

CORRECTED COPY

COMMON COUNCIL

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

TWENTY- FIFTH REGULAR MEETING

The Council met: Wednesday, April 6, 2011.

Mayor Bob Ryan in the Chair:

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

Bohren, Bouck, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Roeseler, Sampson, VanderWeele, Wangemann – 14.

Absent and Excused: Bowers and Rindfleisch – 2.

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

MAYOR'S ANNOUNCEMENTS

HEARINGS

Hearing No. 17 - 10 - 11. April 6, 2011.

Pursuant to a notice published by the City Clerk there will be a hearing this evening regarding the water lateral replacement special assessments in Huron Ave. from N. 10th St. to N. 11th St.

Hearing No. 18 - 10 - 11. April 6, 2011.

Pursuant to a notice published by the City Clerk there will be a hearing this evening regarding the water lateral replacement special assessments in Washington Ct. from N. 5th St. to N. 6th St.

Hearing No. 19 - 10 - 11. April 6, 2011.

Pursuant to a notice published by the City Clerk there will be a hearing this evening regarding the water lateral replacement special assessments in N. 5th St. from Wisconsin Ave. to Washington Ct.

Hearing No. 20 - 10 - 11. April 6, 2011.

Pursuant to a notice published by the City Clerk there will be a hearing this evening regarding the water lateral replacement special assessments in N. 13th St. from S. of Huron Ave. to N. of Huron Ave.

Hearing No. 21 - 10 - 11. April 6, 2011.

Pursuant to a notice published by the City Clerk there will be a hearing this evening regarding the water lateral replacement special assessments in Wisconsin Ave. from N. 5th St. to N. 6th St.

Hearing No. 22 - 10 - 11. April 6, 2011.

Pursuant to a notice published by the City Clerk there will be a hearing this evening regarding the water lateral replacement special assessments in N. 6th St. from Pennsylvania Ave. to Center Ave.

All interested persons will now be heard.

No persons appeared, and motion by Alderperson Kittelson and second by Alderperson Versey, the Six (6) foregoing hearings were closed, all Alderpersons present voting "Aye".

On motion by Alderperson Kittelson and second by Alderperson Montemayor, 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, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Roeseler, Sampson, VanderWeele, Wangemann – 14.

Nays: None.

COMMUNICATIONS AND PETITIONS

Com. No. 66 - 10 - 11. April 6, 2011.

Submitting a communication from Steen Grams inquiring about a City ordinance that relates to longboard skateboarding and stating his concerns that the current ordinance rules out longboard skateboarding for most of the City.

Was referred to the Committee on Public Protection and Safety.

Com. No. 67 - 10 - 11. April 6, 2011.

Submitting a communication from David Giuliani requesting a "handicap parking" sign be placed in front of his residence at 823 Georgia Ave. for his renter who is having severe health problems and has been issued a handicap tag until 2014.

Was referred to the Committee on Public Protection and Safety.

Com. No. 68 - 10 - 11. April 6, 2011.

Submitting a communication from Gail and Robert Ternes, who live next to Calumet Gardens Apartments on N. 25th St., are wondering, along with their neighbors, what is the future for the seemingly abandoned smoke-damaged apartments.

Was referred to the Committee on Public Protection and Safety.

REPORTS OF OFFICERS

***R. O. No. 460 - 10 - 11. By CITY CLERK. April 6, 2011.**

Submitting various license applications.

TEMPORARY CLASS "B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
1030	Bethlehem Lutheran Church	1131 Georgia Ave. – one-day event to be held 4/10/11 to include all of the parish Education Center.
2814	Brennan's Softball Team	1101 Michigan Ave. – one-day event to be Held 4/16/11 to include all of the premise and parking lot west of Bldg.

COMMERCIAL OPERATORS LICENSE (December 31, 2011)

<u>No.</u>	<u>Name</u>
2048	Brian T Kath Tree Trimming

***R. O. No. 461 - 10 - 11. By CITY PLAN COMMISSION. April 6, 2011.**

Your Commission to whom was referred Res. No. 244-10-11 and R. C. No. 398-10-11 relative to authorizing the adoption of the South Pier Live/Work District Regulation Plan 2011; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, March 28, 2011, and after due consideration, recommends approval of the Resolution and the Report of Committee be accepted and placed on file.

***R. O. No. 462 - 10 - 11. By SENIOR ACTIVITY CENTER COMMISSION. April 6, 2011.**

Your Commission met and discussed the following:

1. R. O. No. 298-09-10 by the City Clerk submitting a petition from various voters and senior citizens stating that they are very upset that they were not given the option to express their opinion on whether or not the Senior Activity Center meal site be moved or kept where it is;
2. R. O. No. 317-09-10 by the City Clerk submitting a communication from Mary Ann Ahrens, member of the Friends of the Senior Activity Center, stating a lack of communication has caused questions about changes at the Senior Center;
3. R. O. No. 324-10-11 by the City Clerk submitting an update of the Senior Activity Center Commission By-Laws from Alderpersons Kath and Montemayor; and
4. R. O. No. 412-10-11 by the City Clerk submitting a communication from the Senior Activity Center Supervisor stating that the Friends of the Senior Activity Center Board of Directors has hire Groth Designs, to prepare drawings of the proposed renovation of three spaces in the center;

recommends that the documents be placed on file.

***R. O. No. 463 - 10 - 11. By SHEBOYGAN TRANSIT COMMISSION. April 6, 2011.**

Your Commission met and discussed 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 23rd in the downtown area in conjunction with GEARGRINDERS cycling team; recommends that the Report of Officer be accepted and placed on file and to approve the requests.

