shall have the right of due notice, cross-examination, presentation of evidence, objection, argument, motion, and all other rights essential to a fair hearing, except where such rights have been forfeited due to default or failure to comply with discovery or other orders of the Commission.
- 7.10 Default
- (a) Motion. When a party against whom a judgment for affirmative relief is sought has failed to appear, plead, or otherwise defend as provided by these Rules, a motion for default may be made with the Commission.

- (b) **Setting Aside Default.** For good cause shown and upon such terms as the Commission deems just, the Commission may set aside a default judgment.

8. Conduct of Hearing

- 8.1 Evidence. The rules of evidence governing contested hearings before the Commission shall be the same as those prescribed by the Wisconsin Administrative Procedure Act, under Chapter 227, Wisconsin Statutes, as amended.
- 8.2 Proceedings in contested cases are those formal proceedings conducted under Chapter 20 of the Code of General Ordinances for the City of Beloit and Sections 7.0 and 8.0 of these Rules. Such proceedings are required to be determined on the record after a hearing to the Commission.
- 8.3 Content of the Record. The record of the hearing shall include, but need not be limited to, the following materials:
- (a) All pleadings or submissions of the parties.
 - (b) All evidence received or considered which shall include all exhibits and other materials filed.
 - (c) A statement of all matters officially noticed.
 - (d) Recordings made on electronic equipment or copies of transcripts of any hearings.
- 8.4 Hearing Format
- (a) A public hearing shall include, but need not be limited to, the following elements:
 - (1) A brief introductory statement by the Chairperson of the Commission;
 - (2) Presentation of the Complainant's case;
 - (3) Presentation of the Respondent's case;
 - (4) Opportunity for cross-examination;
 - (5) Opportunity for rebuttal presentation;
 - (6) Opportunity for questions by Commission members.

- 8.5 Both parties shall appear at the hearing, may call, examine and cross-examine witnesses, and may introduce papers, documents or other evidence, in person, by counsel, or other representative as authorized by these Rules. The rules of evidence prescribed by the Wisconsin Administrative Procedure Act, Ch. 227, Wis. Stats., for hearings in contested cases, shall be followed.
- 8.6 Should the Complainant fail to appear within fifteen (15) minutes of the scheduled time for the hearing, in the absence of a clear showing that the Complainant had good cause for not appearing at the hearing, the Commission shall issue an order dismissing the complaint.
- 8.7 Should the Respondent fail to appear within fifteen (15) minutes of the scheduled time for the hearing, and in the absence of a clear showing that the Respondent had good cause for not appearing at the hearing, and if the Complainant makes a prima facie showing of a violation of the Ordinance, the Commission shall issue a finding of violation and order such relief as is appropriate.
- 8.8 If any party fails to appear at the hearing, she/he must submit a written explanation stating good cause for the failure to appear. The Commission may then issue an order declaring why a default judgment should not be entered against the party and may reopen the hearing.
- 8.9 Electronic Recordation. Except as otherwise provided, hearings shall be electronically recorded and such recordings shall be a part of the official hearing record. Copies of the electronic recording of a particular proceeding shall be made available to the public on request and the cost of copying shall be the burden of the requester. Upon leave of the Commission and upon terms and conditions that it designates, a written transcript may be made a part of the official hearing record in lieu of an electronic recordation.
- 8.10 If, after hearing, the Commission finds that the Respondent has engaged in discrimination, the Commission shall make findings of fact and conclusions of law and shall order such remedy as authorized by the Ordinance and/or Section 9.0 of these Rules, and shall effectuate the purposes of the Ordinance. The Commission shall provide a copy of the findings of fact and conclusions of law and order to the parties as required by section 20.05 of the Code of General Ordinances for the City of Beloit.
- 8.11 If the Commission finds that the Respondent has not engaged in discrimination as alleged in the complaint, the Commission shall make recommended findings of fact and conclusions of law and prepare an order dismissing the complaint. The Commission shall provide a copy of the findings of fact and conclusions of law and order dismissing the complaint to the parties.

9.0 Relief/Remedies

- 9.1 The Commission shall, after investigation and hearing, issue and implement such orders as may be necessary to effect the purposes of this chapter. Such orders may include: (a) Cease and desist orders; and/or (b) Affirmative action by the Respondent and, where necessary, by the Complainant.
- 9.2 Compensatory losses, reasonable attorney fees and costs may be ordered along with any other appropriate remedies where the Commission finds that a Respondent has engaged in discrimination.
- 9.3 Whenever in the judgment of the Commission, judicial enforcement of a Commission order is necessary, the Commission shall, in writing, request the City Attorney to commence proceedings in a court of competent jurisdiction to enforce such orders in the name of the City.
- 9.4 The Commission shall monitor, in such manner as it shall determine appropriate, compliance with its conciliation agreements and orders.

10.0 Service of Papers and Other Documents

- 10.1 Documents shall not be served upon the Commission by facsimile transmission or electronic mail. Service is deemed effective on the date of receipt.
- 10.2 Service may be made in person or by mail.
- (a) Service by mail on a Complainant shall be made at the last known address provided by the Complainant.
 - (b) Service by certified mail on a Respondent shall be made where Respondent is known to receive mail.
 - (c) If service is made by mail, the papers shall be deposited in the U.S. Post Office addressed to the party, attorney or representative to whom they are being served, with postage prepaid. Unless earlier receipt is shown, service by mail shall be deemed complete upon the third day following the day upon which the papers are placed in the mail, unless the third day falls on a Saturday, Sunday or holiday observed by the City of Beloit, in which case service shall be deemed complete on the first business day thereafter.
- 10.3 Notwithstanding any other provisions of this section, actual receipt of a document by an individual or any other person specified in this section shall constitute service.
- 10.4 The Commission shall cause to be served all orders, notices and other papers issued by the Commission, together with other papers which the Commission is required by law or these Rules to serve. Every other paper shall be caused to be served by the party filing it.
- 10.5 All papers served by the Commission or any party, shall be served upon all counsel of record at the time of such service and upon parties not represented by counsel and their designated representatives. Any counsel or representative entering an appearance subsequent to the initiation of the proceeding shall serve a notice of appearance on the Commission, all other counsel or other representative then of record for the parties and all parties not represented by counsel.
- 10.6 Subsequent to the filing of a complaint with the Commission, any person submitting written materials to the Commission with respect to that complaint shall send copies of those documents to the opposing party or parties, attorney(s) or representative(s). Where the requirement to provide the

opposing party(s), attorney(s) or representative(s) with copies of documents as specified above presents an economic or other hardship, the party(s) may submit a written request for a waiver, stating the reasons for the request. Exemptions from this requirement shall be granted liberally.

11.0 Miscellaneous Provisions

- 11.1 A party may be represented before the Commission by the following persons: any attorney at law entitled to practice as authorized by the State of Wisconsin, any attorney at law entitled to practice before the highest court of record of any other state or any lay advocate of the parties to the complaint. Any person appearing on behalf of another must file a notice of appearance in the proceedings.
- 11.2 Computation of Time. Computation of any period of time prescribed or allowed by these Rules shall begin with the first business day following that on which the act or event initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or holiday observed by the City of Beloit, the period shall run until the end of the next business day.
- 11.3 If future ordinance changes are adopted by the City Council that conflict with the Rules of the EOC, said Rule(s) shall be returned to the Commission for resolution.