

**COMMON COUNCIL**

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

**TWENTY- FOURTH REGULAR MEETING**

The Council met: Monday, March 21, 2011.

Mayor Bob Ryan in the Chair:

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

Bohren, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, Wangemann – 13.

Absent and Excused: Bouck, VanderWeele, Versey – 3.

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the reading of the minutes of the Twenty-Third Regular Meeting held March 7, 2011, was approved as entered on the record, all Alderpersons present voting "Aye".

**PUBLIC FORUM**

Jeff Middleton, 33 Hein Ave., Plymouth spoke.

**ANNUAL REPORT FOR THE SENIOR ACTIVITY CENTER – WENDY SCHMITZ**

**HEARINGS**

**Hearing No. 12 - 10 - 11. March 21, 2011.**

Pursuant to a notice published by the Finance Director/Treasurer, there is a hearing schedule this evening for the proposed water main installation project of S. Business Dr. from Weeden Creek Rd. to 225' S. of Riverdale Ave.

All interested persons will now be heard. Patrick Lake, 2813 Riverdale Ave. spoke on the foregoing Hearing, and on motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the foregoing hearing was closed, all Alderpersons present voting "Aye".

**Hearing No. 13 - 10 - 11. March 21, 2011.**

Pursuant to a notice published and personal notices sent by the Finance Director/Treasurer, there is a hearing scheduled for this evening for the proposed assessments for the calendar year 2010 against all benefited property in Parking Assessment District I.

All interested persons will now be heard.

No persons appeared, and motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the foregoing hearing was closed, all Alderpersons present voting "Aye".

**Hearing No. 14 - 10 - 11. March 21, 2011.**

Pursuant to a notice published and personal notices sent by the Finance Director/Treasurer, there is a hearing scheduled for this evening for the proposed assessments for the calendar year 2010 against all benefited property in Parking Assessment District II.

All interested persons will now be heard.

No persons appeared, and motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the foregoing hearing was closed, all Alderpersons present voting "Aye".

**Hearing No. 15 - 10 - 11. March 21, 2011.**

Pursuant to a notice published and personal notices sent by the Finance Director/Treasurer, there is a hearing scheduled for this evening for the proposed assessments for the calendar year 2010 against all benefited property in Parking Assessment District IV.

All interested persons will now be heard.

No persons appeared, and motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the foregoing hearing was closed, all Alderpersons present voting "Aye".

**Hearing No. 16 - 10 - 11. March 21, 2011.**

Pursuant to a notice published and personal notices sent by the Finance Director/Treasurer, there is a hearing scheduled for this evening for the proposed assessments for the calendar year 2010 against all benefited property in Parking Assessment District V.

All interested persons will now be heard.

No persons appeared, and motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the foregoing hearing was closed, all Alderpersons present voting "Aye".

**March 21, 2011**

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, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, Wangemann – 13.

Nays: None.

### **COMMUNICATIONS AND PETITIONS**

#### **Com. No. 65 - 10 - 11. March 21, 2011.**

Submitting a communication from Karl Dietz stating that the City shouldn't extend or approve any City contracts until Scott Walker's budget repair bill passes.

Was referred to the Committee on Salaries and Grievances.

### **REPORTS OF OFFICERS**

#### **\*R. O. No. 443 - 10 - 11. By CITY CLERK. March 21, 2011.**

Submitting various license applications.

#### **TEMPORARY CLASS "B" LICENSE**

<u>No.</u>	<u>Name</u>	<u>Address</u>
1579	Lutheran High School	3323 University Dr. – two-day event to be Held 4/1/2011 to 4/02/2011 to include the gymnasium.
1377	St. Dominics Church	2108 N. 21 <sup>st</sup> St. – one-day event to be held 4/9/2011 to include part of 2108 N. 21 <sup>st</sup> St.
2541	Sheboygan Visual Arts	604 Erie Ave. – one-day event to be Held 4/9/2011 on the lower level of 604 Erie Ave.
1497	D'Werdenfelser Schuhplattler	2722 Henry St. – one-day event to be held 4/30/2011 in the gymnasium at St. Dominics.
2810	Poor Richards Golf Team	1105 Geele Ave. – one-day event to be held 3/26/11 to include all the building and the area east of the bldg.
2808	Water Street Pub Softball	931 N. 12 <sup>th</sup> St. – one-day event to be held 3/26/11 to include the parking lot south of the building.