R. O. No. 464 - 10 - 11. By CITY CLERK. April 6, 2011.

Submitting a communication from Lester Pierce stating his concerns over the Water Utility charging an assessment for underground services and stating that he is on a low income.

Was referred to the Board of Water Commissioners.

R. O. No. 465 - 10 - 11. By CITY CLERK. April 6, 2011.

Submitting a communication from Saheb Investment Group, LLC, owner of Super 8 Motel, requesting that the penalties and interest of \$4,000 be eliminated from their late hotel room tax bill.

Was referred to the Committee on Finance.

R. O. No. 466 - 10 - 11. By CITY CLERK. March 21, 2011.

Submitting a communication from Randy Schwoerer, Manager of the Harbor Centre BID, making various requests from the City to hold "Taste Sheboygan" on Thursday, September 15th from 4 p.m. to 10 p.m.

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

R. O. No. 467 - 10 - 11. By CITY CLERK. April 6, 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. 468 - 10 - 11. By DEPUTY FINANCE DIRECTOR/TREASURER. April 6, 2011.

Submitting the Harbor Centre Marina Balance Sheet from Operations dated January 31, 2011, as submitted by Skipper Marine.

Was referred to the Marina and Harbor Committee.

R. O. No. 469 - 10 - 11. By DEPUTY FINANCE DIRECTOR/TREASURER. April 6, 2011.

Submitting the Harbor Centre Marina Balance Sheet from Operations dated February 28, 2011, as submitted by Skipper Marine.

Was referred to the Marina and Harbor Committee.

R. O. No. 470 - 10 - 11. By CITY CLERK. April 6, 2011.

Submitting a communication from Wayne Wenske of the Knights of Columbus requesting permission to conduct their "Tootsie Roll Sale" April 29-30 at various businesses in the City of Sheboygan.

Was referred to the Committee of Public Protection and Safety.

R. O. No. 471 - 10 - 11. By CITY CLERK. April 6, 2011.

Submitting a communication from Joshua Joyal requesting a waiver of the Sex Offender Residency restrictions.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 472 - 10 - 11. By CITY CLERK. April 6, 2011.

Submitting a communication from Alyssa Matelski, Community Director of the March of Dimes Foundation, requesting permission to hold the "Sheboygan March for Babies" on Saturday, April 30th.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 473 - 10 - 11. By CITY CLERK. April 6, 2011.

Submitting a request for a waiver from the Sex Offender Residency Restrictions from James Gierke.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 474 - 10 - 11. By CITY CLERK. April 6, 2011.

Submitting a communication from Butzen Contracting, Inc., regarding an issue with building permit applications.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 475 - 10 - 11. By DIRECTOR OF PUBLIC WORKS. April 6, 2011.

Submitting for council consideration is a proposal amended to the agreement with Donohue & Associates, Inc. for professional engineering service associated with the handling and disposal of bio-solids at the wastewater treatment plant.

Was referred to the Committee on Public Works.

R. O. No. 476 - 10 - 11. By DIRECTOR OF PUBLIC WORKS. April 6, 2011.

Submitted herewith is the resume of bids for the 2011 Bituminous Resurfacing Program, Bid No. 2350-11.

Was referred to the Committee on Public Works.

R. O. No. 477 - 10 - 11. By PURCHASING AGENT. April 6, 2011.

Submitting an evaluation of Request for Proposal #1762-11 received on March 29, 2011 for the purchase of (2) 60 Inch Zero Turn Lawnmowers and (1) 72 inch Zero Turn Lawnmower for the Motor Vehicle Division. The mowers to be replaced will be sold at auction in the near future. The City specified either Ferris or Hustler Brand's to promote uniformity in the fleet.

Was referred to the Committee on Public Works.

R. O. No. 478 - 10 - 11. By CITY CLERK. April 6, 2011.

Submitting a Notice from West Bend Insurance Company regarding Workman's Compensation for Calvin Kesweder.

Was referred to the Special Committee on Risk Management of the New Council.

R. O. No. 479 - 10 - 11. By CITY CLERK. April 6, 2011.

Submitting a claim from Michael Brenner for alleged damages to his vehicle when he struck an aluminum pole sticking out into the line of traffic.

Was referred to the Special Committee on Risk Management of the New Council.

R. O. No. 480 - 10 - 11. By CITY CLERK. April 6, 2011.

Submitting a Summons and Complaint in the matter of BAC Home Loans Servicing, L.P. vs. Stephanie M. Krenzer et al.

Was referred to the Special Committee on Risk Management of the New Council.

RESOLUTIONS INTRODUCED

***Res. No. 245- 10 - 11. By Alderpersons Bouck and Sampson. April 6, 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 lateral replacements in N. 6th St. from Pennsylvania Ave. to Center Ave.

RESOLVED: That the assessments and schedule of the proposed assessments prepared by the Board of Water Commissioners for the proposed water lateral replacements in N. 6th St. from Pennsylvania Ave. to Center Ave. are hereby confirmed, and the City Clerk is authorized and directed to publish the notices required by law.

BE IT FURTHER RESOLVED: That the Board of Water Commissioners is hereby authorized and directed to carry out the work in accordance with the report, as finally approved, and that payment thereof be made as therein provided.

***Res. No. 246 - 10 - 11. By Alderpersons Bouck and Sampson. April 6, 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 lateral replacements in Wisconsin Ave. from N. 5th St. to N. 6th St.

RESOLVED: That the assessments and schedule of the proposed assessments prepared by the Board of Water Commissioners for the proposed water lateral replacements in Wisconsin Ave. from N. 5th St. to N. 6th St. are hereby confirmed, and the City Clerk is authorized and directed to publish the notices required by law.

