

**COMMON COUNCIL**

Official Proceedings of the 2010-2011 Common Council of the City of Sheboygan.

**TWENTY-THIRD REGULAR MEETING**

The Council met: Monday, March 7, 2011.

Mayor Bob Ryan in the Chair:

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

Bohren, Bouck, Bowers, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15.

Absent and Excused: Dekker – 1.

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the reading of the minutes of the Twenty-Second Regular Meeting held February 21, 2011, was approved as entered on the record, all Alderpersons present voting "Aye".

**CONFIRMATION OF MAYOR’S APPOINTMENTS**

February 21, 2011

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointments for your consideration:

Jane Kautzer to be considered for appointment to the Mayor’s International Committee, term to expire 4/25/11.

Keary Kautzer to be considered for appointment to the Mayor’s International Committee, term to expire 4/25/11.

MAYOR BOB RYAN

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the foregoing Appointments were confirmed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15.

Nays: None.

**PROCLAMATION TO LAURA GRANEY, SHEBOYGAN COUNTY WIC PROJECT NUTRITIONIST & WISCONSIN DIETETIC ASSOCIATION PRESEDENT – REGISTERED DIETIAN DAY**

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, 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, Bouck, Bowers, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15.

Nays: None.

**COMMUNICATIONS AND PETITIONS**

**Com. No. 64 - 10 - 11. March 7, 2011.**

Submitting a communication from James Reinl reminding the Council to “drop” flip-flop parking for the rest of the month of March after Daylight Savings time starts

Was referred to the Committee on Public Protection and Safety.

**REPORTS OF OFFICERS**

**\*R. O. No. 420 - 10 - 11. By BOARD OF CONTRACTORS EXAMINERS. March 7, 2011.**

Attached hereto we are submitting applications for Building Contractor Licenses already GRANTED:

1832 John Balint General Contractor  
449 Church Street  
Kohler, WI 53044

**\*R. O. No. 421 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting various license applications.

**TEMPORARY CLASS “B” LICENSE**

| <u>No.</u> | <u>Name</u>              | <u>Address</u>  |
|------------|--------------------------|---|
| 2261       | Brennans Womens Softball | 1101 Michigan Ave. – one-day event to be Held 5/7/11 to include all of the premise.               |
| 2803       | Rehab Women’s Dart Team  | 1450 S. 8 <sup>th</sup> St. – one-day event to be held 3/20/11 to include the North side of Bldg. |

2541 Sheboygan Visual Artists

1201 Erie Ave. – one-day event to be held  
3/25/11 to include venture center of Ebco  
Bldg.

TEMPORARY BEVERAGE OPERATOR'S LICENSE

| <u>No.</u> | <u>Name</u>       |
|------------|-------------------|
| 8164       | Krause, Steven D. |

**\*R. O. No. 422 - 10 - 11. By CITY PLAN COMMISSION. March 7, 2011.**

Your Commission to whom was referred Res. No. 212-10-11 relative to repealing Res. No. 190-58-59 which granted permission to Metropolitan Life Insurance co. to construct certain driveways; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, February 22, 2011, and after due consideration, recommends approval of the Resolution.

**\*R. O. No. 423 - 10 - 11. By CITY PLAN COMMISSION. March 7, 2011.**

Your Commission to whom was referred Gen. Ord. No. 51-10-11 relative to granting Sheboygan Columbus Institute the privilege of encroaching upon described portions of N. 9<sup>th</sup> St. located at 833 Center Avenue for the purpose of maintaining the building; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, February 22, 2011, and after due consideration, recommends approval of the Ordinance.

**R. O. No. 424 - 10 - 11. By CITY CLERK. March 7, 2011.**

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

MASSAGE OPERATORS ESTABLISHMENT (December 31, 2011)

| <u>No.</u> | <u>Name</u>              | <u>Address</u>      |
|------------|--------------------------|---------------------|
| 2804       | Blue Harbor-Elements Spa | 725 Blue Harbor Dr. |

"CLASS B" LIQUOR LICENSE (June 30, 2011)

| <u>No.</u> | <u>Name</u>        | <u>Address</u>      |
|------------|--------------------|---------------------|
| 2805       | Blue Harbor Resort | 725 Blue Harbor Dr. |

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the Report of Officer was accepted and placed on file on call of the roll:

Ayes: Bohren, Bouck, Bowers, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15.

Nays: None.

**R. O. No. 425 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting a communication from Richard Hartmann inquiring about the needed appointments for the Government Structure Committee.

Lies over under the rules.

**R. O. No. 426 – 10-11. By REDEVELOPMENT AUTHORITY. March 7, 2011.**

Your Authority, at their March 7, 2011 meeting, discussed the Ground Lease between the Redevelopment Authority and Claremont New Frontier Resort, LLC and the Termination Agreement between the Redevelopment Authority and The Great Lakes Companies, Inc., Blue Harbor Resort Sheboygan, LLC and Blue Harbor Resort Condominium, LLC; recommends approval of the new Ground Lease and Termination Agreement according to the terms set forth in the draft documents with the understanding the final details are worked out by City staff and if there are any material changes to either document, the document shall come back to the Redevelopment Authority for approval.