#### **\*R. O. No. 444 – 10 – 11. By LIBRARY DIRECTOR. March 21, 2011.**

The Mead Public Library Board President has reviewed and signed the 2010 Annual Report for submission to the Division for Libraries Technology and Community Learning (DLTCL) of the Department of Public Instruction. It is hereby transmitted to the Common Council of the City of Sheboygan for its information. Please direct questions or comments about the report to Sharon Winkle, Library Director (459-3400 x3414; Sharon.Winkle@meadpubliclibrary.org).

This report will be followed by a narrative annual report scheduled for review and approval for further distribution by the Library Board at its meeting in April 2011. This later annual report to the Library Board includes service data, narrative reports, and detailed financial information.

For example, the attached DLTCL annual report for 2010 shows a balance carried forward of \$903,230. The forthcoming, detailed financial report documents the distribution of that balance among the Library Board's reserve funds. There was an unreserved fund balance (unaudited) of \$32,372 at the end of 2010. The Library Board has since taken action to transfer those funds to the Personal Services Reserve.

Also note that the Library Board reported that it and the City of Sheboygan are not in compliance with one of the requirements for membership in Eastern Shores Library System, i.e. the minimum, or Maintenance of Effort, funding requirement. Maintenance of Effort funding equals the average of the City appropriations to the Library Fund for the immediate past three years.

If you would like more information about the 2010 DLTCL annual report or about the forthcoming detailed year-end financial report for 2010, please contact Library Director Sharon Winkle.

#### **\*R. O. No. 445 - 10 - 11. By REDEVELOPMENT AUTHORITY. March 21, 2011.**

Your Authority to whom was referred R. O. No. 391-10-11 submitting a communication from Bruce Nichols of the Lincoln Zephyr Owners Club requesting permission to use City of Sheboygan property for a car show at the end of the road to Blue Harbor on the grass adjacent to the Resort by the water; recommends the document be placed on file.

**R. O. No. 446 - 10-11. By REDEVELOPMENT AUTHORITY. March 21, 2011.**

Your Authority, at their March 21, 2011 meeting, discussed the final version of 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 final Ground Lease including Section 38 of Revision #11 and the final version of the Termination Agreement and Operating Lease.

Lies over under the rules.

**R. O. No. 447 - 10 - 11. By PURCHASING AGENT. March 21, 2011.**

Submitting a Tabulation of Bids for the provision of Lead Hazard Assessment services in approximately 110 residential properties in the City of Sheboygan.

Was referred to the Committee on Finance.

**R. O. No. 448 - 10 - 11. By CITY CLERK. March 21, 2011.**

Submitting a communication from the John Michael Kohler Arts Center making various requests to accommodate their 41<sup>st</sup> Annual Midsummer Festival of the Arts on July 16 and 17, 2011.

Was referred to the Committees on Law and Licensing, Public Protection and Safety, Public Works and the Sheboygan Transit Commission.

**R. O. No. 449 - 10 - 11. By CITY CLERK. March 21, 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. 450 - 10 - 11. By CITY CLERK. March 21, 2011.**

Submitting a communication from Wolf-Olson Post No. 1230 requesting permission to hold their Annual Buddy Poppy Drive on various corners and business places throughout the City on Friday, May 13<sup>th</sup> from 9 a.m. to 6 p.m. and on Saturday, May 14<sup>th</sup> from 9 a.m. to 1 p.m.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 451 - 10 - 11. By CITY CLERK. March 21, 2011.**

Submitting a request for a waiver to the Sex Offender Residency restrictions from Brandon Schweisthal.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 452 - 10 - 11. By CITY CLERK. March 21, 2011.**

Submitting a request for a waiver relating to the Sex Offender Residency restrictions for Christopher Malwitz.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 453 - 10 - 11. By CITY CLERK. March 21, 2011.**

Submitting a request for a waiver from the Sex Offender Residency restrictions from Timothy S. Grande.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 454 - 10 - 11. By CITY CLERK. March 21, 2011.**

Submitting a communication from Wydell J. Vaughn requesting a waiver of the Sex Offender Residency Restrictions.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 455 - 10 - 11. By CITY CLERK. March 21, 2011.**

Submitting a communication from the John Michael Kohler Arts Center requesting that the Council grant permission for one double-sided banner, advertising the Art Armada and the Midsummer Festival of the Arts be hung across 8<sup>th</sup> St. The Arts Center would supply the banner for the City to install by May 27<sup>th</sup>.

