

COMMON COUNCIL

Official Proceedings of the 2009-2010 Common Council of the City of Sheboygan.

TWENTY-THIRD REGULAR MEETING

The Council met: Monday, March 1, 2010.

Mayor Bob Ryan in the Chair:

On call of the roll, the following Alderpersons were present:

Bohren, Bowers, Dekker, Gischia, Hanna, Heidemann, Kath, Kittelson, Kliejunas, Montemayor, Rindfleisch, Surek, VanderWeele, Vue, Wangemann – 15.

Absent: Bouck – 1.

On motion by Alderperson Gischia and second by Alderperson Heidemann, the reading of the minutes of the Twenty-Second Regular Meeting held February 15, 2010, and the minutes were approved as entered on the record, all Alderpersons present voting "Aye".

MAYOR’S APPOINTMENT

March 1, 2010

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointment for your consideration:

Marjorie Mattern to be considered for appointment to the Housing Authority to fill the unexpired term of Parry Gruggink whose term expires 4/30/2014.

Bob Ryan, Mayor

Lies over under the rules.

CONFIRMATION OF MAYOR’S APPOINTMENTS

February 15, 2010

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointment for your consideration:

Mary Nowacki to be considered for appointment to the Senior Activity Center Commission to fill the unexpired term of William Nyhuis whose term expires 4.30/13,

On motion by Alderperson Gischa and second by Alderperson Heidemann, the foregoing appointment was confirmed, all Alderpersons present voting "Aye".

PUBLIC FORUM

Major Haelstrom, 710 Pennsylvania Ave, Mike Hotz, 1271 Kaufmann Ave., Alderperson Gischia and Alderperson Heidemann granted Mike Hotz an additional one minute to speak, Eldon Burg, 406 Clement Ave., Vince Moua, 3017 Michigan Ave., and Joe Sagal, Sr., 1522 Alabama Ave. spoke.

PRESIDENT GISCHIA – FISCAL INFORMATION FORM (FIF)

MAYOR’S ANNOUNCEMENTS

On motion by Alderperson Gischia and second by Alderperson Heidemann, the following documents notated with an asterick (*) were accepted and placed on file, accepted and adopted, or passed on call of the roll:

Ayes: Bohren, Bowers, Dekker, Gischia, Hanna, Heidemann, Kath, Kittelson, Kliejunas, Montemayor, Rindfleisch, Surek, VanderWeele, Vue, Wangemann – 15.

Nays: None.

COMMUNICATIONS AND PETITIONS

Com. No. 82 - 09 - 10. March 1, 2010.

Submitting a communication from Mike Short regarding his concerns over special assessment procedures. Was referred to the Committee on Finance and to the Committee on Public Works.

REPORT OF OFFICERS

***R. O. No. 434 - 09 - 10. By CITY CLERK. March 1, 2010.**

Submitting various license applications.

TEMPORARY CLASS "B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2541	Sheboygan Visual Artists	1201 Erie Ave. – one-day event to be held 3/26/10 in part of the Ebco Venture Center.

- 1373 St. Cyril & Methodius 822 New Jersey Ave. – one-day event to be held 3/14/2010 at the church hall.
- 1381 St. Peter Claver Ushers 1444 S. 11th St. – one-day events to be held 3/5/10, 4/2/10, 5/7/10, 9/10/10, 10/1/10, 11/5/10, 12/3/10 in the Van Treeck Hall-lower level of church.

COMMERCIAL OPERATORS LICENSE (December 31, 2010)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1951	Scotty Landscape Supply	3823 Enterprise Dr.

TEMPORARY BEVERAGE OPERATOR'S LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
8519	Junker, Daniel R.	4713 Horseleap Ln.

***R. O. No. 435 - 09 - 10. By CITY ATTORNEY. March 1, 2010.**

Submitting, as a matter of record, the recorded Permanent Limited Easement dated December 16, 2009, between the City of Sheboygan and Lee Realty of Sheboygan, Inc.

R. O. No. 436 - 09 - 10. By PURCHASING AGENT. March 1, 2010.

Submitting a report regarding the waiving of the need for competitive bidding for a tax-exempt, Municipal Lease for one Pierce manufacturing Built-to-order Rescue Pumper Apparatus.

On motion by Alderperson Gischia and second by Alderperson Hanna, the Report of Officer was filed, all Alderpersons present voting "Aye".

R. O. No. 437 - 09 - 10. By CITY CLERK. March 1, 2010.

Submitting a communication from Jeff Lastusky regarding the violation of Precise Implementation Plan (Landscaping) for the C. Reiss Condominiums.