Lies over under the rules.

**R. O. No. 427 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting a communication from the Harbor Centre BID requesting that the City of Sheboygan release all funds collected on their behalf and those funds allocated to them for fiscal 2011.

Was referred to the Committee on Finance.

**R. O. No. 428 – 10 – 11. By PURCHASING AGENT. March 7, 2011.**

Submitting a report relative to the establishment of policies and rates associated with the provision of ambulance services and standard billing practices for same in the City of Sheboygan.

Was referred to the Committee on Finance.

**R. O. No. 429 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting various license applications for the period ending June 30, 2011 and June 30, 2012.

Was referred to the Committee on Law and Licensing.

**R. O. No. 430 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting a communication from the State of Wisconsin Department of Corrections requesting an appeal to the Sex Offender Residency restrictions on behalf of Paul Hilbelink.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 431 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting a communication from the State of Wisconsin Department of Corrections requesting an appeal to the Sex Offender Residency restrictions on behalf of Shawn M. Pope.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 432 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting a request for a waiver of the Sex Offender Restrictions from Randy Schramke.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 433 - 10 - 11. By BUILDING INSPECTION DEPARTMENT March 7, 2011.**

We hereby submit the report of the Building Inspection Department for the month of February 2011.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 434 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting a communication from Susannah Bird, President of "Two Left Paws" Animal Sanctuary requesting permission to hold their "Paws in the Park" Pet Walk at Lake View Park on Saturday, June 4, 2011.

Was referred to the Committee on Public Protection and Safety and to the Committee on Public Works.

**R. O. No. 435 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting a communication from the Sheboygan Yacht Club requesting approvals for licenses, permits and normal city festival "package" assistance for a new family-oriented active lifestyle event to be held on June 18<sup>th</sup> named "Harbor Fest" specifically "Sheboygan Yacht club Harbor Fest To Benefit Safe Harbor".

Was referred to the Committee on Public Protection and Safety and to the Committee on Public Works.

**R. O. No. 436 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting a communication from Aaron Brault, Anne Nemschoff and Paul Weaver requesting approval to host Sheboygan first and only Olympic Distance, USAT sanctioned Triathlon on Saturday, August 13<sup>th</sup> on the South Pier District.

Was referred to the Committee on Public Protection and Safety and to the Committee on Public Works.

**R. O. No. 437 - 10 - 11. By DIRECTOR OF PUBLIC WORKS. March 7, 2011.**

Submitted herewith is the resume of bids for the 2011 Utility and Street Reconstruction Project, Robert E. Lee & Associates, Inc., Contract 5136-11-01.

Was referred to the Committee on Public Works.

**R. O. No. 438 - 10 - 11. By PURCHASING AGENT. March 7, 2011.**

Submitting a tabulation of Bid #1791-11 received on February 17, 2011 for the purchase of a Motor Vehicle Division four-wheel drive, four wheel steer compact loader/ backhoe, less trade for use at the cemetery.

Was referred to the Committee on Public Works.

**R. O. No. 439 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting a communication from the Early Bird Rotary Club requesting permission to hold their annual "Lobster Boil" in Fountain Park on Friday, July 22<sup>nd</sup>.

Was referred to the Committee on Public Works.

**R. O. No. 440 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting a communication from Habitat for Humanity Lakeside protesting the property taxes that have been paid on 2214 S. 14<sup>th</sup> St. because this property should be exempt while it is owned by Habitat for Humanity Lakeside and they are asking for a refund for 2009 and 2010.

Was referred to the Special Committee on Risk Management.

**R. O. No. 441 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting a claim from Jeanette Munnik for alleged injuries when she slipped and fell on ice because the drain at the gutter was filled with ice and snow.

Was referred to the Special Committee on Risk Management.

**R. O. No. 442 - 10 - 11. By CITY CLERK. March 7, 2011.**

Submitting a Summons and Complaint in the matter of U.S. Bank National Association ND vs. May Yia Vue et al.

Was referred to the Special Committee on Risk Management.

**RESOLUTIONS INTRODUCED**

**Res. No. 224 - 10 - 11. By Alderperson Hammond. March 7, 2011.**

**A RESOLUTION** authorizing entering into a Development Agreement with Continental Properties 194 Fund, LLC for development of the former K-Mart site, 2633 S. Business Drive.

Lies over under the rules.

**Res. No. 225 - 10 - 11. By Alderperson Hammond. March 7, 2011.**

**A RESOLUTION** setting rates and billing policies for the provision and billing of Ambulance Services as provided to the public by the Sheboygan Fire Department.