BE IT FURTHER RESOLVED: That the Board of Water Commissioners is hereby authorized and directed to carry out the work in accordance with the report, as finally approved, and that payment thereof be made as therein provided.

***Res. No. 247 - 10 - 11. By Alderpersons Bouck and Sampson. April 6, 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 lateral replacements in Washington Ct. from N. 5th St. to N. 6th St.

RESOLVED: That the assessments and schedule of the proposed assessments prepared by the Board of Water Commissioners for the proposed water lateral replacements in Washington Ct. from N. 5th St. to N. 6th St. are hereby confirmed, and the City Clerk is authorized and directed to publish the notices required by law.

BE IT FURTHER RESOLVED: That the Board of Water Commissioners is hereby authorized and directed to carry out the work in accordance with the report, as finally approved, and that payment thereof be made as therein provided.

***Res. No. 248 - 10 - 11. By Alderpersons Bouck and Sampson. April 6, 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 lateral replacements in Huron Ave. from N. 10th St. to N. 11th St.

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RESOLVED: That the assessments and schedule of the proposed assessments prepared by the Board of Water Commissioners for the proposed water lateral replacements in Huron Ave. from N. 10th St. to N. 11th St. are hereby confirmed, and the City Clerk is authorized and directed to publish the notices required by law.

BE IT FURTHER RESOLVED: That the Board of Water Commissioners is hereby authorized and directed to carry out the work in accordance with the report, as finally approved, and that payment thereof be made as therein provided.

***Res. No. 249 - 10 - 11. By Alderpersons Kittelson and Kath. April 6, 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 lateral replacements in N. 13th St. from S. of Huron Ave. to N. of Huron Ave.

RESOLVED: That the assessments and schedule of the proposed assessments prepared by the Board of Water Commissioners for the proposed water lateral replacements in N. 13th St. from S. of Huron Ave. to N. of Huron Ave. are hereby confirmed, and the City Clerk is authorized and directed to publish the notices required by law.

BE IT FURTHER RESOLVED: That the Board of Water Commissioners is hereby authorized and directed to carry out the work in accordance with the report, as finally approved, and that payment thereof be made as therein provided.

***Res. No. 250 - 10 - 11. By Alderpersons Bouck and Sampson. April 6, 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 lateral replacements in N. 5th St. from Wisconsin Ave. to Washington Ct.

RESOLVED: That the assessments and schedule of the proposed assessments prepared by the Board of Water Commissioners for the proposed water lateral replacements in N. 5th St. from Wisconsin Ave. to Washington Ct. are hereby confirmed, and the City Clerk is authorized and directed to publish the notices required by law.

BE IT FURTHER RESOLVED: That the Board of Water Commissioners is hereby authorized and directed to carry out the work in accordance with the report, as finally approved, and that payment thereof be made as therein provided.

Res. No. 251 - 10 - 11. By Alderpersons Hammond, Bouck, Bohren, Roeseler and Rindfleisch. April 6, 2011.

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

Lies over under the rules.

Res. No. 252 - 10 - 11. By Alderperson Hammond. April 6, 2011.

AN AMENDED INITIAL RESOLUTION REGARDING EXEMPT FACILITY BOND FINANCING FOR GREEN ENVIROTECH HOLDINGS CORP.

Was referred to the Committee on Finance.

Res. No. 253 - 10 - 11. By Alderperson Hammond. April 6, 2011.

A RESOLUTION authorizing entering into an agreement with Milwaukee Lead and Asbestos Information Center for lead paint training for City of Sheboygan property owners and licensed contractors and waiving the competitive bidding process.

Was referred to the Committee on Finance.

Res. No. 254 - 10 - 11. By Alderperson Bohren. April 6, 2011.

A RESOLUTION authorizing entering into a contract for the 2011 Bituminous Resurfacing Program, Bid No. 2350-11.

Was referred to the Committee on Public Works.

Res. No. 255 - 10 - 11. By Alderperson Bohren. April 6, 2011.

A RESOLUTION authorizing the Purchasing Agent to purchase (2) 60" Cut Zero Turn Lawnmowers and one 72" cut Zero turn Lawn Mower.

Was referred to the Committee on Public Works.

Res. No. 256 - 10 - 11. By Alderperson Bohren. April 6, 2011.

A RESOLUTION approving an amendment to the agreement with Donohue and Associates, Inc., for professional engineering service related to bio-solid handling and disposal at the wastewater treatment plant.

Was referred to the Committee on Public Works.

REPORTS OF COMMITTEES

***R. C. No. 420 - 10 - 11. By SALARIES AND GRIEVANCES. April 6, 2011.**

Your Committee to whom was referred Com. No. 65-10-11 from Karl Dietz stating that the City shouldn't extend or approve any City contracts until Scott Walker's budget repair bill passes; recommends that the communication be placed on file.