Was referred to the City Plan Commission.

R. O. No. 438 - 09 - 10. By PURCHASING AGENT. March 1, 2010.

Submitting a report related to the manufacture and purchase of (38) New Decorative street lamps, lamp posts and accessories for installation on North 5th Street between Pennsylvania Avenue and Wisconsin Avenue and North 6th Street Between Niagara Avenue and Wisconsin Avenue following complete reconstruction of these streets in 2009 and Superior Avenue from N. 9th Street to N. 14th Street.

Was referred to the Committee on Finance.

R. O. No. 439 - 09 - 10. By CITY CLERK. March 1, 2010.

Submitting various license applications for the period ending June 30, 2010 and June 30, 2011.

Was referred to the Committee on Law and Licensing.

R. O. No. 440 - 09 - 10. By CITY CLERK. March 1, 2010.

Submitting a communication from Tom Ries of GEARGRINDERS Cycling and Alan Rudnick, President of the Harbor Centre BID, requesting permission to hold the GEARGRINDER sponsored Bike Race on June 22nd in conjunction with Harbor Centre Family Day and requesting various street closures.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 441 - 09 - 10. By CITY CLERK. March 1, 2010.

Submitting a communication from the State of Wisconsin Department of Corrections to file an appeal to the Sex Offender Residency restrictions on behalf of State inmate Martinez Wallace.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 442 - 09 - 10. By CITY CLERK. March 1, 2010.

Submitting a petition from various residents in the area of Camelot Blvd. stating that they are against Jeffrey Konaha, a sex offender, living at 2113 Camelot Blvd. for safety concerns.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 443 - 09 - 10. BY FIRE CHIEF. March 1, 2010.

We hereby submit the EMS Quality Assurance and Quality Improvement Report of departmental activity for the period commencing October 1, 2009, and ending December 31, 2009.

Was referred to the Committee on Public Protection and Safety.

March 1, 2010

R. O. No. 444 - 09 - 10. By CITY CLERK. March 1, 2010.

Submitting a communication from Elmer J. Schneider requesting a waiver of the Sex Offender residency restrictions.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 445 - 09 - 10. By CITY CLERK. March 1, 2010.

Submitting a communication from Keith Brunner requesting that the signs at the east corners of 5th St. and New York Ave. be replaced due to the safety concerns in that area. They were removed when the storm sewer project began last March and were never replaced.

Was referred to the Committee on Public Works.

R. O. No. 446 - 09 - 10. By PURCHASING AGENT. March 1, 2010.

Submitting a report related to the purchase of (2) Two 2010 Model Regenerative Air, Truck Mounted Street Sweepers with Trade in as per Bid # 1854-10.

Was referred to the Committee on Public Works.

R. O. No. 447 - 09 - 10. By PURCHASING AGENT. March 1, 2010.

Submitting an evaluation of Request for Proposal #1319-10 received on February 25, 2010 for the purchase of TWO (2) Asphalt Patching Trailers for the Motor Vehicle Division.

Was referred to the Committee on Public Works.

R. O. No. 448 - 09 - 10. By CITY CLERK. March 1, 2010.

Submitting a communication from the Department of Natural Resources stating that they believe the City was in violation of its municipal storm water permit when it failed to immediately investigate potential illicit discharges at a facility in the City between December 2008 and December 2009.

Was referred to the Committee on Public Works.

RESOLUTIONS INTRODUCED

Res. No. 192 - 09 - 10. By Alderpersons Gischia, Kliejunas, Bohren, Heidemann and Montemayor. March 1, 2010

A RESOLUTION rescinding 2009 real estate taxes for Assessment No. 59281213110, 59281213112, 59281004100, 59281324517 and 59281875125.

Lies over under the rules.

Res. No. 193 - 09 - 10. By Alderperson Gischia. March 1, 2010.

A RESOLUTION authorizing the Purchasing Agent to enter into contract for the purchase of (38) Street lamps including poles and accessories for various recently completed street rebuilding projects including North 5th Street from Pennsylvania Avenue to Wisconsin Avenue and North 6th Street from Niagara Avenue to Wisconsin Avenue and Superior Avenue from N. 9th Street to N. 14th Street.

Was referred to the Committee on Finance.

Res. No. 194 - 09 - 10. By Alderperson Gischia. March 1, 2010.

A RESOLUTION directing that various Committees/Commissions either be merged, eliminated or reassigned at the end of the current Council year (April 2010).

Was referred to the Committee on Public Works.

Res. No. 195 - 09 - 10. By Alderperson Kittelson. March 1, 2010.