Was referred to the Committee on Finance.

**Res. No. 226 - 10 - 11. By Alderperson Hammond. March 7, 2011.**

**A RESOLUTION** authorizing entering into a Development Agreement with Gateway Monroe, Inc. relating to proposed improvements to the Taylor Heights Shopping Center located within TID #14.

Was referred to the Committee on Finance.

**Res. No. 227 - 10 - 11. By Alderperson Hammond. March 7, 2011.**

**A RESOLUTION** to authorize a transfer of appropriations in the 2011 Budget.

Was referred to the Committee on Finance.

**Res. No. 228 - 10 - 11. By Alderperson Bohren. March 7, 2011.**

**A RESOLUTION** authorizing entering into an Access Agreement with Wisconsin Public Service Corp. ("WPSC") for temporary access to the Campmarina park area and surrounding City property for the purpose of completing an environmental remediation project overseen by the U.S. EPA.

Was referred to the Committee on Public Works.

**Res. No. 229 - 10 - 11. By Alderperson Bohren. March 7, 2011.**

**A RESOLUTION** authorizing entering into a contract for the 2011 Utility and Street Reconstruction Project, Contract 5136-11-01.

Was referred to the Committee on Public Works.

**Res. No. 230 - 10 - 11. By Alderperson Bohren. March 7, 2011.**

**A RESOLUTION** authorizing the Purchasing Agent to enter into contract for the purchase of a Motor Vehicle Division 4 Wheel Drive/4 Wheel Steer loader/backhoe, less trade for use in the cemetery.

Was referred to the Committee on Public Works.

**REPORTS OF COMMITTEES**

**\*R. C. No. 382 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. March 7, 2011.**

Your Committee to whom was referred Com. No. 62-10-11 from Teresa Sizonen stating that she and her husband and neighbors are having trouble with another neighbor regarding the use of an unfinished alley behind N. 20<sup>th</sup> St. near the Kwik Trip; recommends that the Communication be placed on file.

**\*R. C. No. 383 - 10 - 11. By SALARIES AND GRIEVANCES. March 7, 2011.**

Your Committee to whom was referred Com. No. 63-10-11 from Jack VanDer Weele, President of Local 5011 Professionals regarding the intent of the co-pay for emergency room visits; recommends that the Communication be accepted and placed on file and to waive the \$50 co-pay in this instance because it complies with the definition of inpatient.

**\*R. C. No. 384 - 10 - 11. By MARINA AND HARBOR. March 7, 2011.**

**March 7, 2011**

Your Committee to whom was referred R. O. No. 362-10-11 by the Deputy Finance Director/Treasurer submitting the Harbor Centre Marina Balance Sheet from Operations dated November 30, 2010, as submitted by Skipper Marine; recommends that the Report of Officer be accepted and placed on file.

**\*R. C. No. 385 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. March 7, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 407-10-11 by the Building Inspection Department submitting their report for January 2011; and
2. R. O. No. 408-10-11 by the Building Inspection Department submitting their report for the year 2010;

recommends that the Reports of Officer be accepted and placed on file and to approve.

**\*R. C. No. 386 - 10 - 11. By MARINA AND HARBOR. March 7, 2011.**

Your Committee to whom was referred R. O. No. 409-10-11 by the City Clerk submitting a communication from Gus Macker Tournament Chairman, requesting that the Boys and Girls Club be granted permission to host the 2011 Gus Macker 3 on 3 Basketball Tournament at Deland Park, August 4-7<sup>th</sup>; recommends that the Report of Officer be accepted and placed on file and approves the request.

**\*R. C. No. 387 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. March 7, 2011.**

Your Committee to whom was referred R. O. No. 410-10-11 by the City Clerk submitting a communication from the Harbor Centre BID to request street closures during their annual Harbor Centre Family Day and Bike Race on June 23<sup>rd</sup> in the downtown area in conjunction with GEARGRINDER cycling team; recommends that the Report of Officer be accepted and placed on file and to approve the request.

**\*R. C. No. 388 - 10 - 11. By PUBLIC WORKS. March 7, 2011.**

Your Committee to whom was referred a copy of R. O. No. 410-10-11 by the City Clerk submitting a communication from the Harbor Centre BID to request street closures during their annual Harbor Centre Family Day and Bike Race on June 23<sup>rd</sup> in the downtown area in conjunction with GEARGRINDER cycling team; recommends that the Report of Officer be accepted and placed on file and to approve the request.

**\*R. C. No. 389 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. March 7, 2011.**

Your Committee to whom was referred R. O. No. 416-10-11 by the Fire Chief submitting the 4<sup>th</sup> Quarter 2010 EMS Quality Assurance and Quality Improvement Report (October 1, 2010 – December 31, 2010); recommends that the Report of Officer be accepted and placed on file and to approve the report.

