

**COMMON COUNCIL**

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

**TWENTY-FIFTH REGULAR MEETING**

The Council met: Wednesday, April 7, 2010.

Mayor Bob Ryan in the Chair:

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

Bowers, Dekker, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, Montemayor, VanderWeele, Vue, Wangemann – 11.

Absent: Bohren, Bouck, Kath, Rindfleisch, Surek – 5.

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

**PUBLIC FORUM**

Dolcye Johnson, 1306 N. 3<sup>rd</sup> St., and James Reinl, 512 S. Water St. spoke.

**MAYOR'S ANNOUNCEMENTS**

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

Ayes: Bowers, Dekker, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, Montemayor, VanderWeele, Vue, Wangemann – 11.

Nays: None.

Alderperson Bouck arrived to the Council meeting at 7:35 PM.

**HEARINGS**

**Hearing No. 7-09-10. April 7, 2010.**

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 2009 against all benefited property in Parking Assessment District I.

All persons will now be heard.

**Hearing No. 8-09-10. April 7, 2010.**

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 2009 against all benefited property in Parking Assessment District II.

All persons will now be heard.

**Hearing No. 9-09-10. April 7, 2010.**

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 2009 against all benefited property in Parking Assessment District IV.

All persons will now be heard.

**Hearing No. 10-09-10. April 7, 2010.**

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 2009 against all benefited property in Parking Assessment District V.

All persons will now be heard.

Ed Wackowski, 2632 N. 8<sup>th</sup> St., Paulette Enders and Mike Reinbold, Ramm Ziegler Funeral Home spoke on the Parking Assessment District I and on motion by Alderperson Gischia and second by Alderperson Heidemann, the four(4) foregoing hearings were closed, all Alderpersons present voting "Aye".

**COMMUNICATIONS AND PETITIONS**

**Com. No. 86-09-10. April 7, 2010.**

Submitting a communication from Matthew Ohm regarding concerns with a considerable amount of semi-truck traffic on his street at S. 17<sup>th</sup> St. which is not designated a truck route.

Was referred to the Committee on Public Protection and Safety of the New Council.

**Com. No. 87 - 09 - 10. April 7, 2010.**

Submitting a communication from Beverly Schaefer regarding Veolia Environmental trucks using S. 13<sup>th</sup> St. between Parkwood Blvd. and Kaufmann Ave. for access between Meadow View Manor and Christ Lutheran.  
Was referred to the Committee on Public Protection and Safety of the New Council.

**Com. No. 88 - 09 - 10. April 7, 2010.**

Submitting a communication from Gerald DuMonthier stating his concerns with the plans to open the shelter at Roosevelt Park rather than leaving it an enclosed shelter.  
Was referred to the Committee on Public Works.

**Com. No. 89 - 09 - 10. April 7, 2010.**

Submitting a communication from Beverly Schaefer regarding bus traffic on S. 13<sup>th</sup> St. between Parkwood Blvd. and Kaufmann Ave.  
Was referred to the Sheboygan Transit Commission.

**REPORT OF OFFICERS**

**\*R. O. No. 477 - 09 - 10. By BOARD OF CONTRACTORS EXAMINERS. April 7, 2010.**

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

2115	Zac Casper W56N437 Lenox Place, Apt. 3 Cedarburg, WI 53012	Carpenter Contractor
1642	Chris Schmidt 1517 S 25 <sup>th</sup> Street Manitowoc, WI 54220	Carpenter Contractor

**\*R. O. No. 478 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting various license applications.

MESSAGE ESTABLISHMENT LICENSE (December 31, 2010)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2586	Nellie Schmitt	832 N. 6 <sup>th</sup> St.

TEMPORARY CLASS "B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2541	Sheboygan Visual Artists	1201 Erie Ave. – one-day event to be held 4/30/10 at the Ebco Venture Center.
2547	Friends of Senior Center	428 Wisconsin Ave. – one-day event to be Held 5/13/10 at the Chamber of Commerce Business Connection.
2633	Sheboygan Blue Line	1202 S. Wildwood Ave. – one-day event to be held 5/8/10.
2401	Sharon Ridchardson Hospice	682 South Pier Dr. – one-day event to be held 6/18/10 across from Jomaji Salon.
2673	Tommy's Bar Baseball Team	2335 N. 15 <sup>th</sup> St. – one-day event to be held 4/25/10 to include the backyard and parking lot at 2335 N. 15 <sup>th</sup> St.

TEMPORARY BEVERAGE OPERATOR'S LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
8537	Waldbauer, Richard T.	998 Huron Trl., Sheboygan Falls

COMMERCIAL OPERATORS LICENSE (December 31, 2010)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1084	Courtyard Landscape Ser.	W2869 Wilson Lima Rd., Oostburg

SECONDHAND ARTICLE LICENSE (December 31, 2010)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2252	Hephner's Antiques	N2229 Hwy. 151, Chilton

**\*R. O. No. 479 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a communication from the Wisconsin Historical Society being a Notice of Entry in the National Register and/or State Register of Historic Places for the Downtown Churches Historic District generally bounded by Erie Ave., N. 6<sup>th</sup> St., Ontario Ave. and N. 7<sup>th</sup> St., Sheboygan, Wisconsin.