A RESOLUTION authorizing the Purchasing Agent to enter into contract for the purchase of Heavy Equipment including (2) Schwartz A7000 Regenerative Air Street Sweepers, less trade, for the Motor Vehicle Division.

Was referred to the Committee on Public Works.

Res. No. 196 - 09 - 10. By Alderperson Kittelson. March 1, 2010.

A RESOLUTION authorizing the Purchasing Agent to enter into contract for the purchase of two (2) asphalt patching trailer(s) for the Motor Vehicle Division.

Was referred to the Committee on Public Works.

REPORT OF COMMITTEES

***R. C. No. 430 - 09 - 10. By PUBLIC WORKS. March 1, 2010.**

Your Committee to whom was referred Com. No. 77-09-10 from Rose Pyawasay and Joseph Cooper regarding issues with water and sewage in their basement and stating their concerns over their health relating to these problems; recommends that the document be placed on file.

***R. C. No. 431 - 09 - 10. By FINANCE. March 1, 2010.**

Your Committee to whom was referred R. O. No. 400-09-10 by the Board of Water Commissioners reporting that the Cost of Service Study from the Wisconsin Public Service Commission regarding the water rate case is nearing completion and the new water rates are expected to go into effect during the first quarter of 2010; recommending that the Report of Officer be accepted and placed on file.

***R. C. No. 432 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. March 1, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 405-09-10 by the City Clerk submitting a communication from AAA Wisconsin requesting a left turn signal at S. Business Dr. and Wilson Ave. near the Washington Square Shopping Center for safety reasons; and
2. R. O. No. 428-09-10 by the City Clerk submitting a communication from AAA Wisconsin bringing forward additional information regarding the need for a turn signal at the intersection of S. Business Dr. and Wilson Ave.;

recommends that the documents be placed on file.

***R. C. No. 433 - 09 - 10. By LAW AND LICENSING. March 1, 2010.**

Your Committee to whom was referred R. O. No. 422-09-10 by the City Clerk submitting a communication from Harold Biebel requesting permission to place an Antique Popcorn Wagon in Fountain Park for the months of May through September; recommends that the Report of Officer be placed on file.

***R. C. No. 434 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. March 1, 2010.**

Your Committee to whom was referred R. O. No. 424-09-10 by the Building Inspection Department submitting their report for the month of January 2010; recommends that the Report of Officer be accepted and placed on file.

***R. C. No. 435 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. March 1, 2010.**

Your Committee to whom was referred R. O. No. 425-09-10 by the City Clerk submitting a communication from the Sheboygan Blue Line requesting permission to close various streets for the weekend of Ice Bowling; recommends the Report of Officer be placed on file and recommend that the Police Department close the streets as requested with notification to the Public Works Department.

R. C. No. 436 - 09 - 10. By LAW AND LICENSING. March 1, 2010.

Your Committee to whom was referred R. O. No. 364-09-10 by the City Clerk, submitting license applications for the period ending June 30, 2010 and June 30, 2011; recommends that Beverage Operator's License #8474 be denied based upon his failure to include all relevant convictions on his application and his failure to cooperate with the Committee.

On motion by Alderperson Bohren and second by Alderperson Surek, the Report of Committee was accepted and adopted on call of the roll:

Ayes: Bohren, Bowers, Dekker, Gischia, Hanna, Heidemann, Kath, Kittelson, Kliejunas, Montemayor, Rindfleisch, Surek, VanderWeele, Vue, Wangemann – 15.

Nays: None.

R. C. No. 437 - 09 - 10. By FINANCE. March 1, 2010.

Your Committee to whom was referred R. O. No. 420-09-10 by the Director of Public Works submitting an overview study on a centralized equipment maintenance center; recommends that the Report of Officer be accepted and placed on file and to forward the document to the Capital Improvements Commission.

Was referred to the Capital Improvement Commission.

R. C. No. 438 - 09 - 10. By PUBLIC WORKS. March 1, 2010.

Your Committee to whom was referred a copy of R. O. No. 420-09-10 by the Director of Public Works submitting an overview study on a centralized equipment maintenance center; recommends that the Report of Officer be accepted and placed on file and to forward this document to the Capital Improvements Commission for further consideration.

Was referred to the Capital Improvement Commission.

***R. C. No. 439 - 09 - 10. By LAW AND LICENSING. March 1, 2010.**

Your Committee to whom was referred, pursuant to R. O. No. 364-09-10, R. O. No. 402-09-10 and R. O. No. 423-09-10 by the City Clerk, various license applications for the period ending June 30, 2010 and June 30, 2011; recommends that the following licenses be granted:

CHANGE OF PREMISES

<u>No.</u>	<u>Name</u>	<u>Address</u>
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- 1267 Poor Richard's 1105 Geele Ave. – one day event to be held 3/6/2010 to include outside east of the building.
- 1267 Poor Richard's 1105 Geele Ave. – one day event to be held 3/27/2010 to include outside east of the building.