**R. C. No. 390 - 10 - 11. By LAW AND LICENSING. March 7, 2011.**

Your Committee to whom was referred R. O. No. 361-10-11 by the City Clerk, submitting license applications for the period ending June 30, 2011 and June 30, 2012; recommends that Taxicab Driver's License application #8936 be denied based upon her record of violations and public safety concerns.

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

Ayes: Bohren, Bouck, Bowers, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, Versey, Wangemann – 14.

Nays: None.

Abstain: VanderWeele – 1.

**R. C. No. 391 - 10 - 11. By PUBLIC WORKS. March 7, 2011.**

Your Committee to whom was referred a copy of R. O. No. 409-10-11 by the City Clerk submitting a communication from the Gus Macker Tournament Chairman, requesting that the Boys and Girls Club be granted permission to host the 2011 Gus Macker 3 on 3 Basketball Tournament at Deland Park, August 4-7<sup>th</sup>; recommends that the Report of Officer be accepted and placed on file and to approve the request.

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

Ayes: Bohren, Bouck, Bowers, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15.

Nays: None.

**R. C. No. 392 - 10 - 11. By LAW AND LICENSING. March 7, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 384-10-11 and R. O. No. 406-10-11 by the City Clerk, submitting license applications for the period ending June 30, 2011 and June 30, 2012; recommends that the following licenses be granted:

CHANGE OF PREMISE

| <u>No.</u> | <u>Name</u>      | <u>Address</u>   |
|------------|------------------|--|
| 1833       | Champs Sport Bar | 1501 Indiana Ave. – one-day events to be held 3/19/11 & 3/26/11 to include the whole parking lot.                                    |
| 1411       | Tommy's Bar      | 2335 N. 15 <sup>th</sup> St. – one-day event to be held 4/3/11 to include present premise, backyard & parking lot east side of bldg. |

BEVERAGE OPERATOR'S LICENSE (June 30, 2012)

| <u>No.</u> | <u>Name</u>              |
|------------|--------------------------|
| 8984       | Aker, John A.            |
| 8985       | Azukas, Linda J.         |
| 9001       | Bae-Hermann, Jinhee      |
| 8991       | Binversie, Linda L.      |
| 8948       | Boettcher, Sunday L.     |
| 8962       | Brauer, Jean M.          |
| 5997       | Buchberger, Bradley S.   |
| 8993       | Burg, Christine A.       |
| 8976       | Campbell, Lisa B.        |
| 8983       | Carey, Mary D.           |
| 8967       | Carle, Kenneth G.        |
| 8970       | Fischer, Mindy A.        |
| 8966       | Gray, Nicole M.          |
| 4443       | Harris, Michelle H.      |
| 8981       | Helbach, Whitney F.      |
| 8975       | Howard, Holly T.         |
| 8968       | Jacquette, Jeremy J.     |
| 8951       | Kraemer, Lois C.         |
| 8998       | Kramer, Debbi M.         |
| 8994       | Kujac, Tiffany L.        |
| 8996       | Kurtz, Lori L.           |
| 6801       | Love, Christie M.        |
| 9000       | Lulloff, Tessa L.        |
| 8964       | Mayer-Sills, Theresa     |
| 8992       | Meyer, Angela R.         |
| 8987       | Mohar, Kathryn M.        |
| 7821       | Morris, Karen M.         |
| 8999       | Moua, Pa Zong S          |
| 8978       | Moya, Christie M.        |
| 8963       | Nitsch, Ralph J.         |
| 8986       | Obremski, Kevin P.       |
| 6164       | Penkwitz, Katherine L.   |
| 8995       | Plesetz, Rhonda J.       |
| 8980       | Powers, Drew M.          |
| 8971       | Rodriguez, Mirna         |
| 8961       | Roskosch, Doris          |
| 8965       | Salm, Jodi L.            |
| 8979       | Schneekloth, Lisa T.     |
| 8972       | Sirianni Jr., Anthony F. |
| 8973       | Sliekers, Ardith G.      |
| 8977       | Stephens, Kim M.         |
| 8958       | Stockinger, Debra J.     |
| 8988       | Tripoli, Dianne R.       |
| 8969       | Unhold, Franz V.         |
| 8989       | Vavrosky, Kimberly L.    |
| 8960       | Voelker, Kathleen M.     |
| 8959       | Wilson, Michelle R.      |
| 8974       | Wood, Robert L.          |

**March 7, 2011**

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

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

Ayes: Bohren, Bouck, Bowers, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15.

Nays: None.

**R. C. No. 393 - 10 - 11. By LAW AND LICENSING. March 7, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 384-10-11 by the City Clerk, submitting license applications for the period ending June 30, 2011 and June 30, 2012; recommends that Taxicab Driver's License application #8954 be denied based upon his record of violations related to the licensed activity and his failure to include all relevant convictions on his application.

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

Ayes: Bohren, Bouck, Bowers, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15.