**\*R. O. No. 480 - 09 - 10. By CITY PLAN COMMISSION. April 7, 2010.**

Your Commission met and discussed the following:

1. R. O. No. 1-04-05 by the City Clerk submitting a communication from State Representative Terry Van Akkeren requesting permission to use the City logo in his 2004 Legislative report;
2. R. O. No. 231-06-07 by the City Clerk submitting a communication from HH2, LLC, requesting an encroachment for The Highland House for an exterior concrete walk to the boardwalk; and
3. R. O. No. 283-09-10 by the City Clerk submitting a communication from M & H Development, LLC, requesting two encroachments for its new restaurant project in the South Pier District;

recommends that the documents be placed on file as they have already been acted on.

**\*R. O. No. 481 - 09 - 10. By CITY PLAN COMMISSION. April 7, 2010.**

Your Commission to whom was referred R. O. No. 417A-09-10 submitting a communication from Bernard Rammer, Sheboygan County Purchasing Agent, dedicating County land to the City of Sheboygan for North 29<sup>th</sup> Street right-of-way purposes; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, March 23, 2010, and after due consideration, recommends approval of the dedication.

**\*R. O. No. 482 - 09 - 10. By REDEVELOPMENT AUTHORITY. April 7, 2010.**

Your Authority met and discussed a copy of R. O. No. 154-09-10 by the City Clerk submitting a memo from Tamara Wright, Tourism Coordinator, stating that the City of Sheboygan Tourism Division would like to host the 3<sup>rd</sup> annual South Pier Labor Day festival from September 4-6, 2009, and making various requests of the City; recommends that the Report of Officer be placed on file.

**\*R. O. No. 483 - 09 - 10. By TRANSIT COMMISSION. April 7, 2010.**

Your Commission to whom was referred the following:

1. R. O. No. 458-09-10 by the City Clerk submitting a communication from Jolene Hendrikse, Special Events and Hospitality Coordinator for the John Michael Kohler Arts Center, requesting permission to hold their 40<sup>th</sup> Annual Arts Festival on July 17<sup>th</sup> and 18<sup>th</sup>, 2010 and making various requests of the City; and
2. R. O. No. 466-09-10 by the City Clerk submitting a communication from Jolene Hendrikse, Special Events and Hospitality Coordinator for the John Michael Kohler Arts Center, requesting permission to hold its annual Art Armada on Saturday, July 3<sup>rd</sup>, 2010 and making various requests of the City;

recommends that the documents be accepted and placed on file and approve the requests.

**R. O. No. 484 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting, as a matter of record, information received from Carol Lutz regarding the dates for Rockets for Schools as being May 6, 7 and 8, 2010.

Lies over under the rules.

**R. O. No. 485 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a communication from Quality State Oil Co., Inc., requesting an encroachment for maintaining a sign at their new location for a Q Mart store at 1211 Weeden Creek Rd.

Was referred to the City Plan Commission.

**R. O. No. 486 - 09 - 10. By CAPITAL IMPROVEMENT COMMISSION. April 7, 2010.**

The Capital Improvement Commission has met, reviewed and recommends approval of the 2010 Capital Improvements Plan as submitted.

Was referred to the Committee on Finance and to the City Plan Commission.

**R. O. No. 487 - 09 - 10. By BOARD OF WATER COMMISSIONERS. April 7, 2010.**

We, hereby, submit the Board of Water Commissioners' Report on the Water Utility for the fourth quarter of 2009. The water pumpage was down 2.57% from the same period in 2008. 984,633,000 gallons were pumped in the fourth quarter, compared to 1,010,639,000 in 2008.

Was referred to the Committee on Finance.

**R. O. No. 488 - 09 - 10. By CITY ATTORNEY. April 7, 2010.**

Submitting an Offer to Purchase Municipal Parking Lot 15 from Madrigal, LLC. I recommend that the offer be referred to the Transit Commission and to City Plan Commission for their review and recommendations.

Was referred to the City Plan Commission and to the Sheboygan Transit Commission.

**R. O. No. 489 - 09 - 10. By CITY CLERK. April 7, 2010.**

**April 7, 2010**

Submitting a communication from Dee Ware from SBA Communications regarding the SBA Communication Tower Site at W121282 Wilson Ave., 3333 Lake Shore Drive lease proposal.

Was referred to the Committee on Finance.

**R. O. No. 490 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a communication from Wendy Schmitz on behalf of the Friends of the Senior Activity Center requesting permission to use two of the Mayor's concert series in Fountain Park as fund raising opportunities by selling beer and food.

Was referred to the Committee on Law and Licensing.

**R. O. No. 491 - 09 - 10. By CITY CLERK. April 7, 2010.**

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

Was referred to the Committee on Law and Licensing.

**R. O. No. 492 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a communication from Alyssa Matelski, Community Director of the March of Dimes Foundation, Wisconsin Chapter, requesting permission to hold their "March for Babies" which will take place on April 24, 2010.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 493 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a communication from James Gierke requesting an appeal in the Sex Offender Residency restrictions.