***R. C. No. 421 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 433-09-10 by the City Clerk submitting an Amended Summons and Complaint in the matter of Jason S. Pacey vs. the City of Sheboygan et al.;
2. R. O. No. 25-10-11 by the City Clerk submitting a communication from Kohner, Mann & Kailas, S.C. stating that there is a scheduled Sheriff's Sale in the foreclosure matter of U.S. Bank vs. John Eisner, et al. on June 10, 2010;
3. R. O. No. 27-10-11 by the City Clerk submitting a Summons and Complaint in the matter of Margaret M. Rammer et al. vs. Vinton Construction Co. et al.;
4. R. O. No. 114-10-11 by the City Clerk submitting a Notice of Sheriff's Sale in the foreclosure matter of U.S. Bank National Association vs. John F. Eisner et al.;
5. R. O. No. 213-10-11 by the City Clerk submitting a Summons and Complaint in the matter of BAC Home Loans Servicing, L.P. vs. Stephanie Krenzer et al.;
6. R. O. No. 246-10-11 by the City Clerk submitting a Summons and Complaint in the matter of BAC Home Loans Servicing, L.P. vs. Jeanette A. Grunewald et al.;
7. R. O. No. 247-10-11 by the City Clerk submitting a Petition and (Proposed) Order to Void Sheriff's Sale and Certificate of Service in the matter of U.S. Bank, National Association vs. John F. Eisner et al.;
8. R. O. No. 308-10-11 by the City Clerk submitting a Summons and Complaint in the matter of BAC Home Loans Servicing, L.P. vs. Senka Jakupovic et al.;
9. R. O. No. 327-10-11 by the City Clerk submitting a Summons and Complaint in the matter of Wisconsin Housing and Economic Development Authority, assignee of Community Bank & Trust vs. Angela M. Puddy et al.;
10. R. O. No. 328-10-11 by the City Clerk submitting an amended Summons and Complaint in the matter of PHH Mortgage Corporation vs. Derrick C. Lee et al.;
11. R. O. No. 374-10-11 by the City Clerk submitting a Summons and Complaint in the matter of Wisconsin Housing and Economic Development Authority vs. Chad Coisman et al.;
12. R. O. No. 397-10-11 by the City Clerk submitting a claim from AFNI Insurance Services representing Roger and Sandra Ruppel for alleged damages to their windshield due to rocks coming out of a mulching machine;
13. R. O. No. 442-10-11 by the City Clerk submitting a Summons and Complaint in the matter of U.S. Bank National Association ND vs. May Yia Vue et al.;
14. R. C. No. 428-09-10 by the Special Committee on Risk Management and R. O. No. 411-09-10 by the City Clerk submitting sixty-four (64) claims from Blue Harbor Condominium owners for excessive assessment;
15. R. C. 516-08-09 by the Special Committee on Risk Management submitting various claims/Summons and Complaints that have previously been acted upon; and
16. R. C. No. 509-09-10 by the Special Committee on Risk Management submitting various claims/Summons and Complaints that have previously been acted upon;

recommends that the documents be placed on file.

R. C. No. 422 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.

Your Committee to whom was referred the following:

1. R. O. No. 502-09-10 by the City Clerk submitting a Summons and Complaint in the matter of Ronald Behr vs. the City of Sheboygan;

Was referred to the Special Committee on Risk Management of the New Council.

***R. C. No. 423 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.**

Your Committee to whom was referred R. O. No. 504-09-10 by the City Clerk submitting a communication from American Family Insurance Group on behalf of their insured Ashton Hoffman and Charnette Boyd regarding alleged injuries when their vehicle was struck by a snowplow; recommends that the claim be paid in the amount of \$2,929.50.

***R. C. No. 424 - 10 - 11. By WHOLE. April 6, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 507-09-10 by Sheboygan Transit Commission submitting a communication from Ed Wackowski

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regarding changes that he would like to see in a section of the Municipal Code entitled, "Composition; appointment; terms – Transit Commission";

2. A copy of Com. No. 34-10-11 from Jo-Ann Decker along with a Sheboygan City/County CAD-RMS Proposal new Business Model;
3. A copy of R. O. No. 273-10-11 by the City Clerk submitting a communication from Alderperson Bowers being a reorganization of the Sheboygan Fire Department based on Manitowoc's Fire Department;
4. R. O. No. 286-10-11 by the City Clerk submitting a communication from Marge Mattern requesting that when someone speaks on Public Forum, there should not be comments from the Mayor or anyone in response to a citizen's comments;
5. R. O. No. 287-10-11 by the City Clerk submitting a communication from Marge Segalle regarding cell phone usage on the Council floor during Council meetings; and
6. R. O. No. 288-10-11 by the City Clerk submitting a communication from Eldon Burg regarding the work that was done at the Government Structure Committee that reviewed the Election Timeline as it relates to Alderpersons and the redistricting;

recommends that the documents be placed on file.

***R. C. No. 425 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.**

Your Committee to whom was referred R. O. No. 325-10-11 by the City Clerk submitting a claim from American Family Insurance on behalf of their clients Carl and Marcella Blomwillis for alleged damages to their vehicle and injuries when they stopped for a school bus and was rear-ended by a Sheboygan Police squad car; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 426 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.**

Your Committee to whom was referred R. O. No. 341-10-11 by the City Clerk submitting a communication from American Family Insurance Group on behalf of their insured Carl and Marcella Blomwillis regarding alleged damages to their vehicle when struck by a police officer; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 427 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.**

Your Committee to whom was referred R. O. No. 392-10-11 by the City Clerk submitting a claim from Anne Sander for alleged damages to her vehicle when she hit a metal pole for snow plows that was hanging in the road; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

R. C. No. 428 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.

Your Committee to whom was referred R. O. No. 394-10-11 by the City Clerk submitting a claim for excessive assessment from claimant, JFM1, LLC, owner of property located at 3347 Kohler Memorial Dr.; recommends that the documents be referred to the Special Committee on Risk Management of the new Common Council with the caveat that the City Attorney and the City Assessor have been given the authority to negotiate the claim before the new Council year.

Was referred to the Special Committee on Risk Management of the New Council.

***R. C. No. 429 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.**

Your Committee to whom was referred R. O. No. 395-10-11 by the City Clerk submitting a claim for excessive assessment from claimant, Walgreen Co., tenants on parcels 1029 N. 14th St., 2702 Calumet Dr. and 3320 S. Business Dr.; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 430 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.**

Your Committee to whom was referred R. O. No. 396-10-11 by the City Clerk submitting a claim for excessive assessment from claimant, Foxcroft Limited Partnership, owner of property located at 2129-2143 Bollmann Dr.; recommends that the claim be paid in the amount of \$25,132.31.