Nays: None.

**\*R. C. No. 394 - 10 - 11. By PUBLIC WORKS. March 7, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 417-10-11 by the Purchasing Agent submitting a report to enter into agreement to purchase 1 new 2011 Ford Transit Connect Fuel efficient cargo van for use by staff in the maintenance and upkeep of City building; and
2. Res. No. 218-10-11 by Alderperson Bohren authorizing the Purchasing Agent to enter into contract for the purchase of a small, fuel efficient cargo vehicle for the Motor Vehicle Department;

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

**\*R. C. No. 395 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. March 7, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 418-10-11 by the Purchasing Agent submitting a report regarding the purchase of 10 New MDT's (Mobile Data Terminals) and 3 ruggedized portable laptop computers and 10 powered Broadband Modems for the Sheboygan Fire Department and ambulance vehicles;
2. Res. No. 219-10-11 by Alderperson Kittelson authorizing the Purchasing Agent to enter into contract for the purchase of 10 New MDT's (Mobile Data Terminals) and 3 ruggedized portable laptop computers and 10 powered Broadband Modems for the Sheboygan Fire Department and ambulance vehicles;

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

**R. C. No. 396 - 10 - 11. By FINANCE. March 7, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 415-10-11 by the Director of Human Resources and Labor Relations submitting a request to engage consultative services from the Center for Political Science and Public Policy Research from the University of Wisconsin-Whitewater to perform a 2 Phase Analysis for the City; and
2. Res. No. 220-10-11 by Alderperson Kittelson and Hammond authorizing the appropriate City Officials to enter into an agreement for consultative services from the Center for Political Science and Public Policy Research from the University of Wisconsin-Whitewater to perform a 2 Phase Analysis for the City of Sheboygan;

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

Was accepted and adopted.

**\*R. C. No. 397 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. March 7, 2011.**

Your Committee to whom was referred Gen. Ord. No. 52-10-11 by Alderperson Kittelson relating to No Parking, Stopping, Standing so as to change the parking limits on the east and west sides of S. 12<sup>th</sup> Place; recommends that the Ordinance be passed.

**RESOLUTION ON SECOND READING**

**\*Res. No. 212 - 10 - 11. By Alderperson Montemayor. February 7, 2011.**

**A RESOLUTION** repealing Res. No. 190-58-59 which granted permission to Metropolitan Life Insurance Co. to construct certain driveways.

**March 7, 2011**

**WHEREAS**, by way of Res. No. 190-58-59 dated August 18, 1958, the Common Council granted permission to Metropolitan Life Insurance Co. to construct certain driveways opposite their property located at 833 Center Avenue, which is now the City Engineering Building which is being sold to Sheboygan Columbus Institute; and

**WHEREAS**, the driveway opening on North 9th Street is currently in a different location and there is no driveway opening on Center Avenue; and

**WHEREAS**, repeal of the resolution would be beneficial from a record title standpoint to avoid any confusion over permissive rights for driveway openings.

**NOW, THEREFORE, BE IT RESOLVED:** The Common Council hereby repeals Res. No. 190-58-59 dated August 18, 1958, and requests that the City Clerk see to it that this resolution is filed with the office of the Sheboygan County Register of Deeds.

**\*Res. No. 218 - 10 - 11. By Alderperson Bohren. February 21, 2011.**

**A RESOLUTION** authorizing the Purchasing Agent to enter into contract for the purchase of a small, fuel efficient cargo vehicle for the Motor Vehicle Department.

**WHEREAS**, the Sheboygan Department of Public Works is assigned the task of repairing and maintaining city-owned buildings and facilities and;

**WHEREAS**, the personnel assigned to these duties require a vehicle capable of hauling tools and equipment from job-site to job-site without the need for a large, full sized cargo van and;

**WHEREAS**, the Common Council has previously shown its support in transporting its employees throughout the city in the most economical and environment friendly manner possible and;

**WHEREAS**, the Motor Vehicle Department has traditionally fulfilled these requirements with a full-sized cargo van, regardless of the amount of space actually required, and has identified the Ford Transit Connect as a durable and economical vehicle that meets its needs and;

**WHEREAS**, the purchase of these items through the access of previously negotiated National and State Contracts relieves the City from public bidding for the purchases.

**RESOLVED:** That the Purchasing Agent is hereby authorized to enter into contract with Ewald's Hartford Ford for the purchase of the vehicle described above at a cost of \$20,327.50 including license and title fees.

**BE IT FURTHER RESOLVED:** That the appropriate City officials are authorized to draw the funds from Account 70136100 641100 in payment thereof.

**\*Res. No. 219 - 10 - 11. By Alderperson Kittelson. February 21, 2011.**

**A RESOLUTION** authorizing the Purchasing Agent to enter into contract for the purchase of Mobile Data terminals, Ruggedized Laptop Computers and accessories for the Sheboygan Fire Department.