Was referred to the Committee on Public Works.

**R. O. No. 456 - 10 - 11. By CITY CLERK. March 21, 2011.**

Submitting a communication from Diane Hackbarth requesting permission to put a banner over S. 8<sup>th</sup> St. in the 500 block to help promote awareness of their mission to "create a world free of MS" during their Walk MS-Sheboygan on Sunday, May 1<sup>st</sup>.

Was referred to the Committee on Public Works.

**R. O. No. 457 – 10 - 11. By DIRECTOR OF PUBLIC WORKS. March 21, 2011.**

Submitted herewith is the resume of bids for the 2011 Concrete Sidewalk Construction, Bid No. 2351-11.  
Was referred to the Committee on Public Works.

**R. O. No. 458 - 10 - 11. By CITY CLERK. March 21, 2011.**

Submitting a claim from Robert Theis for alleged damages to his tire because the street sank about 2 feet and caused several inches of ice to form, thus causing his car to be pulled into the curb damaging the tire.  
Was referred to the Special Committee on Risk Management.

**R. O. No. 459 - 10 - 11. By CITY CLERK. March 21, 2011.**

Submitting a claim from Horace Hummel for damages to his vehicle when a snow plow hit something hard, which kicked the plow blade out and striking his car in the rear driver side door.  
Was referred to the Special Committee on Risk Management.

**RESOLUTIONS INTRODUCED**

**\*Res. No. 231 - 10 - 11. By Alderperson Hammond. March 21, 2011.**

**A RESOLUTION** confirming the exercise of police power in making an assessment for those benefited properties against which assessments are proposed for Parking Assessment District I.

**RESOLVED:** That the assessments and schedule for the proposed assessments prepared by the City of Sheboygan for Parking Assessment District I, are hereby confirmed, and the City Clerk is authorized and directed to publish the notices required by law.

**\*Res. No. 232 - 10 - 11. By Alderperson Hammond. March 21, 2011.**

**A RESOLUTION** confirming the exercise of police power in making an assessment for those benefited properties against which assessments are proposed for Parking Assessment District II.

**RESOLVED:** That the assessments and schedule for the proposed assessments prepared by the City of Sheboygan for Parking Assessment District II, are hereby confirmed, and the City Clerk is authorized and directed to publish the notices required by law.

**\*Res. No. 233 - 10 - 11. By Alderperson Hammond. March 21, 2011.**

**A RESOLUTION** confirming the exercise of police power in making an assessment for those benefited properties against which assessments are proposed for Parking Assessment District IV.

**RESOLVED:** That the assessments and schedule for the proposed assessments prepared by the City of Sheboygan for Parking Assessment District IV, are hereby confirmed, and the City Clerk is authorized and directed to publish the notices required by law.

**\*Res. No. 234 - 10 - 11. By Alderperson Hammond. March 21, 2011.**

**A RESOLUTION** confirming the exercise of police power in making an assessment for those benefited properties against which assessments are proposed for Parking Assessment District V.

**RESOLVED:** That the assessments and schedule for the proposed assessments prepared by the City of Sheboygan for Parking Assessment District V, are hereby confirmed, and the City Clerk is authorized and directed to publish the notices required by law.

**Res. No. 237 – 10 – 11. By Alderpersons Rindfleisch and Hammond. March 21, 2011.**

**A RESOLUTION** confirming the exercise of police power in making an assessment for those benefited properties against which assessments are proposed for the water main installation project in S. Business Dr. from Weeden Creek Rd. to 225' S. of Riverdale Ave.

A motion was made by Alderperson Kittelson and second by Alderperson Rindfleisch to pass the Resolution.

Before action was taken thereon, a motion by Alderperson Rindfleisch and second by Alderperson Hanna was made to hold the Resolution, passed all Alderperson present voting "Aye".

Lies over under the rules.

**Res. No. 238 - 10 - 11. By Alderperson Montemayor. March 21, 2011.**

**A RESOLUTION** approving a project plan amendment for Tax Incremental District No. 14, City of Sheboygan.

Lies over under the rules.

**Res. No. 239 - 10 - 11. By Alderperson Montemayor. March 21, 2011.**

**A RESOLUTION** approving a project plan for a tax incremental district, describing the boundaries thereof and creating Tax Incremental District No. 15, City of Sheboygan.

Lies over under the rules.