***R. C. No. 431 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.**

Your Committee to whom was referred R. O. No. 399-10-11 by the City Clerk submitting a claim from Michael Diekow for alleged damages to his vehicle when a snowplow did a U-turn in front of him; recommends that the claim be paid in the amount of \$1,225.00.

***R. C. No. 432 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.**

Your Committee to whom was referred R. O. No. 398-10-11 by the City Clerk submitting a claim from Michael Diekow for the towing and storage of his vehicle; recommends approval of payment of \$54.00 for towing, deny the balance of the claim and direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 433 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.**

Your Committee to whom was referred R. O. No. 413-10-11 by the City Clerk submitting a claim from American Family Insurance on behalf of their insured Anthony J. Olson for alleged damages to Mr. Olson's residence at 1537 Martin Ave., as a result of a water main break; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 434 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.**

Your Committee to whom was referred R. O. No. 414-10-11 by the City Clerk submitting a claim from Aaron Kennedy, TransPac Solutions, for alleged damages to his vehicle when a City snow plow hit the back of his vehicle when he was trying to slow down because his vehicle was sliding; recommends that the claim be paid in the amount of \$2,087.47.

***R. C. No. 435 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.**

Your Committee to whom was referred R. O. No. 440-10-11 by the City Clerk submitting a communication from Habitat for Humanity Lakeside protesting the property taxes that have been paid on 2214 S. 14th St. because this property should be exempt while it is owned by Habitat and they are asking for a refund for 2009 and 2010; recommends that the request be denied and direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 436 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.**

Your Committee to whom was referred R. O. No. 441-10-11 by the City Clerk submitting a claim from Jeanette Munnik for alleged injuries when she slipped and fell on the ice because the drain at the gutter was filled with ice and snow; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 437 - 10 - 11. By LAW AND LICENSING. April 6, 2011.**

Your Committee to whom was referred R. O. No. 448-10-11 by the City Clerk submitting a communication from the John Michael Kohler Arts Center making various requests to accommodate their 41st Annual Midsummer Festival of the Arts on July 16 and 17, 2011; recommends that the document be placed on file.

***R. C. No. 438 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. April 6, 2011.**

Your Committee to whom was referred a copy of R. O. No. 448-10-11 by the City Clerk submitting a communication from the John Michael Kohler Arts Center making various requests to accommodate their 41st Annual Midsummer Festival of the Arts on July 16 and 17, 2011; recommends that the document be placed on file with a recommendation to apply for a street festival permit.

***R. C. No. 439 - 10 - 11. By PUBLIC WORKS. April 6, 2011.**

Your Committee to whom was referred a copy of R. O. No. 448-10-11 by the City Clerk submitting a communication from the John Michael Kohler Arts Center making various requests to accommodate their 41st Annual Midsummer Festival of the Arts on July 16-17, 2011; recommends that the Report of Officer be accepted and placed on file and to approve the requests.

***R. C. No. 440 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. April 6, 2011.**

Your Committee to whom was referred R. O. No. 450-10-11 by the City Clerk 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 13th from 9-6 p.m. and Saturday, May 14th from 9-1 p.m.; recommends that the document be placed on file and to approve the request.

***R. C. No. 441 - 10 - 11. By PUBLIC WORKS. April 6, 2011.**

Your Committee to whom was referred R. O. No. 455-10-11 by the City Clerk 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 8th St.; recommends that the Report of Officer be accepted and placed on file and to approve the request.

***R. C. No. 442 - 10 - 11. By PUBLIC WORKS. April 6, 2011.**

Your Committee to whom was referred R. O. No. 456-10-11 by the City Clerk submitting a communication from Diane Hackbarth requesting permission to put a banner over S. 8th 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 May 1st; recommends that the Report of Officer be accepted and placed on file and to approve the request.

R. C. No. 443 - 10 - 11. By LAW AND LICENSING. April 6, 2011.

Your Committee to whom was referred R. O. No. 406-10-11 by the City Clerk, submitting various license applications for the period ending June 30, 2011 and June 30, 2012; recommends denying Beverage Operator's License application #7081 based upon his failure to include all relevant convictions on his application and his failure to cooperate with the Committee.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was passed on call of the roll:

Ayes: Bohren, Bouck, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Roeseler, Sampson, VanderWeele, Wangemann – 14.

Nays: None.

R. C. No. 444 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. April 6, 2011.

Your Committee to whom was referred the following:

1. R. O. No. 504-08-09 by the City Clerk submitting a claim from David Schults for alleged damages to his vehicle and license plates when Police Officers attempted to remove the rear license plate;

Was referred to the Special Committee on Risk Management of the New Council.

***R. C. No. 445 - 10 - 11. By LAW AND LICENSING. April 6, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 449-10-11 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>
2742	8 TH Street Ale Haus	1132 N. 8 th St. – one-day event to be held 4/10/2011 to include parking lot south of the Holman Bldg. North of the alley way.
1890	Suscha's Bar	1054 Pennsylvania Ave. – one-day event to be held 4/23/2011 to include entire parking lot east and North of the Bldg.
1411	Tommys Bar	2335 N. 15 th St. – one-day event to be held 5/1/2011 to include the parking lot east of the Bldg.

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

<u>No.</u>	<u>Name</u>
2805	Knights of Columbus

SIDEWALK CAFÉ LICENSE (April 14, 2012)

<u>No.</u>	<u>Name</u>
2742	8 th Street Ale Haus

BEVERAGE OPERATOR'S LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>
9018	Broussard, Adrianna D.
9022	Duket, Austin A.
9013	Malwitz, Amber M.
9015	Nevins, Sarah M.
9023	Schramm, Dawn M.
9014	Tagel, Jason A.
9016	Wernecke, Arnold L.