**WHEREAS**, the Sheboygan Fire Department intends to reap the benefits of the soon to be activated Spillman CAD/RMS System for the dispatch of both fire and ambulance vehicles;

**WHEREAS**, it was identified in late 2010 that the current equipment has reached the end of its expected useful life and is not configured adequately to accommodate the Spillman software and funding was encumbered at the end of 2010;

**WHEREAS**, the City recently engaged a new ambulance billing provider that provides the ability for the ambulance crews to utilize electronic patient recordkeeping in order to streamline and expedite the proper recordkeeping for timely billing and proper patient care;

**WHEREAS**, the purchase of ruggedized terminal units will allow the ambulance crews the portability they require; and  
**WHEREAS**, the purchase of these items through the access of previously negotiated National and State Contracts relieves the City from public bidding for the purchases.

**RESOLVED:** That the Purchasing Agent is hereby authorized to enter into agreement with the appropriate vendors for the purchase of (10) Mobile Data Terminals, (3) Ruggedized Laptops and Aircards and prepaid airtime for the balance of 2011.

**BE IT FURTHER RESOLVED:** That the appropriate City officials are authorized to draw the funds in the amount of \$25,181.09 from Account 10122100-642200 in payment thereof.

**Res. No. 220 - 10 - 11. By Alderpersons Hanna, Kittelson, VanderWeele, Versey and Roeseler. February 21, 2011.**

**A RESOLUTION** authorizing the appropriate City Officials to enter into a agreement for consultative services from the Center for Political Science and Public Policy Research from the University of Wisconsin – Whitewater to perform a 2 Phase analysis for the City of Sheboygan.

**RESOLVED:** That the appropriate City Officials are hereby authorized to enter into an agreement with the Center for Political Science and Public Policy Research from the University of Wisconsin – Whitewater to perform a 2 Phase analysis for the City of Sheboygan in accordance with the attached schedule for an estimated amount of \$18,500.

A motion by Alderperson Hammond and second by Alderperson Bouck was made to pass the Resolution.

The floor was opened to Susan Johnson and Jolly Emery to speak.

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

Ayes: Bohren, Bouck, Hammond, Hanna, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 13.

Nays: Bowers, Heidemann – 2.

**ORDINANCE ON SECOND READING**

**\*Gen. Ord. No. 51 – 10 - 11. By Alderpersons Bouck and Sampson. February 21, 2011.**

**AN ORDINANCE** granting Sheboygan Columbus Institute, its successors and assigns, the privilege of encroaching upon described portions of N. 9<sup>th</sup> St. located at 833 Center Ave. in the City of Sheboygan for the purpose of maintaining the building.

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

Section 1. Subject to the terms and conditions contained herein, Sheboygan Columbus Institute, its successors and assigns, is hereby granted the privilege of encroaching, for the purpose of maintaining the building, into that part of N. 9<sup>th</sup> street right of way adjacent to Lot 6 of Block 154, Original Plat of the City of Sheboygan, located in Sect. 23, T.15N., R.23E., City of Sheboygan, Sheboygan County, Wisconsin being more particularly described as follows:

Commencing at the northwest corner of said lot 6, thence south along the west line of said lot 6 0.65 feet to the point of beginning, thence continue south along said west line 79.92 feet, thence west 0.42 feet , thence north 63.92 feet, thence west 2.0 feet, thence north 16.0 feet, thence 2.42 feet to the point of beginning.

Said parcel contains 76.22 sq. ft., in accordance with the sketch attached hereto and made a part hereof.

Section 2. The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said Sheboygan Columbus Institute, its successors and assigns:

a. Shall become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of such privilege.

b. Shall remove the encroachment allowed herein within ten (10) days after notice so to remove given by the State of Wisconsin or the City of Sheboygan; in the event of the failure so to remove, the said Sheboygan Columbus Institute, its successors and assigns: shall pay the costs of removal by the State of Wisconsin or the City of Sheboygan, waiving all claim or claims for damages resulting from such removal, whether the removal is done by the said Sheboygan Columbus Institute, its successors and assigns, or by the State of Wisconsin or by the City of Sheboygan.

c. Shall pay such compensation to the City of Sheboygan for the grant of this privilege as may be determined by a board consisting of the Mayor, the Director of Public Works and the City Attorney; the compensation shall be paid into the General Fund.

d. Shall make such construction and/or alterations and maintain the same subject to the approval of the City Building Inspector and Director of Public Works, and shall waive the right to contest in any manner the validity of this ordinance or the amount of compensation charged.

Section 3. The provisions of §66.0425(1) thru (5) of the Wisconsin Statutes are incorporated herein by reference to all intents and purposes as if set out fully.

Section 4. The City Clerk is authorized and directed to record a certified copy of this ordinance in the office of the Register of Deeds for Sheboygan County, Wisconsin, the costs thereof to be charged to the General Fund.