BEVERAGE OPERATOR'S LICENSE (June 30, 2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
8512	Devine, Traci L.	N6510 Riverview Rd., Plymouth
8509	Guenther, Lindsey M.	2409 S. 16 th St.
1487	Herber, James L.	1914 Manor Pky.
8505	Nothem, Amber E.	2106 Martin Ave.
8508	Parchim, Melinda S.	815 St. Clair Ave.
8480	Richman, Pamela K.	1910A N. 8 th St.
8507	Xiong, Tim	1508 Indiana Ave., #5

TAXICAB OPERATOR LICENSE (June 30, 2010)

<u>No.</u>	<u>Name</u>	<u>Address</u>
5558	Kinate, Stephen D.	1427 N. 10 th St.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

R. C. No. 440 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. March 1, 2010.

Your Committee to whom was referred a copy of Res. No. 186-09-10 by Alderperson Kliejunas providing concrete, measurable guidelines to a "Green Team" of city employees, appointed by the Mayor, to reduce energy, fuel and product use in City Departments in 2010; recommends that the Resolution be placed on file.

On motion by Alderperson Gischia and second by Alderperson Hanna, the Report of Committee was filed, all Alderpersons present voting "Aye".

R. C. No. 441 - 09 - 10. By PUBLIC WORKS. March 1, 2010.

Your Committee to whom was referred a copy of Res. No. 186-09-10 by Alderperson Kliejunas providing concrete, measurable guidelines to a "Green Team" of city employees, appointed by the Mayor, to reduce energy, fuel and product use in City Departments in 2010; recommends that the Resolution be placed on file and to have staff bring the document to the next Department Head meeting for distribution.

On motion by Alderperson Gischia and second by Alderperson Hanna, the Report of Committee was filed, all Alderpersons present voting "Aye".

***R. C. No. 442 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. March 1, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 429-09-10 by the City Clerk submitting a communication from St. Nicholas Hospital requesting permission to sponsor the annual St. Nicholas Hospital Freedom Run; and
2. Res. No. 188-09-10 granting St. Nicholas Hospital permission to hold a Freedom Run and walk on the streets and sidewalks of the City of Sheboygan;

recommends that the Report of Officer be accepted and placed on file and the Resolution be passed contingent on receiving the insurance certificate and the hold harmless.

***R. C. No. 443 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. March 1, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 431-09-10 by the Purchasing Agent submitting bids for the purchase of five (5) 2010 Ford Crown Victoria patrol duty sedans, less trades, and two (2) 2010 Chevrolet Impala Sedans, less trade for the Police Department; and
2. Res. No. 189-09-10 by Alderperson Hanna authorizing the Purchasing Agent to enter into contract for the purchase of five (5) Police Department patrol duty sedans, less trades, and two (2) Police Department C.I.D. duty sedans, less trade;

recommends that the Report of Officer be accepted and placed on file and the Resolution be passed.

***R. C. No. 444 - 09 - 10. By PUBLIC WORKS. March 1, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 432-09-10 by the Director of City Development submitting bids for the 2010 Street Lighting and Tree Planting Project; and

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2. Res. No. 191-09-10 by Alderperson Kittelson authorizing entering into contract for the 2010 Street Lighting and Tree Planting Project;

recommends that the Report of Officer be accepted and placed on file and the Resolution be passed.

R. C. No. 445 - 09 - 10. By FINANCE. March 1, 2010.

Your Committee to whom was referred Res. No. 186-09-10 by Alderperson Kliejunas providing concrete, measurable guidelines to a "Green Team" of city employees, appointed by the Mayor, to reduce energy, fuel and product use in City Departments in 2010; recommends that the Resolution be passed.

Was accepted and adopted.

R. C. No. 446 - 09 - 10. By FINANCE. March 1, 2010.

Your Committee to whom was referred the following:

1. R. O. No. 421-09-10 by the Purchasing Agent submitting a report related to the manufacture and purchase of (1) new Rescue/Pumper Apparatus and related equipment for the Sheboygan Fire Department; and
2. Res. No. 187-09-10 by Alderperson Montemayor authorizing the Purchasing Agent to enter into contract for the manufacture and purchase of (1) New Custom Fire Apparatus and Equipment (Rescue Pumper) from the Pierce Manufacturing Company of Oshkosh WI for the Sheboygan Fire Department at a cost of \$484,372 prior to sale of used vehicles and the application of any pre-payment incentives and including a 2% Contingency;

recommends that the Report of Officer be accepted and placed on file and the Substitute Resolution be passed.