Was referred to the Committee on Public Protection and Safety of the New Council.

**R. O. No. 494 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting an appeal to the Sex Offender Residency Restrictions on behalf of State inmate Jason Alfonsi.

Was referred to the Committee on Public Protection and Safety of the New Council.

**R. O. No. 495 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a communication from Richard Suscha – Spokesman for the Sheboygan County Taxpayers Alliance regarding their concerns over the Fire Chief's plan to alternate closing of stations around the City every 4 months.

Was referred to the Committee on Public Protection and Safety of the New Council.

**R. O. No. 496 - 09 - 10. By FIRE CHIEF. April 7, 2010.**

Pursuant to Section 50-494 of the Municipal Code, I herewith submit my quarterly report for the period commencing January 1, 2009, and ending December 31, 2009.

Was referred to the Committee on Public Protection and Safety of the New Council.

**R. O. No. 497 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a communication from Aaron Brault of the Sheboygan County Planning & Resources Department, Nonmotorized Transportation Pilot Program requesting permission to place signage along their routes in neighborhoods for a Walking School Bus Program.

Was referred to the Committee on Public Works.

**R. O. No. 498 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a communication from Terry Blevons requesting a waiver from the Sex Offender residency restrictions.

Was referred to the Committee on Public Protection and Safety of the New Council.

**R. O. No. 499 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a communication from Keith Bauer requesting a waiver from the Sex Offender residency restrictions.

Was referred to the Committee on Public Protection and Safety of the New Council.

**R. O. No. 500 - 09 - 10. By PURCHASING AGENT. April 7, 2010.**

Submitting a report related to the purchase of Energy Efficient Lighting Fixtures and accessories necessary for the complete upgrade of lighting fixtures to energy efficient models in the City Hall and Municipal Service Building(s) in accordance with City of Sheboygan Bid number 1813-10 (Materials).

Was referred to the Committee on Public Works.

**R. O. No. 501 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a communication from Alderperson Bowers requesting to add a Farmers Market at the South Pier District with dates and hours to be determined by vendors and the City of Sheboygan.

Was referred to the Redevelopment Authority.

**R. O. No. 502 - 09 - 10. By CITY CLERK. April 7, 2010.**

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.

**R. O. No. 503 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a claim from United One Credit Union for alleged damages when a City vehicle struck their mailbox.  
Was referred to the Special Committee on Risk Management.

**R. O. No. 504- 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a communication from American Family Insurance Group on behalf of their insured Ashton Hoffmann and Charnette Boyd regarding alleged injuries when their vehicle was struck by a snowplow.  
Was referred to the Special Committee on Risk Management.

**R. O. No. 505 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a Notice of Injury in the matter of Amanda J. McGettrick and the Sheboygan Transit System for alleged injuries while alighting from a bus operated by a Sheboygan Transit bus driver on the corner of S. 8<sup>th</sup> St. and Georgia Ave.  
Was referred to the Special Committee on Risk Management.

**R. O. No. 506 - 09 - 10. By CITY CLERK. April 7, 2010.**

Submitting a communication from the Sheboygan County Planning and Resources Department is hosting it's 2<sup>nd</sup> Bike and Walk to Work Week from June 5-11, 2010, as part of the Nonmotorized Transportation Pilot Program and giving information about the Countywide Employer Challenge.  
Was referred to the Wellness Committee.

**R. O. No. 507 - 09 - 10. By TRANSIT COMMISSION. April 7, 2010.**

Your Commission met and discussed Com. No. 81-09-10 from Edward Wackowski regarding changes that he would like to see in Sec. 2-558 of the Municipal Code entitled, "Composition; appointment; terms – Transit Commission"; recommends that the Communication be accepted and placed on file.  
On motion by Alderperson Heidemann and second by Alderperson Hanna to refer the Report of Officer to the Committee of the Whole of the New Council.

**R. O. No. 508 - 09 - 10. By TRANSIT COMMISSION. April 7, 2010.**

Your Commission met and discussed a copy of Gen. Ord. No. 55-09-10 by Alderpersons Kittelson, Hanna and Gischia repealing and recreating Section 2-563 of the Municipal Code relating to fiscal control of Transit Commission expenditures, so as to conform with current practice; recommends that the Ordinance be placed on file.  
On motion by Alderperson Heidemann and second by Alderperson Hanna to refer the Report of Officer to the Committee of the Whole of the New Council.

**RESOLUTIONS INTRODUCED**

**\*Res No. 205 - 09 - 10. By Alderperson Gischia. April 7, 2010.**

**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. 206 – 09 - 10. By Alderperson Gischia. April 7, 2010.**

**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. 207 – 09 - 10. By Alderperson Gischia. April 7, 2010.**

**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.

April 7, 2010

**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. 208 – 09 - 10. By Alderperson Gischia. April 7, 2010.**

**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. 209 - 09 - 10. By Alderperson Gischia. April 7, 2010.**

**A RESOLUTION** approving the terms and conditions of the Amendment to the Moeller Building Ground Lease between the Redevelopment Authority and Moeller Development Company, LLC.