Section 5. This ordinance shall take effect and be in full force from and after its passage and publication and upon payment of the consideration to be determined hereunder, provided, however, that in the event of failure to exercise the privilege herein granted and the payment of such consideration within six (6) months from the effective date hereof, then and in that event such privilege shall be rendered null and void.

**\*Gen. Ord. No. 52 – 10 - 11. By Alderperson Kittelson. February 21, 2011.**

**AN ORDINANCE** relating to No Parking, Stopping, Standing so as to change the parking limits on the east and west sides of S. 12<sup>th</sup> Place.

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

Section 1. Pursuant to Section 118-126 of the Municipal Code entitled, "Prohibitions and Restrictions Authorized", the east and west sides of S. 12<sup>th</sup> Place from the south curb line of Washington Ave. to the most southerly terminus of the cul-de-sac of S. 12<sup>th</sup> Place shall be posted "No Parking Stopping Standing 7 a.m. – 4 p.m. School Days Only."

Section 2. The Department of Public Works and the Police Department are hereby authorized and directed to install sign(s) to give notification of the aforementioned parking restriction.

Section 3. 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.

**ORDINANCE INTRODUCED**

**Gen. Ord. No. 53 - 10 - 11. By Alderperson Dekker. March 7, 2011.**

**AN ORDINANCE** repealing and recreating §118-242 and §42-104 of the Sheboygan Municipal Code so as to exempt vehicles legally parked in on-street handicapped parking zones from the winter parking and snow emergency rules.

Was referred to the Committee on Public Protection and Safety.

**MATTERS LAID OVER**

**R. O. No. 405 - 10 - 11. By CITY CLERK. February 21, 2011.**

Submitting a communication from Richard Hartmann, President of the Sheboygan County Taxpayers Alliance, stating their position on the situation in Madison with regards to the State Budget.

On motion by Alderperson Kittelson and second by Alderperson Montemayor, the Report of officer was accepted and placed on file, all Alderpersons present voting "Aye".

**Res. No. 216 - 10 - 11. By Alderperson Kittelson. February 21, 2011.**

**A RESOLUTION** supporting the Great Lakes Small Harbors Coalition and its vision of an annual dedicated appropriation that maintains Great Lakes harbor navigation channels and infrastructure requirements and ongoing recognition and support for harbors that will maximize their economic benefit, enhance quality of life and protect public safety.

**WHEREAS**, there are approximately 120 federally authorized small Great Lakes harbors;

**WHEREAS**, the federal government is responsible for maintaining boater access to these harbors through adequate dredging and maintenance of navigation infrastructure (hereinafter referred to as maintenance);

**WHEREAS**, small harbors perform other valuable functions such as ports of refuge during inclement weather, ports for U.S. Coast Guard rescue stations, ports for law enforcement, ports for commercial fleets, ports for Great Lakes research vessels, and ferry terminals;

**WHEREAS**, many of the 120 federally authorized small harbors in the Great Lakes require regular maintenance because of natural sedimentation, low water levels, storm events, and littoral drift, among other factors;

**WHEREAS**, longstanding federal policy prevents the U.S. Army Corps of Engineers from allocating funds for the maintenance of small harbors in its operation and maintenance budget for the Great Lakes, thus forcing these harbors to seek Congressional assistance or "earmarks" to secure funds for maintenance;

**WHEREAS**, this inefficient, inequitable system has resulted in maintenance backlogs that have hindered, or in some cases totally blocked access to Great Lakes small harbors, causing significant economic loss and increased risk to human health and safety;

**WHEREAS**, small harbors in the Great Lakes have not, to date, had an organization through which to unite and speak with one voice to address concerns about maintenance and other shared interests to federal and state agencies.

**THEREFORE, BE IT RESOLVED:** That City of Sheboygan supports and commits to being a member of the Great Lakes Small Harbors Coalition.

**BE IT FURTHER RESOLVED:** That City of Sheboygan urges the Great Lakes Small Harbors Coalition to advocate for a more equitable, sustainable, needs-based system to allocate funds for adequate maintenance of small Great Lakes harbors.

Chad Pelishek spoke.

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

Ayes: Bohren, Bouck, Bowers, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15.

Nays: None.