Was accepted and adopted.

R. C. No. 447 - 09 - 10. By PUBLIC WORKS. March 1, 2010.

Your Committee to whom was referred Res. No. 190-09-10 by Alderperson Kittelson authorizing entering into a Three-Party Design Engineering Services Contract with AECOM Technical Services, Inc., (Consultant) to provide consultant engineering services for the Eisner Ave. reconstruction with sidewalks and bike lanes; recommends that the Resolution be passed.

Lies over under the rules.

R. C. No. 448 - 09 - 10. By PUBLIC WORKS. March 1, 2010.

Your Committee to whom was referred the following:

3. A copy of R. O. No. 421-09-10 by the Purchasing Agent submitting a report related to the manufacture and purchase of (1) new Rescue/Pumper Apparatus and related equipment for the Sheboygan Fire Department; and
4. A copy of Res. No. 187-09-10 by Alderperson Montemayor authorizing entering into contract for the manufacture and purchase of (1) New Custom Fire Apparatus and Equipment (Rescue Pumper);

recommends that the Report of Officer be accepted and placed on file and the Resolution be passed.

On motion by Alderperson Kittelson and second by Alderperson Gischia, the Report of Committee was filed, all Alderpersons present voting "Aye".

R. C. No. 449 - 09 - 10. By FINANCE. March 1, 2010.

Your Committee to whom was referred R. C. No. 413-09-10 by Salaries and Grievances and Res. No. 152-09-10 by Alderpersons Kittelson, Bouck, Gischia, Kath and Heidemann lifting the hiring freeze in order to hire three (3) Firefighters/Paramedics in the Sheboygan Fire Department; recommends that the Substitute Resolution be passed.

A motion by Alderperson Gischia and second by Alderperson Kliejunas was made to accept and adopt the Report of Committee and to pass the Substitute Resolution.

Before action was taken thereon, a motion by Alderperson Rindfleisch and second by Alderperson Kittelson was made to amend to delete the second "Be It Further Resolved". The motion was withdrawn by Alderperson Rindfleisch and second by Alderperson Kittelson.

A motion was made by Alderperson Rindfleisch and second by Alderperson Montemayor to amend "to close Station #1 in the second Be It Further Resolved" was withdrawn by Alderperson Rindfleisch and second by Alderperson Montemayor.

On motion by Alderperson Heidemann and Alderperson Surek, the Report of Committee and the Substitute Resolution be re-referred to the Committee on Public Protection and Safety.

Ayes: Dekker, Heidemann, Kittelson, Rindfleisch, Surek, VanderWeele, Vue, Wangemann – 8.

Nays: Bohren, Bowers, Gischia, Hanna, Kath, Kliejunas, Montemayor – 7.

***R. C. No. 450 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. March 1, 2010.**

Your Committee to whom was referred Gen. Ord. No. 56-09-10 by Alderperson Hanna adopting the updated police department records retention schedule as approved by the State of Wisconsin Public Records Board; recommends that the Ordinance be passed.

R. C. No. 451 - 09 - 10. By SALARIES AND GRIEVANCES. March 1, 2010.

Your Committee to whom was referred Gen. Ord. No. 57-09-10 by Alderpersons Heidemann, Kittelson, Bouck and Gischia amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete the current table of organization and create the new table of organization; recommends that the Ordinance be passed.

On motion by Alderperson Heidemann and second by Alderperson Surek, the Report of Committee and the Ordinance were filed, all Alderpersons present voting "Aye".

R. C. No. 452 - 09 - 10. By WHOLE. March 1, 2010.

Your Committee to whom was referred Gen. Ord. No. 57-09-10 by Alderpersons Heidemann, Kittelson, Bouck and Gischia amending Sec. 29-75 of the 1975 Sheboygan Municipal Code so as to delete the current Table of Organization and create the new Table of Organization; recommends that the attached Substitute Ordinance be passed.

A motion by Alderperson Kliejunas and second by Alderperson Gischia was made to accept and adopt the Report of Committee and to pass the Substitute Ordinance.

Before action was taken thereon, a motion by Alderperson Gischia and second by Alderperson Hanna was made to amend to add to the end of Section 4 "with a 3 year appointment" was passed on call of the roll:

Ayes: Bohren, Bowers, Dekker, Gischia, Hanna, Heidemann, Kath, Kittelson, Kliejunas, Montemayor, Rindfleisch, Surek, VanderWeele, Vue, Wangemann – 15.