**RESOLVED:** That the City of Sheboygan hereby approves the terms and conditions of the Amendment to the Moeller Building Ground Lease between the Redevelopment Authority and Moeller Development Company, LLC, in form substantially similar to the document attached hereto and incorporated herein by this reference.

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

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

Ayes: Bouck, Bowers, Dekker, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, Montemayor, VanderWeele, Vue, Wangemann – 12.

Nays: None.

**Res. No. 210 - 09 - 10. By Alderperson Kliejunas. April 7, 2010.**

**A RESOLUTION**, declaring May 16th through May 22nd Bike & Walk to Work Week in addition to challenging the City of Manitowoc to a Nonmotorized Mileage Challenge.

**WHEREAS**, the City of Sheboygan strives to become a model “Eco-Municipality;”

**WHEREAS**, the City of Sheboygan endeavors to be a Bicycle Friendly Community;

**WHEREAS**, the City of Sheboygan is interested in providing the citizenry with a complete, safe, efficient, and well designed transportation network;

**WHEREAS**, the City of Sheboygan realizes promoting bicycling and walking as a transportation choice provides direct health, economic, and increased air quality benefits to our community;

**WHEREAS**, the City of Sheboygan realizes educational and public outreach efforts are key to a paradigm shift towards increased nonmotorized travel.

**NOW, THEREFORE, BE IT RESOLVED:** That the City of Sheboygan declares May 16th through May 22nd, 2010 Bike & Walk to Work Week, and in the spirit of making the week even more interesting, challenges the City of Manitowoc to a Nonmotorized Mileage Challenge.

A motion by Alderperson Kliejunas and second by Alderperson Gischia was made to pass the foregoing Resolution.

Before action was taken thereon, a motion by Alderperson Kliejunas and second by Alderperson Gischia was made to amend the Resolution to the dates of June 5<sup>th</sup> to June 11<sup>th</sup>, all Alderpersons present voting “Aye”.

On motion by Alderperson Kliejunas and second by Alderperson Hanna, the Resolution as amended passed on call of the roll:

Ayes: Bouck, Bowers, Dekker, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, Montemayor, VanderWeele, Vue, Wangemann – 12.

Nays: None.

**Res. No. 211 – 09 – 10. By Alderpersons Gischia, Bowers and Kath. April 7, 2010.**

**A RESOLUTION** authorizing retaining outside legal counsel to represent the City in the matter of Ronald Behr against the City and authorizing payment for said services.

**RESOLVED:** That the Common Council hereby authorizes the hiring of Attorney James O. Conway of Olsen, Kloet, Gunderson & Conway, S.C. as outside legal counsel to represent the City of Sheboygan in the matter of Ronald Behr vs. The City of Sheboygan, Sheboygan County Circuit Court Case No. 10 CV 325.

**BE IT FURTHER RESOLVED:** That the Finance Director/Treasurer is hereby authorized and directed to draw on the Insurance Claims Administration Account No. 70511010-521900 in payment of same.

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

April 7, 2010

A motion by Alderperson Bowers and second by Alderperson Kliejunas was made to pass the foregoing Resolution.

On motion by Alderperson Bowers and second by Alderperson Kliejunas, the Resolution passed on call of the roll:  
Ayes: Bouck, Bowers, Dekker, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, Montemayor, VanderWeele, Vue, Wangemann – 12.

Nays: None.

**Res. No. 212 - 09 – 10. By Gischia, Heidemann, Kittelson, Bohren and Hanna. April 7, 2010.**

**A RESOLUTION** forming a Special Budget Sub-Committee of the Strategic Fiscal Planning Committee to review areas of potential savings and efficiencies.

**WHEREAS**, the 2011 budget will need the ideas and insights of all department heads, administration, workers and Common Council members, and

**WHEREAS**, beginning the process of input, prioritization and discussion early can help identify opportunities and give needed budget suggestions and direction as well as provide time for community input and communications, and

**WHEREAS**, all efforts should be made to involve the greatest number of ideas and individuals to produce the results taxpayers deserve, and

**WHEREAS**, it is important to provide opportunity for expanded input from a wider section of Council members and that more Alderpersons be given the format to share their ideas and experiences in this effort to give budget direction, and

**NOW, THEREFORE BE IT RESOLVED:** That a Special Budget Sub-Committee of the Strategic Fiscal Planning Committee be formed to review areas of potential savings and efficiencies that consists of the following non-committee chairpersons:

Alderman William Wangemann  
Alderman Cory Bouck  
Alderman Thomas Bowers  
~~Alderman Julie Kath~~  
Alderman Jeremy Dekker  
Alderman Marilyn Montemayor

Chairperson and Vice Chairperson are to be elected at first meeting of Sub-Committee.

**BE IT FURTHER RESOLVED:** That the Common Council directs that this Sub-Committee be charged with identifying budgetary savings opportunities with a goal of recommending reoccurring “net savings” in the 2011 budget of \$1,000,000 and that all department heads make themselves available at the discretion of the Sub-Committee and their elected chairperson to assist them in this important effort.