**Res. No. 240 - 10 - 11. By Alderpersons Hammond, Bouck, Bohren, and Roeseler. March 21, 2011.**

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

Lies over under the rules.

**Res. No. 241 - 10 - 11. By Alderperson Hammond. March 21, 2011.**

**A RESOLUTION** authorizing the Purchasing Agent to enter into contract for the provision of lead hazard risk assessment testing for 2011, 2012 & 2013.

Was referred to the Committee on Finance.

**Res. No. 242 - 10 - 11. By Alderperson Kittelson. March 21, 2011.**

**A RESOLUTION** authorizing entering into an agreement between the City of Sheboygan and Gregg Lindner, for the purpose of permitting the Police Department's Emergency Response Team to use property at 2901 Calumet Drive for SWAT practice.

Was referred to the Committee on Public Protection and Safety.

**Res. No. 243 - 10 - 11. By Alderperson Bohren. March 21, 2011.**

**A RESOLUTION** authorizing entering into a contract for the 2011 Concrete Sidewalk Program, Bid No. 2351-11.

Was referred to the Committee on Public Works.

**Res. No. 244 - 10 - 11. By Alderperson Hammond and Montemayor. March 21, 2011.**

**A RESOLUTION** authorizing the adoption of the South Pier Live/Work District Regulation Plan 2011.

Was referred to the City Plan Commission and to the Redevelopment Authority.

**REPORTS OF COMMITTEES**

**R. C. No. 398 - 10 - 11. By WHOLE. March 21, 2011.**

Your Committee met and discussed the South Pier Live/Work District Regulating Plan 2011; recommends passing the attached Resolution which adopts the plan.

Was referred to the City Plan Commission and to the Redevelopment Authority.

**R. C. No. 399 - 10 - 11. By FINANCE. March 21, 2011.**

Your Committee to whom was referred Com. No. 48-10-11 submitting an email from the Deputy Finance Director/Treasurer entitled, "WI Retirement Rates"; recommends that the Communication be referred to the Committee on Finance of the new Common Council.

Was referred to the Committee on Finance of the New Council.

**\*R. C. No. 400 - 10 - 11. By LAW AND LICENSING. March 21, 2011.**

Your Committee to whom was referred to R. O. No. 339-10-11, R. O. No. 384-10-11, pursuant to R. O. No. 406-10-11 and R. O. No. 429-10-11 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>
1226	Meyers Lakeview Pub	550 Wilson Ave. – one-day event to be held 3/27/11 to include parking lot of the North part of the bar.
1353	Sheboygan Yacht Club	214 Pennsylvania Ave. – one-day event to be held 6/18/11 to include parking lot north of the Yacht Club, behind Youth Sailing Club and deck south of the club.

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
2786	Joint Ventures	920 Michigan Ave. (upon granting/release to Katana)
2806	Katana	920 Michigan Ave.

**BEVERAGE OPERATOR'S LICENSE (June 30, 2012)**

<u>No.</u>	<u>Name</u>
8997	Barnes, Lori M.
9009	Brown, Debra J.

6833 Clements, Paula M.  
9008 Johnston, Jacqueline N.  
8982 Kurtz, Sara R.  
9002 Papendieck, Megan A.  
9005 Pool, Julie A.  
9011 Ruska, Christine M.  
9004 Stapel, Nikki D.  
2217 TaubenHeim, Ronald R.  
9010 Udovich, Caitlin E.  
4266 Walters, Susan A.  
5998 Weber, Barbara F.  
9007 Wegner, Angela J.

TAXICAB OPERATOR LICENSE (June 30, 2011)

<u>No.</u>	<u>Name</u>
8093	Bilbrey, Melisa K.
8949	Cornell, Kristine L.
9012	Hollerup, Tym P.
9003	Molina, Vanessa C.

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. 401 - 10 - 11. By FINANCE. March 21, 2011.**

Your Committee to whom was referred R. O. No. 427-10-11 by the City Clerk 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; recommends that the Report of Officer be accepted and placed on file and to approve the request.

**\*R. C. No. 402 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. March 21, 2011.**

Your Committee to whom was referred R. O. No. 433-10-11 by the Building Inspection Department submitting their report for the month of February 2011; recommends that the Report of Officer be accepted and placed on file.