Nays: None.

A motion by Alderperson Gischia and second by Alderperson Kittelson was made to pass the Substitute Ordinance, as amended.

A motion by Alderperson Montemayor and second by Alderperson Kittelson was made to call the question.

The motion to pass the Substitute Ordinance, as amended, was lost on call of the roll:

Ayes: Bohren, Gischia, Hanna, Heidemann, Kittelson, Montemayor, VanderWeele – 7.

Nays: Bowers, Dekker, Kath, Kliejunas, Rindfleisch, Surek, Vue, Wangemann – 8.

RESOLUTIONS ON SECOND READING

Res. No. 186 - 09 - 10. By Alderperson Kliejunas. February 15, 2010.

A RESOLUTION providing concrete, measurable guidelines to a "Green Team" of city employees, appointed by the Mayor, to reduce energy, fuel and product use in City Departments in 2010.

WHEREAS, by implementing these guidelines, the City will reduce energy, fuel, water and product usage by at least 10%,

WHEREAS, the City, due to budgetary constraints, needs to use every means possible to reduce government costs and waste,

WHEREAS, other City operations such as Sheboygan's Water Utility and Marina could benefit, and

WHEREAS, it is best economic practice for the City to work seriously toward sustainable operating costs for its future viability beyond 2010.

NOW, THEREFORE, BE IT RESOLVED: That Mayor Ryan, in consultation with City Department heads, appoint an employee from each city department/location to oversee and enforce the following guidelines to reduce energy, fuel and product use. All City employees are subject to the guidelines. (Departments/locations may add to these guidelines for further usage reduction).

- *Turn off computer monitors and copiers each night. Full compliance is necessary.*
- *Individual printers will be eliminated and all printing is to take place on shared office printers.*
- *Information Services will adjust computers so monitors go into "sleep" mode after 20 minutes of inactivity, and with a mouse adjustment "wake-up" right where it left off.*
- *Turn off office lights when not in use, including when leaving for 15 minutes or more. When possible use natural light instead of electric light.*
- *Install motion detectors for lights in bathrooms – or put small sign at light switch, "Please turn off light." Include other public areas, like hallways, waiting areas, as practical.*
- *Encourage culture of all staff noticing when something is left on and turning it off.*
- *Reduce energy use in over-lit areas by turning off half (50%) the switches and/or replacing with energy efficient fixtures and bulbs.*
- *Temperatures will be standardized throughout all buildings with the maximum winter temperature at 68 degrees and minimum summer setting at 74 degrees. Dress appropriately.*

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- *Individual space heaters, coffee makers, refrigerators, etc. are not allowed. Departments utilize shared appliances and turn them off when not in use.*
- *All changeovers must include at a minimum Energy Star and WaterSense rated efficient fixtures, preferably locally and/or regionally produced. This includes water, electric and natural gas fixtures.*
- *Print double-sided all multi-page documents. (IT will set double-sided as default on all printers when possible.)*
- *Reset margins narrower on all four sides as policy to reduce number of sheets used.*
- *Reuse envelopes, folders, etc. as many times as possible.*
- *E-mail everything possible instead of hard copies, including City newsletters. Encourage creation of e-mail folders so emails are not printed unnecessarily.*
- *Ask for or provide large documents and reports on CD's instead of multiple hard copies.*
- *Promote use of video or telephone conferencing as much as possible.*
- *Employees should carpool to meetings, conferences, etc. whenever possible and walk if within .5miles of their point of origin.*
- *No idling of engines. Other than police and emergency vehicles, engines are turned off within two minutes of stopping.*
- *Train for job efficiency with managers coaching employees to carry all the necessary tools and materials to get the job done the first time without returning, and setting up the most efficient routes for pick-ups, deliveries, and plowing.*
- *Match the vehicle with the job – using a smaller vehicle whenever possible.*
- *Regularly check for proper tire inflation.*
- *Get unnecessary excess weight out of vehicles. (e.g. equipment not being used.)*
- *Recycle office paper, newspaper, magazines, plastic bottles, cardboard, phone books and other recyclables according to City Recycling Guidelines.*
- *Encourage employees to bring washable, reusable containers for food and beverages.*

BE IT FURTHER RESOLVED: That energy, fuel and product usage be recorded by the City's Finance Department, and that a quarterly report be given to each City department/location to measure progress toward the year's 10% usage reduction. Additionally, these quarterly reports would be reviewed by the Finance Committee.