**BE IT FURTHER RESOLVED:** That where applicable by law that attendance may be by electronic means via conference call.

**BE IT FURTHER RESOLVED:** That this special Sub-Committee deliver its recommendations and report to the Strategic Fiscal Planning (SFP) Committee no later than June 4, 2010 and that the SFP Committee presents these budgetary suggestions to the Mayor and Council for consideration in the 2011 budget.

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

Ayes: Bouck, Bowers, Dekker, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, Montemayor, VanderWeele, Vue, Wangemann – 12.

Nays: None.

**Res. No. 213 - 09 – 10. By Alderpersons Surek and Vue. April 7, 2010.**

**A RESOLUTION** authorizing entering into a Dock Space Agreement with Anglers Avenue LLC.

**RESOLVED:** That the Mayor and City Clerk are hereby authorized to execute the Dock Space Agreement with Anglers Avenue LLC, a copy of which is attached hereto and incorporated herein.

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

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

Ayes: Bouck, Bowers, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, Montemayor, VanderWeele, Vue, Wangemann – 11.

Nays: None.

Abstain: Dekker – 1.

**Res. No. 214 - 09 – 10. By Alderpersons Heidemann, Kittelson, Gischia and Kath. April 7, 2010.**

**A RESOLUTION** lifting the hiring freeze in order to recall from layoff the Housing/Environmental Inspector in the Department of Planning and Development.

April 7, 2010

**WHEREAS**, the City of Sheboygan passed Resolution 73-09-10 that extended the hiring freeze to December 31, 2010 and amended it to include all full, part-time and temporary positions;

**WHEREAS**, the hiring freeze allows for emergency exceptions upon approval of the Mayor and Council;

**WHEREAS**, the retirement of the current Leadman/Plumbing/Heating Inspector is effective the first week in May 2010;

**WHEREAS**, Salaries & Grievances Committee and the Mayor recently approved the Hiring Audit form to authorize recalling the former Housing/Environmental Inspector from layoff.

**NOW THEREFORE BE IT RESOLVED**: That the Common Council hereby authorizes, as an emergency exception to the hiring freeze, the recall of the former Housing/Environmental Inspector from layoff, effective May 3, 2010.

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

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

Ayes: Bouck, Bowers, Dekker, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, Montemayor, VanderWeele, Vue, Wangemann – 12.

Nays: None.

**Res. No. 215 - 09 - 10. By Alderperson Gischia. April 7, 2010.**

**A RESOLUTION** authorizing executing an agreement with AECOM Technical Services, Inc. to provide consultant engineering services relating to infrastructure upgrade of sidewalk gap filling.

Lies over under the rules.

**Res. No. 216 - 09 - 10. By Alderpersons Gischia, Rindfleisch and Kittelson. April 7, 2010.**

**A RESOLUTION** approving the Capital Improvements Program recommended by the Capital Improvement Commission for 2010 and adopting the 2010 program for implementation.

Was referred to the Committee on Finance and to the City Plan Commission.

**Res. No. 217 - 09 - 10. By Alderperson Gischia. April 7, 2010.**

**A RESOLUTION** authorizing entering into contract with the Sheboygan County Chamber of Commerce for Tourism Promotion and Development Services and dissolving the City's Tourism Advisory Committee.

Was referred to the Committee on Finance.

**Res. No. 218 - 09 - 10. By Alderperson Rindfleisch. April 7, 2010.**

**A RESOLUTION** amending Res. No. 13-07-08 (as amended) which established the ambulance service in the Fire Department, so as to reduce the minimum number of ambulances staffed 24/7 from three to two.

Was referred to the Committee on Public Protection and Safety.

**Res. No. 219 - 09 - 10. By Alderpersons Bouck and Vue. April 7, 2010.**

**A RESOLUTION** granting the March of Dimes permission to hold their March for Babies 2010, 3 and 6-mile route on the streets of the City of Sheboygan on Saturday, April 24th.

Was referred to the Committee on Public Protection and Safety.

**Res. No. 220 - 09 - 10. By Alderperson Kittelson. April 7, 2010.**

**A RESOLUTION** approving a contract for the removal of City trees.

Was referred to the Committee on Public Works.

**Res. No. 221 - 09 - 10. By Alderperson Kittelson. April 7, 2010.**

**A RESOLUTION** authorizing entering into a concession agreement for "the Shack" at Vollrath Park.

Was referred to the Committee on Public Works.

**Res. No. 222 - 09 - 10. By Alderperson Kittelson. April 7, 2010.**

**A RESOLUTION** authorizing the Purchasing Agent to enter into contract for the purchase of energy efficient light fixtures and related accessories for the total upgrade of all light fixtures in both the City Hall and Municipal Service Building(s) with units having a higher energy efficiency rating.

Was referred to the Committee on Public Works.

#### REPORT OF COMMITTEES

**\*R. C. No. 466 - 09 - 10. By FINANCE. April 7, 2010.**

April 7, 2010

Your Committee to whom was referred Com. No. 82-09-10 by Alderperson Kittelson submitting a communication from Mike Short regarding his concerns over special assessment procedures; recommends the Communication be filed and that the Planning Department report back to the Committee within 60 days on the special assessment procedures.