TAXICAB OPERATOR LICENSE (June 30, 2011)

<u>No.</u>	<u>Name</u>
4229	Ragan, Thomas J.

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. 446 - 10 - 11. By SALARIES AND GRIEVANCES. April 6, 2011.**

Your Committee to whom was referred the Mayor's Appointment for Lee Grosenick to be appointed as City Assessor for a five year term; recommends that the appointment be placed on file.

R. C. No. 447 - 10 - 11. By LAW AND LICENSING. April 6, 2011.

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Your Committee who met on March 29, 2011 and discussed amending the committee's "Guidelines to be used for granting & denial of liquor licenses" by adding item no. 11; recommends that the attached "revised" Guidelines be approved.

On motion by Alderperson Kittelson and second by Alderperson Versey, the Report of Committee was passed on call of the roll:

Aye: Bohren, Bouck, Dekker, Heidemann, Kittelson, Montemayor, Sampson, VanderWeele, Versey, Wangemann – 10.

Nays: Hammond, Hanna, Kath, Roeseler – 4.

R. C. No. 448 - 10 - 11. By WHOLE. April 6, 2011.

Your Committee to whom was referred Res. No. 186-10-11 by Alderpersons Heidemann, Bohren, Versey, Bouck and Bowers suggesting a vehicle by which individuals can provide additional financial support for City departments; recommends that the Resolution be referred to the Strategic Fiscal Planning Committee of the new Common Council.

Was referred to the Strategic Fiscal Planning Commission of the New Council.

***R. C. No. 449 - 10 - 11. By FINANCE. April 6, 2011.**

Your Committee to whom was referred Res. No. 224-10-11 by Alderperson Hammond authorizing entering into a Development Agreement with Continental Properties 194 Fund, LLC, for development of the former K-Mart site, 2633 S. Business Dr.; recommends that the Resolution be passed.

***R. C. No. 450 - 10 - 11. By FINANCE. April 6, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 447-10-11 by the Purchasing Agent submitting bids for the provision of Lead Hazard Assessment services in approximately 110 residential properties in the City of Sheboygan; and
2. Res. No. 241-10-11 by Alderperson Hammond authorizing entering into contract for the provision of lead hazard risk assessment testing for 2011, 2012 and 2013;

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

***R. C. No. 451 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. April 6, 2011.**

Your Committee to whom was referred Res. No. 242-10-11 by Alderperson Kittelson authorizing entering into an agreement between the City of Sheboygan and Greg Lindner, for the purpose of permitting the Police Department's Emergency Response Team to use property at 2901 Calumet Dr. for SWAT practice; recommends that the Resolution be passed.

***R. C. No. 452 - 10 - 11. By PUBLIC WORKS. April 6, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 457-10-11 by the Director of Public Works submitting bids for the 2011 Concrete Sidewalk Construction; and
2. Res. No. 243-10-11 by Alderperson Bohren authorizing entering into a contract for the 2011 Concrete Sidewalk Program;

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

***R. C. No. 453 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. April 6, 2011.**

Your Committee to whom was referred Gen. Ord. No. 53-10-11 by Alderperson Dekker repealing and recreating Section 118-242 and Section 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; recommends that the Ordinance be passed.

***R. C. No. 454 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. April 6, 2011.**

Your Committee to whom was referred Gen. Ord. No. 55-10-11 by Alderperson Kittelson relating to parking so as to add 2-hour parking limits on the east side of S. 8th St. north of Wilson Ave.; recommends that the Ordinance be passed.

RESOLUTION ON SECOND READING

***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.

***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.

WHEREAS: The City of Sheboygan has approved the receipt of a grant from the United States Department of Housing and Urban Development(HUD) for the detection, testing and abatement of lead based paint hazards from homes located in the City of Sheboygan and;

WHEREAS: The City of Sheboygan recently issued a request For Proposals for the survey, inspection and identification of materials containing lead based paint in approximately 110 residences in the City of Sheboygan.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into contract with Lakeshore Inspection Group of Sheboygan for the provision of approximately (70) Lead Hazard Risk Assessments and Assurance Inspection Services LLC of Middleton WI for the provision of approximately (40)Lead Hazard Risk assessments. The total combined cost of these 110 assessments is \$44,600.00

BE IT FURTHER RESOLVED: That the appropriate City Officials are hereby authorized to draw orders on Account Number 25261100-521900-10311 in payment of same.

***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.

RESOLVED: That the Mayor is hereby authorized and directed to enter into an agreement with Gregg Lindner for the purpose of permitting the Police Department’s Emergency Response Team to use property at 2901 Calumet Drive for SWAT practice, a copy of which is attached hereto and made a part hereof.

***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.

RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to enter into contract with H. Tod Culver, Inc., Fond du Lac, WI for the 2011 Concrete Sidewalk Program for the proposed sum of \$63,585.00 per their proposal dated March 15, 2011.

BE IT FURTHER RESOLVED: That the proper City Officials be and they are hereby authorized and directed to draw orders on the sidewalk account number 47033190-631100 in payment of same.

***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.

WHEREAS, the original design guidelines for South Pier established in 2003, outlined four distinct character and development zones; and

WHEREAS, the South Pier Live/Work District Regulation Plan takes into account the lessons learned from the development that has occurred thus far at South Pier; and

WHEREAS, the purpose of this regulating plan is to provide more detailed series of recommended development patterns and design character.

NOW, THEREFORE, BE IT RESOLVED: That the South Pier Live/Work District Regulation Plan 2011 is hereby adopted.