**Res. No. 217 - 10 - 11. By Alderpersons Hammond, Bouck and Rindfleisch. February 21, 2011.**

**A RESOLUTION** to authorize a transfer of appropriations in the 2011 Budget.

**RESOLVED:** That the Finance Director be and is hereby authorized and directed to make the following transfer of appropriations in the 2011 Budget for the purpose of:

Establishing estimated revenue and appropriation for the 2011 Police Training Aids from the State of Wisconsin:

| <u>FROM</u>  | <u>TO</u>               | <u>AMOUNT</u> |
|--|-------------------------|---------------|
| General Fund   | General Fund            |               |
| Police Department  | Police Department       |               |
| State of WI Grants   | Training                |               |
| 10121100-434211  | 10121100-526130-00020   | \$13,936      |
| Establishing appropriation for equipment to connect WSCS to A T & T U-Verse: |                         |               |
| Cable TV Fund  | Cable TV Fund           |               |
| Unreserved Fund Balance  | Communication Equipment |               |
| 270-253000   | 27058110-642300         | \$7,500       |

Establishing appropriation for upgrade of the HVAC mechanicals at Mead Public Library:

|                         |                      |           |
|-------------------------|----------------------|-----------|
| Mead Library Fund       | Mead Library Fund    |           |
| Unreserved Fund Balance | Mechanical Equipment |           |
| 255-253000              | 25551100-641600      | \$134,990 |

**BE IT FURTHER RESOLVED:** That the City Clerk publish this budget change according to 65.90 (5) of the Wisconsin Statutes.

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

Ayes: Bohren, Bouck, Bowers, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15.

Nays: None.

**Gen. Ord. No. 50 - 10 – 11. By Alderpersons Hanna, Kittelson, VanderWeele and Versey. February 21, 2011.**

**AN ORDINANCE** amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to add the position of Environmental Engineer to the Table of Organization in the Department of Public Works for the City of Sheboygan.

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

Section 1. Section 29-75 of the 1975 Sheboygan Municipal Code entitled, "List of Classes and Class Specifications," is hereby amended to add in Section B. 8 Department of Public Works as follows:

| Class Title | Job Code | Class Grade | No. of Employees |
|-------------|----------|-------------|------------------|
|-------------|----------|-------------|------------------|

B. Department of Public Works

8. Engineering Division

**Add:**

|                        |         |    |     |
|------------------------|---------|----|-----|
| Environmental Engineer | J08580D | 11 | 1.0 |
|------------------------|---------|----|-----|

Section 2. The new job description for the Environmental Engineer is attached, and copies of which shall be on file in the offices of the City Clerk, City Finance Director/Treasurer and Human Resources Department.

Section 3. 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 and attached job descriptions shall be in effect from and after its passage and publication.

On motion by Alderperson Hanna and second by Alderperson Versey, the Ordinance was passed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15.

Nays: None.

**CONVENE IN CLOSED SESSION**

**A motion by Alderperson Kittelson and second by Alderperson Rindfleisch to CONVENE IN CLOSED SESSION** under the exemption contained in Sec. 19.85(1) (e), Wis. Stats., for the purpose of deliberating regarding the termination of various agreements and new leases relating to the proposed sale by Great Wolf to Claremont/New Frontier of the Blue Harbor Resort where competitive and bargaining reasons require a closed session, and for the purpose of deliberating the purchasing of public property where competitive and bargaining reasons require a closed session was passed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15.

Nays: None.

**RECONVENE IN OPEN SESSION**

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the Common Council reconvened in open session, all Alderpersons present voting "Aye".

**Res. No. 223 - 10 - 11. By Alderperson Hammond. March 7, 2011.**

**A RESOLUTION** authorizing the appropriate City officials to execute certain agreements in connection with the sale of the Blue Harbor Resort Project to Claremont New Frontier Resort LLC ("Buyer") and a transfer of management of the Convention Center Project to Buyer, and approving the terms and conditions of the new proposed Ground Lease between the Redevelopment Authority and the Buyer.

**RESOLVED:** That the appropriate City officials are hereby authorized to enter into a Termination Agreement by and among the City, the Redevelopment Authority, The Great Lakes Companies, Inc., Blue Harbor Resort Sheboygan, LLC and Blue Harbor Resort Condominium, LLC, in form substantially similar to the document entitled "Termination Agreement," a copy of which is attached hereto, terminating the Development Agreement between the parties dated as of

**March 7, 2011**

July 30, 2003, as amended, related to the construction, operation and development of the Blue Harbor Resort Project, Convention Center Project and Condominium Project and terminating certain other specified additional agreements that were entered into in connection with the Development Agreement.

**BE IT FURTHER RESOLVED:** That the appropriate City officials are hereby authorized to enter into a new operating lease with Claremont New Frontier Resort LLC with respect to the operation of the Convention Center Project, in form substantially similar to the document entitled "Operating Lease," a copy of which is attached hereto.

**BE IT FURTHER RESOLVED:** That the Common Council hereby approves the terms and conditions of the proposed Ground Lease between The Redevelopment Authority of the City of Sheboygan and Claremont New Frontier Resort LLC, a copy of which is attached hereto, with respect to the premises described therein.

**BE IT FURTHER RESOLVED:** That the appropriate City officials are hereby authorized to execute such ancillary non-substantive closing documents as are necessary to effectuate this transaction.

A motion by Alderperson Hammond and second by Alderperson Versey to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Hammond and second by Alderperson Versey, the foregoing Resolution was passed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15.

Nays: None.

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

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Mayor

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City Clerk