**\*R. C. No. 467 - 09 - 10. By PUBLIC WORKS. April 7, 2010.**

Your Committee to whom was referred a copy of Com. No. 82-09-10 from Mike Short regarding his concerns over special assessment procedures; recommends filing the Communication and have staff make a presentation to the Committee of the Whole of the new Common Council on this subject.

**\*R. C. No. 468 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. April 7, 2010.**

Your Committee to whom was referred Com. No. 83-09-10 from Gary Hinz questioning why the City is allowing two burned out homes on 14<sup>th</sup> and Pennsylvania Ave. and on Indiana Ave. to remain standing as it's an eyesore and a safety hazard; recommends the Communication be placed on file.

**\*R. C. No. 469 - 09 - 10. BY PUBLIC PROTECTION AND SAFETY. April 7, 2010.**

Your Committee to whom was referred Com. 84-09-10 from Wayne J. Wenske, General Chairman of the Tootsie Roll Sale, requesting permission to hold their annual "Tootsie Roll Sale" on April 23 and 24, 2010; recommends the Communication be accepted and placed on file and to approve the request.

**\*R. C. No. 470 - 09 - 10. By PUBLIC WORKS. April 7, 2010.**

Your Committee to whom was referred Com. No. 85-09-10 from Eric Zabel Monuments regarding Mr. Lee Chang's memorial at Wildwood Cemetery; recommends that the Communication be accepted and placed on file.

**\*R. C. No. 471 - 09 - 10. By LAW AND LICENSING. April 7, 2010.**

Your Committee to whom was referred R. O. No. 423-09-10 and pursuant to R. O. No. 459-09-10 by the City Clerk, various license applications for the period ending June 30, 2010 and June 30, 2011; recommends that the following licenses be granted with the following caveat: Change of Premises for JMKAC is approved but only for the area where the beer tent is located, and also contingent on their obtaining a street festival permit.

CHANGE OF AGENT

Daniel Poster is replacing Misty Kimmel as agent at the Pizza Hut located at 2727 S. Business Dr. effective 3/5/10.

CHANGE OF PREMISES

<u>No.</u>	<u>Name</u>	<u>Address</u>
1909	JMKAC	608 New York Ave to include all JMKAC grounds pkg. Lot S of New York, New York & Wis btwn 6 <sup>th</sup> & 7 <sup>th</sup> Sts, 6 <sup>th</sup> St. btwn New York & Wis Aves. 7/17/2010 & 7/18/2010.
1890	Suscha's Super Bar	1054 Pennsylvania Ave. – one-day event to be held 5/1/10 to include entire parking north and east of the building.
2373	Duke of Devon	739 Riverfront Dr. – one-day event to be held 7/2/10 from 5:00 P.M. to 9:00 P.M. to include the parking lot north of Bldg. under the tent.

"CLASS B" LIQUOR LICENSE (June 30, 2010)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2716	Happy Valley	1509 S. 12 <sup>th</sup> St.

BEVERAGE OPERATOR'S LICENSE (June 30, 2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
5240	Coenen, Michael F.	2515 N. 26 <sup>th</sup> St.
8530	Griesbach, Brianna M.	3819 N. 45 <sup>th</sup> St.
8528	Jimenez, Sara A.	3728 S. 13 <sup>th</sup> St.
8531	Kutz, Craig J.	4522 Hunters Glen Dr.
8524	Otten, Elizabeth A.	11 Elmwood Dr.
8527	Pieters, Sean D.	2007 N. 10 <sup>th</sup> St.
8525	Shrestha, Sagar	1441 Park View Apt. #37
8526	Schuette, Nicole M.	3119 Michigan Ave.
8532	Trester, Maria A.	512 Wisconsin Ave.

TAXICAB OPERATOR LICENSE (June 30, 2010)

<u>No.</u>	<u>Name</u>	<u>Address</u>
8506	Juarez, Maria B.	1102 Union Ave.

8529 Kailing, Jacob I. 1316 N. 17<sup>th</sup> St.  
8522 Pantel, Paul D. 1008 Kentucky Ave.

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. 472 - 09 - 10. By FINANCE. April 7, 2010.**

Your Committee to whom was referred R. O. No. 455-09-10 by the City Clerk submitting a communication from Alderperson Bohren along with an article from the Milwaukee Journal/Sentinel entitled, "Government Workers Get Pension Edge" and "Union Blasts Pension Study"; recommends the Communication be accepted and placed on file.

**\*R. C. No. 473 - 09 - 10. By FINANCE. April 7, 2010.**

Your Committee to whom was referred R. O. No. 456-09-10 by The Industrial Development Commission on Wednesday, March 10, 2010, voted to recommend approval of exercising the City's option to repurchase property from SP Rentals, LLC located in the Sheboygan Business Center under the terms as provided in the Protective Covenants; recommends the Report of Officer be accepted and placed on file and to approve the request.