**\*R. C. No. 403 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. March 21, 2011.**

Your Committee to whom was referred the following:

1. Com. No. 64-10-11 from James Reinl reminding the Council to "drop" flip-flop parking for the rest of the month of March after Daylight Savings time starts; and
2. R. O. No. 434-10-11 by the City Clerk submitting a communication from the President of "Two Left Paws" Animal Sanctuary requesting permission to hold their "Paws in the Park" Pet Walk at Lake View Park on June 4<sup>th</sup>;

recommends that the documents be placed on file.

**\*R. C. No. 404 - 10 - 11. By PUBLIC WORKS. March 21, 2011.**

Your Committee to whom was referred a copy of R. O. No. 434-10-11 by the City Clerk submitting a communication from the President of "Two Left Paws" Animal Sanctuary requesting permission to hold their "Paws in the Park" Pet Walk at Lake View Park on June 4<sup>th</sup>; recommends that the Report of Officer be accepted and placed on file and to approve the request.

**\*R. C. No. 405 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. March 21, 2011.**

Your Committee to whom was referred R. O. No. 435-10-11 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"; recommends that the Report of Officer be accepted and placed on file and approve the event and use of City property as necessary within the guidelines.

**\*R. C. No. 406 - 10 - 11. By PUBLIC WORKS. March 21, 2011.**

Your Committee to whom was referred a copy of R. O. No. 435-10-11 by the City Clerk 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"; recommends that the Report of Officer be accepted and placed on file and to approve the requests.

**\*R. C. No. 407 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. March 21, 2011.**

Your Committee to whom was referred R. O. No. 436-10-11 from Aaron Brault, Anne Nemschoff and Paul Weaver requesting approval to host Sheboygan's first and only Olympic Distance, USAT-sanctioned Triathlon on August 13<sup>th</sup> on the South Pier District; recommends that the Report of Officer be accepted and placed on file and to approve the requests.

**\*R. C. No. 408 - 10 - 11. By PUBLIC WORKS. March 21, 2011.**

Your Committee to whom was referred a copy of R. O. No. 436-10-11 by the City Clerk submitting a communication from Aaron Brault, Anne Nemschoff and Paul Weaver requesting approval to host Sheboygan's first and only Olympic Distance, USAT-sanctioned Triathlon on August 13<sup>th</sup> on the South Pier District; recommends that the Report of Officer be accepted and placed on file and to approve the request and have the City of Sheboygan added as additional insured.

**\*R. C. No. 409 - 10 - 11. By PUBLIC WORKS. March 21, 2011.**

Your Committee to whom was referred R. O. No. 439-10-11 by the City Clerk 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>; recommends that the Report of Officer be accepted and placed on file and to approve the request.

**R. C. No. 410 - 10 - 11. By LAW AND LICENSING. March 21, 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 Beverage Operator's License #1055 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 Rindfleisch and second by Alderperson Kath, the Report of Committee was accepted and adopted on call of the roll:

Ayes: Bohren, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, Wangemann – 13.

Nays: None.

**R. C. No. 411 - 10 - 11. By LAW AND LICENSING. March 21, 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 Beverage Operator's License #8169 be denied based upon his record of violations and his failure to cooperate with the Committee.

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

Ayes: Bohren, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, Wangemann – 13.

Nays: None.

**R. C. No. 412 - 10 - 11. By LAW AND LICENSING. March 21, 2011.**

Your Committee to whom was referred an application for a Change of Premises for Sheboygan Resort Operator LLC; recommends that the following change be granted:

Sheboygan Resort Operator LLC

"Class B" Intoxicating Liquor License Application #2805

Effective 4-3-11 contingent upon release/surrender of Weissgerber's license at the same time

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

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

Ayes: Bohren, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, Wangemann – 13.

Nays: None.

**\*R. C. No. 413 - 10 - 11. By FINANCE. March 21, 2011.**

Your Committee to whom was referred Res. No. 226-10-11 by Alderperson Hammond authorizing entering into a Development Agreement with Gateway Monroe, Inc., relating to proposed improvements to the Taylor Heights Shopping Center located within TID #14; recommends that the Resolution be passed.