ORDINANCES ON SECOND READING

***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.

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

Section 1. Section 118-242 of the Municipal Code is hereby repealed and recreated to read as follows:

“Sec. 118-242. - No parking areas; exceptions for snow emergencies.

(a) During the winter season, between the hours of 2:00 a.m. and 6:00 a.m., no owner or operator of any vehicle shall park or permit the vehicle to be parked:

1) On the even-numbered sides of the street (west and north sides) on odd-numbered days of the month, except that parking shall be permitted on the even-numbered side when the odd-numbered side is posted no parking.

(2) On the odd-numbered sides of the street (east and south sides) on even-numbered days of the month, except that parking shall be permitted on the odd-numbered side when the even-numbered is posted no parking.

(b) Notwithstanding subsection (a) of this section, all posted no parking restrictions shall remain in effect. Additionally, the restrictions in subsection (a) shall not apply to vehicles legally parked in officially designated on-street

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handicapped parking zones, nor shall said restrictions apply to vehicles legally parked in the parkway where such parking is clearly indicated by official traffic signs, markers or parking meters. The term "parkway" as used in this subsection shall mean that portion of street right-of-way located between the street curb and sidewalk.

- (c) Whenever the common council or mayor or acting mayor proclaims a snow emergency in accordance with section 42-104, the parking restrictions enumerated therein shall supersede this section and be in effect. Immediately upon termination of the snow emergency, the winter season parking restrictions shall become effective."

Section 2. Subsection (b) of section 42-104 of the Municipal Code is hereby repealed and recreated to read as follows:

"Sec. 42-104. - Emergency powers; parking restrictions during snow emergency.

- (b) Whenever the powers conferred in this article are exercised because of a heavy snowstorm or blizzard, the following parking restrictions shall be in effect:

- (1) All no parking restrictions relating to parking on one side of the street only shall be suspended on all streets during a snow emergency.
- (2) When a snow emergency exists during a winter season, designated as the period from November 1 to April 30 of the next calendar year, parking on streets of the city shall be permitted on the even-numbered side of the street, that is, west and north sides, when the snow emergency is declared to start on an even numbered day; and on odd-numbered sides of the street, that is, east and south sides, when the snow emergency is declared to start on an odd numbered day; provided other parking regulations as to place, exclusive of the suspension of one-side-parking-only provisions as provided in subsection (b)(1) of this section, or time are not violated thereby. After one side of a street has been plowed, vehicles shall be moved within one hour after such plowing so that the other side may be properly plowed. No cars that have been parked in accordance with this subsection shall have to be moved between the hours of 12:00 midnight and 7:00 a.m.
- (3) Parking of vehicles on designated snow emergency routes, boulevards, cul-de-sacs and dead-end streets is completely prohibited during the period of a snow emergency until plowing of both sides of the snow emergency routes, boulevards, cul-de-sacs and dead-end streets has been completed.
- (4) None of these restrictions shall apply to vehicles otherwise legally parked in officially designated on-street handicapped parking zones."

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 upon passage and publication.

***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.

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", no person shall be permitted to continuously park on the east side of S. 8th St. from 26' north of the north curb line of Wilson Ave. to 76' north of the north curb line of Wilson Ave. for more than two hours.

Section 2. The Department of Public Works and the Police Department are hereby authorized and directed to install the signs 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.

ORDINANCES INTRODUCED

Gen. Ord. No. 56 – 10 – 11. By Alderpersons Hanna, Roeseler, VanDerWeele and Versey. April 6, 2011.

AN ORDINANCE amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete and add a position in the Police Department's Table of Organization.

Lies over under the rules.

Gen. Ord. No. 57 - 10 - 11. By Alderperson Rindfleisch. April 6, 2011.

AN ORDINANCE amending and repealing and recreating various sections of Chapter 26 of the Municipal Code relating to contractor qualifications, licensing and insurance/bonding requirements.

Was referred to the Committee on Law and Licensing and to the Board of Contractors.

Gen. Ord. No. 58 - 10 – 11. By Alderperson Kittelson. April 6, 2011.

AN ORDINANCE repealing Section 26-37(a)(2)(b)5 of the Municipal Code so as to update a section number in the International Property Maintenance Code.

Was referred to the Committee on Public Protection and Safety.

MATTERS LAID OVER

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.

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

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.

RESOLVED: That the assessments and schedule of the proposed assessments for the water main installation project in S. Business Dr. from Weeden Creek Rd. to 225' S. of Riverdale Ave. prepared by the Board of Water Commissioners for the proposed water main are hereby confirmed, and the City Clerk is authorized and directed to publish the notices required by law.

BE IT FURTHER RESOLVED: That the Board of Water Commissioners is hereby authorized and directed to carry out the work in accordance with the report, as finally approved, and that payment thereof be made as therein provided.

Joe Trueblood spoke.

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

Ayes: Bohren, Bouck, Kath, Kittelson, Montemayor, Roeseler, Sampson, VanderWeele, Versey— 9.

Nays: Dekker, Hammond, Hanna, Heidemann, Wangemann – 5.

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.

WHEREAS, the City of Sheboygan has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 14 (the "District") was created by the City of Sheboygan (the "City") on January 4, 2011 as a mixed-use district; and

WHEREAS, the City now desires to amend the Project Plan of the District in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes (the "Tax Increment Law"); and

WHEREAS, such amendment will modify the locations and costs of the projects to be undertaken within the district's boundaries; and

WHEREAS, the proposed additional updated project costs include, but are not limited to cash grants to owners or lessee or developers of land located within the district (development incentives), and professional and organizational services, administrative costs, and finance costs; and

WHEREAS, the Plan Commission has prepared an amended Project Plan for Tax Incremental District No. 14 (the "Amendment") that includes:

- a. A statement listing the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Section 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n. of the Wisconsin Statutes, outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses therein;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. Statement of the proposed method for relocation of any persons to be displaced;
- j. A statement indicating how creation of the district promotes the orderly development of the City;
- k. An opinion of the City Attorney advising the plan is complete and complies with Section 66.1105(4)(f); of the Wisconsin Statutes.