**\*R. C. No. 474 - 09 - 10. By FINANCE. April 7, 2010.**

Your Committee to whom was referred R. O. No. 457-09-10 by the Mead Public Library Board President who has reviewed and signed the 2009 Annual Report for submission to the Division for Libraries Technology and Community Learning (DLTCL) of the Department of Public Instruction; recommends that the Report of Committee be accepted and placed on file.

**\*R. C. No. 475 - 09 - 10. By LAW AND LICENSING. April 7, 2010.**

Your Committee to whom was referred R. O. No. 458-09-10 by the City Clerk submitting a communication from Jolene Hendrikse, Special Events and Hospitality Coordinator for the John Michael Kohler Arts Center, requesting permission to hold their 40<sup>th</sup> Annual Arts Festival on July 17<sup>th</sup> and 18<sup>th</sup>, 2010 and making various requests of the City; recommends that the document be accepted and placed on file and to approve the requests.

**\*R. C. No. 476 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. April 7, 2010**

Your Committee to whom was referred the following:

1. R. O. No. 458-09-10 by the City Clerk submitting a communication from Jolene Hendrikse, Special Events and Hospitality Coordinator for the John Michael Kohler Arts Center, requesting permission to hold their 40<sup>th</sup> Annual Arts Festival on July 17<sup>th</sup> and 18<sup>th</sup>, 2010 and making various requests of the City; and
2. R. O. No. 466-09-10 by the City Clerk submitting a communication from Jolene Hendrikse, Special Events and Hospitality Coordinator for the John Michael Kohler Arts Center, requesting permission to hold its annual Art Armada on Saturday, July 3<sup>rd</sup>, 2010 and making various requests of the City;

recommends that the documents be accepted and placed on file and approve the requests.

**\*R. C. No. 477 - 09 - 10. By PUBLIC WORKS. April 7, 2010.**

Your Committee to whom was referred the following:

1. A copy of R. O. No. 458-09-10 by the City Clerk submitting a communication from Jolene Hendrikse, Special Events and Hospitality Coordinator for the John Michael Kohler Arts Center, requesting permission to hold their 40<sup>th</sup> Annual Arts Festival on July 17 and 18, 2010, and making various requests of the City;
2. A copy of R. O. No. 466-09-10 by the City Clerk submitting a communication from Jolene Hendrikse, Special Events and Hospitality Coordinator for the John Michael Kohler Arts Center, requesting permission to hold its annual Art Armada on Saturday, July 3, 2010, and making various requests of the City; and
3. R. O. No. 472-09-10 by the City Clerk submitting a communication from Jolene Hendrikse, Special Events and Hospitality Coordinator for the John Michael Kohler Arts Center, requesting permission for the one double-sided banner advertising the Art Armada and Midsummer Festival of the Arts be hung across 8<sup>th</sup> St. by May 30, 2010;

recommends that the documents be accepted and placed on file.

**\*R. C. No. 478 - 09 - 10. By PUBLIC WORKS. April 7, 2010.**

Your Committee to whom was referred R. C. No. 461-09-10 by Public Works to whom was referred a copy of R. O. No. 422-09-10 by the City Clerk submitting a communication from Harold Biebel requesting permission to place an Antique Popcorn Wagon in Fountain Park for the months of May through September; recommends that the documents be accepted and placed on file and to approve the request.

April 7, 2010

**\*R. C. No. 479 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. April 7, 2010.**

Your Committee to whom was referred R. O. No. 462-09-10 submitting a communication from David Shoemaker, Principal of the Early Learning Center, requesting signage designating Wilson Ave. and S. 12<sup>th</sup> St. adjacent to the Early Learning Center as a school zone; recommends the Report of Officer be placed on file.

**\*R. C. No. 480 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. APRIL 7, 2010.**

Your committee to whom was referred R. O. No. 461-09-10 by the Building Inspection Department submitting the report of the Building Inspection Department for the month of February 2010; recommends that the Report of Officer be accepted and placed on file.

**\*R. C. No. 481 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. April 7, 2010.**

Your Committee to whom was referred R. O. No. 467-09-10 by the City Clerk submitting a communication from the Kettle Moraine Corvette Club making various requests of the City and the Tourism Board for their event held on Sunday, August 29, 2010 at the grounds on South Pier; recommends the Report of Committee be accepted and placed on file and to approve the request.

**\*R. C. No. 482 - 09 - 10. By PUBLIC WORKS. April 7, 2010.**

Your Committee to whom was referred a copy of R. O. No. 467-09-10 by the City Clerk submitting a communication from the Kettle Moraine Corvette Club making various requests of the City and the Tourism Board for their event held on August 29, 2010 at the grounds on South Pier; recommends that the Report of Officer be accepted and placed on file.

**\*R. C. No. 483 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. April 7, 2010.**

Your committee to whom was referred R. O. No. 469-09-10 by the City Clerk submitting a communication from Andres Araujo of Partners for Community Development, stating that they have established the Sheboygan Volunteer Center and is asking if the City could use any volunteers to perform work within the City (park and road cleanup, painting, garbage pickup, etc.); recommends the communication be accepted and placed on file.