**\*R. C. No. 414 - 10 - 11. By PUBLIC WORKS. March 21, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 437-10-11 by the Director of Public Works submitting bids for the 2011 Utility and Street Reconstruction Project, Robert E. Lee & Associates; and
2. Res. No. 229-10-11 by Alderperson Bohren authorizing entering into a contract for the 2011 Utility and Street Reconstruction Project;

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

**\*R. C. No. 415 - 10 - 11. By PUBLIC WORKS. March 21, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 438-10-11 by the Purchasing Agent submitting a bid for the purchase of a Motor Vehicle Division four-wheel drive, four-wheel steer compact loader/backhoe;
2. Res. No. 230-10-11 by Alderperson Bohren authorizing the Purchasing Agent to enter into contract for the purchase of a Motor Vehicle Division four-wheel drive/four-wheel steer compact loader/backhoe;

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

**R. C. No. 416 - 10 - 11. By FINANCE. March 21, 2011.**

Your Committee to whom was referred Res. No. 221-10-11 by Alderpersons Hanna, VanderWeele and Versey allocating \$40,000 from the Medical Insurance account to be used for incentive programs sponsored by the Wellness Committee for Health Risk Analysis and Biometrics programs for employees; recommends that the Resolution be passed.

On motion by Alderperson Hammond and second by Alderperson Montemayor, the Report of Committee and the Resolution failed on call of the roll:

Ayes: Kath, Kittelson, Montemayor, Roeseler— 4.

Nays: Bohren, Bowers, Dekker, Hammond, Hanna, Heidemann, Rindfleisch, Sampson, Wangemann— 9.

**R. C. No. 417 - 10 - 11. By FINANCE. March 21, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 428-10-11 by the Purchasing Agent 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; and
2. Res. No. 225-10-11 by Alderperson Hammond setting rates and billing policies for the provision and billing of Ambulance Services as provided to the public by the Sheboygan Fire Department;

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

Was accepted and adopted.

**R. C. No. 418 - 10 - 11. By FINANCE. March 21, 2011.**

Your Committee to whom was referred Res. No. 227-10-11 by Alderperson Hammond authorizing a transfer of appropriations in the 2011 Budget (establish revenue and appropriations for Lead Hazard Rehabilitation Grant); recommends that the Resolution be passed.

Was accepted and adopted.

**R. C. No. 419 - 10 - 11. By PUBLIC WORKS. March 21, 2011.**

Your Committee to whom was referred Res. No. 228-10-11 by Alderperson Bohren authorizing entering into an Access Agreement with Wisconsin Public Service Corp. ("WPCS") 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; recommends that the Resolution be passed pending approval by the City Attorney.

Was accepted and adopted.

**RESOLUTION ON SECOND READING**

**\*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.

**RESOLVED:** That the appropriate City officials are hereby authorized to enter into a Development Agreement with Gateway Monroe, Inc., in form substantially similar to the attached, relating to the proposed improvements to Gateway Monroe's Taylor Heights Shopping Center property located within Tax Incremental District No. 14.

**\*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.

March 21, 2011

**RESOLVED:** That the Mayor and City Clerk are hereby authorized and directed to enter into contract with LaLonde Contractors, Inc., Milwaukee, Wisconsin, for the 2011 Utility and Street Reconstruction Project for the proposed sum of \$3,021,182.50 per their proposal dated February 15, 2011.

**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:

Project A: Huron Ave., N. 10 to N. 14 St.

Storm Sewer	46933140-631200	\$249,232.00
Street Improvements	21061100-631100	316,000.00
Paving	47033140-631100	170,752.50

Project B: New York Ave., Wisconsin Ave. & Center Ave., N. 7 to N. 6 St.

N. 6 St., Pennsylvania Ave. to Center Ave.

Storm Sewer	46933140-631200	\$126,257.50
CDBG Emergency Assistance	40033150-631500	654,000.00

Project C: Wisconsin Ave. and Washington Ct., N. 6 to N. 5 St.

CDBG Emergency Assistance	40033150-631500	334,023.50
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Project D: S. 18th St., Washington Ave. to Fox Hill Rd.

Storm Sewer	46933140-631200	\$141,901
Paving	47033140-631100	\$909,240

Alternate 1: N. 5 St., Wisconsin Ave. to Washington Ct.

Storm Sewer	46933140-631200	\$26,846
CDBG Street Improvements	20961100-631100	92,930

**\*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.

**RESOLVED:** That the Purchasing Agent is hereby authorized to enter into contract with JCB of Milwaukee, Inc. for the purchase of one (1) 2011 JCB loader/backhoe, less trade, at a cost of \$55,836.00, in accordance with City of Sheboygan Request for Proposal #1791-11.