On motion by Alderperson Gischia and second by Alderperson Kliejunas, the Resolution was passed on call of the roll:

Ayes: Bohren, Bowers, Dekker, Gischia, Hanna, Heidemann, Kath, Kittelson, Kliejunas, Montemayor, Rindfleisch, Surek, VanderWeele, Vue, Wangemann – 15.

Nays: None.

Subs. of Res. No. 187 – 09 – 10. By Alderpersons Gischia, Kliejunas, Bohren, Heidemann and Montemayor. March 1, 2010.

A RESOLUTION authorizing the Purchasing Agent to enter into contract for the manufacture and the tax exempt lease purchase of (1) New built to order Fire Apparatus and Equipment (Rescue Pumper) from the Pierce Manufacturing Company of Oshkosh WI for the Sheboygan Fire Department at a cost of \$484,372.00 prior to sale of used vehicles and the application of any pre-payment incentives and including a 2% Contingency.

WHEREAS, the Fire Chief has explored the concept of replacing two pieces of fire apparatus with one combined usage unit and has further determined, in conjunction with the City of Sheboygan Salaries & Grievance Committee that said action would allow the Fire Department to offset the loss of three of the six FTE Fire fighter positions that were eliminated and bring the Fire Department up to date on its long-term equipment replacement plan;

WHEREAS, the purchase would result in the ability to sell the two existing pieces of equipment having a conservative estimated value of \$70,000 to \$80,000 the proceeds from which will be used as either a down payment or to fund the annual lease payments, dependent upon the timing of the sale, and would save the city of replacing these two pieces of equipment in the future;

WHEREAS, the Fire Department has shown, in sufficient detail, justification to waive the City of Sheboygan requirement to competitively bid this equipment, including but not limited to standardization of the fleet, local presence of the manufacturer, use of an engine void of expensive and hazardous emissions equipment and overall satisfaction with the Pierce products;

WHEREAS, the City of Sheboygan must formally enter into a Purchase Contract by March 7, 2010 to Pierce Manufacturing, Inc., to reserve the 2009, pre-2010 EPA compliant emissions **or** incur a cost equivalent to an additional \$20,000;

WHEREAS, Pierce Manufacturing, Inc., is willing to pay 7.25% APR interest on any down payment made for the 6 to 7 month manufacturing period. As an example, payment at the time of order would result in an additional discount off the purchase price totaling \$19,138.00.

March 1, 2010

NOW, THEREFORE, BE IT RESOLVED: That the Purchasing Agent or appropriate City Official is hereby authorized to enter into contract for the Purchase of (1) Fire Apparatus at a cost of \$484,372.00 including a 2% Contingency, less any pre-payment discounts, and is further authorized to actively market the equipment to be replaced and apply any proceeds of sale against this purchase.

BE IT FURTHER RESOLVED: That the Fire Chief, upon delivery and acceptance of this equipment, shall work with the Salaries and Grievances Committee, the Director of Human Resources and the appropriate bargaining unit(s) to eliminate and remove from the City's Table of Organization, no less than three FTE Firefighter positions.

BE IT FURTHER RESOLVED: That the appropriate City officials are authorized to enter into a tax exempt, Municipal Lease issued by the Oshkosh Capital Corporation, upon approval of the lease documents by the City Attorney, for a period of not more than 10 years, with \$0 down payment and amortization over 10 years. Payments on the Lease will commence on the one year anniversary of the date of lease inception.

On motion by Alderperson Gischia and second by Alderperson Montemayor, the Substitute Resolution was passed on call of the roll:

Ayes: Bohren, Dekker, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, Montemayor, Rindfleisch, Surek, VanderWeele – 11.

Nays: Bowers, Kath, Vue, Wangemann – 4.

***Res. No. 188 - 09 - 10. By Alderpersons Bouck and Vue. February 15, 2010.**

A RESOLUTION granting St. Nicholas Hospital permission to hold a Freedom Run and Walk on the streets and sidewalks of the City of Sheboygan.

RESOLVED: That permission is hereby granted to St. Nicholas Hospital to hold their 5-Mile Freedom Run and 2-Mile Walk on the streets and sidewalks of the City of Sheboygan on Saturday, July 3, 2010, commencing at 7:30 A.M. and concluding prior to the parade reaching Broughton Dr.

BE IT FURTHER RESOLVED: That the starting point for the 5-Mile Run will be in the Deland Park area, proceeding north on Broughton Dr. to Lincoln Ave. and Park Ave., proceeding west on Park Ave. to N. 3rd St., north on N. 3rd St. to North Ave., west on North Ave. to N. 6th St., north on N. 6th St. to Grand Ave., west on Grand Ave. to N. 7th St., south on N. 7th St. to Mayflower Ave., east on Mayflower Ave. to N. 6th St., then returning same.