WHEREAS, prior to its publication, such public hearing was properly noticed in the City's official newspaper and prior to its publication, a copy of the notice of said hearing was sent to the chief executive officer of Sheboygan County,

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the Sheboygan Area School District, and the Lakeshore Technical College District, and the other entities having the power to levy taxes on property located within the proposed District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on March 8, 2011 held a public hearing concerning the proposed amendment to the Project Plan providing interested parties a reasonable opportunity to express their views hereon;

WHEREAS, pursuant to the statutory procedures contained in Section 66.1105, Wis. Stats., and after due consideration, the City Plan Commission adopted an amendment to the project plan for said Tax Incremental District No. 14 and hereby submits such amended project plan to the Common Council with a favorable recommendation thereon.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby finds, determines and declares that:

1. The boundaries of Tax Incremental District No. 14 remain unchanged as specified in Exhibit A of this Resolution;
2. Approves the amended Project Plan for the District, attached as Exhibit B; and
3. Amendment of the Project Plan of the District promotes the orderly development in the City.

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

Ayes: Bohren, Bouck, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Roeseler, Sampson, VanderWeele, Wangemann – 14.

Nays: None.

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.

WHEREAS, the City of Sheboygan has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 15 (the "District") is proposed to be created by the City of Sheboygan (the "City") as a mixed-use district in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes (the "Tax Increment Law"); and

WHEREAS, on March 8, 2011, the City of Sheboygan the Plan Commission met and held a public hearing on:

- (i) the proposed creation of a tax incremental district;
- (ii) designation of boundaries of the district;
- (iii) adoption of a proposed project plan for the tax incremental district; and

WHEREAS, such public hearing was properly noticed in the City's official newspaper and prior to its publication, a copy of the notice of said hearing was sent to the chief executive officer of Sheboygan County, the Sheboygan Area School District, and the Lakeshore Technical College District, and the other entities having the power to levy taxes on property located within the proposed District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, such public hearing afforded interested parties an opportunity to express their views on the proposed creation of a tax incremental district, the proposed boundaries and the project plan; and

WHEREAS, pursuant to the statutory procedures contained in Section 66.1105, Wis. Stats., and after due consideration, the City Plan Commission designated tax incremental district boundaries and adopted a project plan for said district and hereby submits such boundaries and project plan to the Common Council with a favorable recommendation thereon; and

WHEREAS, such Project Plan includes:

a. A statement listing the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Section 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n. of the Wisconsin Statutes, outside of the District;

- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses therein;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. Statement of the proposed method for relocation of any persons to be displaced;
- j. A statement indicating how creation of the district promotes the orderly development of the City;
- k. An opinion of the City Attorney advising the plan is complete and complies with Section 66.1105(4)(f); of the Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby finds, determines and declares that:

1. Not less than 50%, by area, of the real property within the District is suitable for mixed-use development; and
2. The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District; and
3. The project costs relate directly to eliminating blight, and directly serve to promote mixed-use development consistent with the purpose for which the District is created; and
4. The equalized value of taxable property of the District plus the value increment of all existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City; and

BE IT FURTHER RESOLVED: That the Common Council of the City of Sheboygan hereby declares that the District is a mixed-use district based on the identification and classification of the property included within the district under Sections 66.1105(4)(c) and 66.1105(4)(gm)4.a., Wis. Stats.

BE IT FURTHER RESOLVED: That in accordance with Section 66.1105, Wis. Stats.:

1. The Common Council hereby approves, accepts and adopts the Project Plan as adopted by the City Plan Commission, which is attached hereto as Exhibit A, and incorporated herein by this reference.
2. The Common Council hereby finds and determines that such Project Plan for the District is feasible and in conformity with the master plan of the City of Sheboygan.
3. The Common Council hereby establishes the boundaries of the tax incremental district. Said boundaries are described as follows:

(Legal Description)(TO BE INSERTED)

4. The Common Council hereby establishes the creation date of the tax incremental district, pursuant to Section 66.1105(4)(gm)2, as January 1, 2011.
5. The Common Council hereby denominates the tax incremental district as "Tax Incremental District Number Fifteen, City of Sheboygan".

BE IT FURTHER RESOLVED: That the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2011, pursuant to the provisions of Section 66.1105(5)(b) of the Wisconsin Statutes.

BE IT FURTHER RESOLVED: The City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Section 70.45 of the Wisconsin Statutes, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

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

Ayes: Bohren, Bouck, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Roeseler, Sampson, VanderWeele, Wangemann – 14.

Nays: None.

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.

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

Establishing estimated revenue and appropriation to engage consultative services from the Center for Political Science and Public Policy Research from the University of Wisconsin-Whitewater to perform a two-phase analysis for the City:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General Fund	General Fund	
Sale of Property	Consultant Services	
10161100-469106	10118100-521900	\$18,500

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

Ayes: Bohren, Bouck, Dekker, Hammond, Hanna, Kath, Kittelson, Montemayor, Roeseler, Sampson, VanderWeele – 12.

Nays: Heidemann, Wangemann – 2.

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.

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On motion by Alderperson Kittelson and second by Alderperson Hanna, the foregoing Ordinance was filed, all Alderpersons present voting "Aye".

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

Mayor

City Clerk