**BE IT FURTHER RESOLVED:** That the appropriate City Officials are hereby authorized to draw orders on the Motor Vehicle Division Account No. 701-36100-641400 (Heavy Equipment) in payment of same.

**Subs. of Res. No. 225 - 10 - 11. By Alderperson Hammond. March 21, 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.

**WHEREAS**, the Sheboygan Fire Department has been providing ambulance services to the public for over three years and has obtained authorization to continue the provision of these services through referendum;

**WHEREAS**, a new provider of ambulance billing services to the City has requested that the Common Council endorse the methods and policies which the provider regularly uses in the performance of their tasks;

**WHEREAS**, the goal of the City of Sheboygan is to maximize return on its investment in the ambulance service and offer rates consistent with municipally run ambulance services in other communities; and

**WHEREAS**, a recent comprehensive survey of other ambulance providers performed by the Fire Chief has identified the need for the City of Sheboygan to institute new rates and fees and make adjustments to the current rates to align itself with those of other providers.

**RESOLVED:** That the rates and policies contained within the original Report of Officer, this Substitute Resolution and the Report of Committee following the Finance Committee approval of same shall be adopted with passage of this Substitute Resolution as follows:

**Mileage Rate**

Rate per mile charged on all transport calls:

Resident \$ 16.00/Mile

Non-Resident \$ 16.00/Mile

**Non-Emergency Transfer Rate**

Rate charged for non-emergency transfer to/from Long Term Care facilities to hospitals, clinics etc.

**Basic Life Support** \$171.00 plus \$5.50/mi. mileage & supplies

**Advanced Life Support** \$205.21 plus \$5.50/mi. mileage & supplies.

**Basic Life Support Rate**

Rate charged for BLS Ambulance Transportation

**Resident** \$575.00 plus mileage and supplies

**Non-resident** \$675.00 plus mileage and supplies

**e Support (ALS-1) Rate**

Rate charged for ALS-1 Ambulance Transportation

**Resident** \$ 750.00 plus mileage and supplies

**Non-resident** \$850.00 plus mileage and supplies

**Advanced Life Support (ALS-2) Rate**

Rate charged for ALS-2 Ambulance Transportation

**Resident** \$ 800.00 plus mileage and supplies

**Non-Resident** \$900.00 plus mileage and supplies

**Special Care Transport Rate**

Rate charged for inter-hospital transport that requires special training and certification in the administration of care.

Resident \$1,000 plus mileage

Non-Resident \$1,100 plus mileage

**Oxygen Administration**

Rate charged if Oxygen is administered

\$65.00 per occurrence

**Non-Transport with Care provided Rate**

Rate Charged when care is provided but no transport occurs;

Resident \$175.00 plus supplies

Non-Resident \$225.00 plus supplies

**Disposable Supplies Fee**

\$65.00 including spinal immobilization devices.

**Extrication Fee**

This fee would be charged to all patients transported following the mechanical extrication from a motor vehicle or other structure and is based upon the study results of other providers:

\$500.00 Flat rate

**Billing Policies and Protocols**

These policies are based upon usual and customary protocol developed and utilized by the City's Ambulance billing provider and would remain in effect following ratification by the Common Council until amended through future Common Council action:

**Aged Debt Accounts receivable**

The standard policy of our billing provider for handling debt over 180 Days old that has been turned over to collections and should be adopted by the City of Sheboygan is as follows:

**After 180 days, accounts sent to an external collection agency will be removed from the Accounts Receivable balance and shown in a separate Out for Collections column so as not to skew the true A/R balance.**

**Hardship Policy**

The policy in use by the billing contractor has been shown to be robust and adequate for the majority of their past and existing customers and should be adopted for use for the City of Sheboygan. The policy used has been proven effective in accurately determining true hardship.

**Property Tax Billing**

The ability to add uncollected revenues for the provision of ambulance services to the property tax bill for those patients who own property is available to the City of Sheboygan and is used in the majority of other communities served by our ambulance billing provider. This is recommended for adoption for the City of Sheboygan in order to maximize collections.

**Standard Billing Practice for private pay patients**

The City wishes to make it clear that the ambulance service billing provider follow up with un-paid invoices to private pay patients via phone call after thirty days following invoice issuance.

**Reporting of Billing & Financial Activity**

Reporting received by the City from the ambulance billing provider is regularly provided to the Common Council by the Fire Chief in summary format and is introduced into the public record at an open meeting.