BE IT FURTHER RESOLVED: That the Walk will commence at Deland Park, north on Broughton Dr. to North Point and then return same route to Deland Park. Sidewalks will be used for this event where applicable.

BE IT FURTHER RESOLVED: That members of St. Nicholas Hospital will be located at certain locations to control traffic and pedestrian crossing when necessary and giving directions to the participants for the route of travel as shown on the map attached to this document.

BE IT FURTHER RESOLVED: That St. Nicholas Hospital will provide the City Clerk a certificate of insurance and a hold harmless statement prior to holding the event.

***Res. No. 189 - 09 - 10. By Alderperson Hanna. February 15, 2010.**

A RESOLUTION authorizing the Purchasing Agent to enter into contract for the purchase of Five (5) Police Department patrol duty sedans, less trades, and (2) Police Department C.I.D duty sedans, less trade.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into contract with Ewald's Hartford Ford for the purchase of Five (5) 2010 Ford Crown Victoria sedans, less trade, at a cost of \$96,915.00, in accordance with City of Sheboygan Bid #1729-10.

BE IT FURTHER RESOLVED: That the Purchasing Agent is hereby authorized to enter into contract with Joe Van Horn Chevrolet for the purchase of Two (2) 2010 Chevrolet Impala sedans, less trade, at a cost of \$32,600.00 in accordance with City of Sheboygan Bid # 1729-10.

BE IT FURTHER RESOLVED: That the appropriate City Officials are hereby authorized to draw orders on the Police Department Account Number 201140-641199 and in payment of same.

***Res. No. 191 - 09 - 10. By Alderperson Kittelson. February 15, 2010.**

A RESOLUTION authorizing entering into a contract for the 2010 Street Lighting and Tree Planting Project along N. 5th Street, Pennsylvania Ave. to Wisconsin Ave., N. 6th Street, Center Ave. to Niagara Ave. and Superior Avenue, N. 9th St. to N. 14th St., Bid No. 2335-10-R.

RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to enter into contract with H & H Utility Excavating, Inc., Plymouth, Wisconsin, for the 2010 Street Lighting and Tree Planting Project for the proposed sum of \$168,256.00 per their proposal dated February 9, 2010.

BE IT FURTHER RESOLVED: That the proper City Officials be and they are hereby authorized and directed to draw orders on the following account numbers in payment of same:

Section 1: N. 5th St./New York Ave.

A/C# 20961100-631100	CDBG-Entitlement	\$62,463.00
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Section 2: N. 6th St.

A/C# 40033150-631500	CDBG-EAP	75% or \$37,035.00
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A/C# 20961100-631100	CDBG-Entitlement	25% or \$12,345.00
		Total \$49,380.00
Section 3: Superior Avenue		
A/C# 20961100-631100	CDBG-Entitlement	\$56,413.00

ORDINANCES ON SECOND READING

***Gen. Ord. No. 56 - 09 - 10. By Alderperson Hanna. February 15, 2010.**

AN ORDINANCE adopting the updated police department records retention schedule as approved by the State of Wisconsin Public Records Board.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 2-845(c) of the Sheboygan Municipal Code is hereby repealed and recreated to read as follows:

“Sec. 2-845. *Police department records retention schedule.*

...

(c) The police department records retention schedule, as approved by the State of Wisconsin Public Records Board on November 16, 2009, is hereby adopted, a copy of which is on file in the office of the city clerk and made a part hereof by reference as though fully set forth herein.”

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

MATTERS LAID OVER

Res. No. 185 - 09 - 10. By Alderperson Kittelson. February 15, 2010.

A RESOLUTION extending the listing on “The Little Red School House” at 1116 Huron Avenue from March 31, 2010 through June 30, 2010.

RESOLVED: That the proper City officials are hereby authorized and directed to execute a listing contract with Mary Jane Daniels of Re/Max Universal Realty to continue her listing of the City-owned property at 1116 Huron Avenue. Ms. Daniels had the original listing of the subject. The listing contract provides for a 5% commission and an initial listing price of \$89,900. The new listing contract will run until June 30, 2010.

On motion by Alderperson Kittelson and second by Alderperson Gischia, the Resolution passed, all Alderpersons present voting “Aye”.

There being no further business, on motion by Alderperson Gischia and second by Alderperson Heidemann, the meeting was then adjourned, all Alderpersons present voting "Aye".

Mayor

City Clerk