From time to time, the Finance Committee may, at its discretion, ask for additional information that is not included in the summary report. If this information is presented in open session it also becomes a matter of public record.

Because of Federal HIPPA regulations, the disclosure of full reporting in the format in which the City receives it, could open the City to litigation.

Therefore, only information presented to the Common Council by the Fire Chief and or Finance Director in an open session of a public meeting shall be made available to those requesting the information under the guise of the WI Open Records Laws or Freedom of Information Act.

**March 21, 2011**

**BE IT FURTHER RESOLVED:** That the rates and policies endorsed by the Common Council as a result of passage of this Substitute Resolution shall remain in force and effect until the Common Council formally authorizes amendment of the policies and rate structures.

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

Before action was taken thereon, a motion was made by Alderperson Hammond and second by Alderperson Bohren to strike the entire 2<sup>nd</sup> to the last paragraph from the Substitute Resolution, all Alderpersons present voting "Aye".

On motion by Alderperson Hammond and second by Alderperson Rindfleisch, the Substitute Resolution, as amended, passed on call of the roll:

Ayes: Bohren, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson – 12.

Nays: Wangemann – 1.

**Res. No. 227 - 10 - 11. By Alderperson Hammond. March 7, 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 Lead Hazard Rehabilitation Grant:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Lead Hazard Rehabilitation Grant 25261100-431901-10311	Lead Hazard Rehabilitation Contracted Services 25261100-521900-10311	\$1,460,222
	Training & Education 25261100-526130-10311	\$11,734
	Program Supplies 25261100-530200-10311	\$56,340

**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 Bohren, the Resolution was passed on call of the roll:

Ayes: Bohren, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, Wangemann – 13.

Nays: None.

**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.

**RESOLVED:** That the Mayor and City Clerk are hereby authorized to execute the Access Agreement between the City and WPSC in form substantially similar to the copy attached, for temporary access to City property in the area of former Campmarina, located at 732 North Water Street, for purposes of completing an environmental remediation project overseen by the U.S. EPA.

Bill Bittner spoke.

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

Ayes: Bohren, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, Wangemann – 13.

Nays: None.

**ORDINANCES INTRODUCED**

**Gen. Ord. No. 54 - 10 - 11. By Alderperson Kittelson. March 21, 2011.**

**AN ORDINANCE** creating Subsection 2-112(a)(4) of the Municipal Code relating to times of council meetings so as to set the time for the April 19, 2011 organizational meeting at 5:30 p.m.

Lies over under the rules.

**Gen. Ord. No. 55 - 10 - 11. By Alderperson Kittelson. March 21, 2011.**

**AN ORDINANCE** relating to parking so as to add 2-hour parking limits on the east side of S. 8th St. north of Wilson Ave.

Was referred to the Committee on Public Protection and Safety.

**MATTERS LAID OVER**

**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.

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

**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.

On motion by Alderperson Hammond and second by Alderperson Bohren, the Report of Officer was accepted and placed on file, all Alderpersons present voting "Aye".

**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.

**RESOLVED:** That the appropriate City officials are hereby authorized to enter into a Development Agreement with Continental Properties 194 Fund, LLC and the City, in form substantially similar to the attached, for development of the former K-Mart site, 2633 S. Business Drive, Sheboygan.

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

Before action was taken thereon, a motion was made by Alderperson Hammond and second by Alderperson Bohren to refer the Resolution to the Committee on Finance, all Alderpersons present voting "Aye".

**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, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, Wangemann – 13.

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. 235 - 10 - 11. By Alderperson Hammond. March 21, 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 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.

**March 21, 2011**

**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.

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

Ayes: Bohren, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, Wangemann – 13.

Nays: None.

**Res. No. 236 - 10 - 11. By Alderperson Hammond. March 21, 2011.**

**A RESOLUTION** authorizing the appropriate City Officials to acquire a letter of credit in the amount of \$200,000 in accordance with the terms of the ground lease between the Sheboygan Redevelopment Authority, Sheboygan Resort Operator LLC and Claremont New Frontier Resort LLC.

**RESOLVED:** That the appropriate City Officials acquire a letter of credit in the amount of \$200,000 from Associated Bank NA in accordance with the terms of the ground lease between the Sheboygan Redevelopment Authority, Sheboygan Resort Operator LLC and Claremont New Frontier Resort LLC from Account No. 304-253200.

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

Ayes: Bohren, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, Wangemann – 13.

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