**\*R. C. No. 484 - 09 - 10. By PUBLIC WORKS. April 7, 2010.**

Your Committee to whom was referred a copy of R. O. No. 469-09-10 by the City Clerk submitting a communication from Andres Araujo of Partners for Community Development stating that they have established the Sheboygan Volunteer Center and is asking if the City could use any volunteers to perform work within the City (park and road cleanup, painting, garbage pickup, etc.); recommends that the Report of Officer be accepted and placed on file and to accept the offer pending directors review of opportunities available.

**\*R. C. No. 485 - 09 - 10. By PUBLIC WORKS. April 7, 2010.**

Your Committee to whom was referred R. O. No. 470-09-10 by the City Clerk submitting a communication from Jamie Drohman, Fundraising Chairman for Two Left Paws requesting the use of Lakeview Park on Saturday, June 5, 2010 for "Paws in the Park" and also requesting the waiving of the fee; recommends that the Report of Officer be accepted and placed on file and to approve the use of the park and deny waiving the park fees.

**\*R. C. No. 486 - 09 - 10. By PUBLIC WORKS. April 7, 2010.**

Your Committee to whom was referred R. O. No. 471-09-10 by the City Clerk submitting a communication from Frank Juarez, Executive Director and Founder of The Sheboygan Visual Arts requesting permission to hold an art-enriching program called "Art in the Park" offering free summer art workshops to the community and is requesting that they be given permission to use various parks in the City for 6 Saturdays; recommends that the Report of Officer be accepted and placed on file and to approve the requests.

**\*R. C. No. 487 - 09 - 10. By PUBLIC WORKS. April 7, 2010.**

Your Committee to whom was referred R. O. No. 473-09-10 by the Director of City Development submitting the WPDES Annual Report, NR 216 for reporting year 2009, for the City of Sheboygan; recommends that the Report of Officer be accepted and placed on file.

**R. C. No. 488 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. April 7, 2010.**

Your Committee to whom was referred R. O. No. 468-09-10 by the Purchasing Agent submitting a report related to the Purchase and Installation of a replacement City/County shared Computer Aided Dispatch/Records Management System (CAD-RMS) for emergency responders; recommends that the document be referred to the Committee on Public Protection and Safety of the new Common Council.

Was referred to the Committee on Public Protection and Safety of the New Council.

**\*R. C. No. 489 - 09 - 10. By PUBLIC WORKS. April 7, 2010.**

Your Committee to whom was referred Res. No. 184-09-10 by Alderperson Gischia empowering its citizens/property owners with the ability and responsibility of the trimming of city-owned trees in the area generally located between the sidewalk and the curbing and at either the front, side or back of properties; recommends that the Resolution be placed on file.

**\*R. C. No. 490 - 09 - 10. By WHOLE. April 7, 2010.**

Your Committee to whom was referred the following:

1. Res. No. 240-08-09 by Alderpersons Rindfleisch, VanderWeele and Heidemann establishing the position of City Administrator for the City of Sheboygan;
2. R. C. No. 490-08-09 by the Committee of the Whole to whom was referred:
  - a. R. C. No. 410-08-09 by Public Protection and Safety who met and discussed the deer abatement issue and submits the Deer Management Survey;
  - b. R. C. No. 440-08-09 by Public Works and a copy of R. O. No. 401-08-09 by the City Clerk submitting a communication from Carol Guy stating that the ordinance regarding street assessments for repairs, etc., should be repealed as it is unfair to retirees on Social Security and those on busy, heavily traveled streets; and
  - c. R. C. No. 448-08-09 by Public Protection and Safety and Com. No. 68-08-09 from James Gross regarding the concerns about the deer problems in his area and looking for specifics from the Police Department as to how many accidents took place in the area in the last 2 years versus the rest of the City;
3. Com. No. 47-09-10 from Dolcye Johnson regarding the need for discussion of the issue of creating the position of City Administrator and a part-time Mayor and suggests that Alderperson Kliejunas call a meeting of the Committee of the Whole as soon as possible;
4. Com. No. 48-09-10 from Donna Suscha stating that now is the time to re-address the issue of city administrator;
5. R. O. No. 68-09-10 by the City Plan Commission to whom was referred Res. No. 12-09-10 relative to adopting the Taylor Drive District Master Plan;
6. R. O. No. 69-09-10 by the City Clerk submitting the Annual Proposals for Action from the Sheboygan County Taxpayers Alliance;
7. R. O. No. 255-09-10 by the City Clerk submitting a communication from Michael Warner regarding the controversy over our Mayor and asking several questions that need answering;
8. R. O. No. 256-09-10 by the City Clerk submitting a communication from Dimple Adams regarding the recent scandal and timeline concerning our Mayor Bob Ryan;
9. R. O. No. 392-09-10 by the Finance Director/Treasurer submitting the City of Sheboygan year-to-date report on the ambulance fund, 2008 vs. 2009 activity chart and activity for calls from 1/1/09 through 9/30/09;
10. A copy of Res. No. 6-09-10 by Alderpersons Gischia, Hanna and Bohren establishing the 2009 STARR ("Sheboygan Transition and Recovery Resolution") Program and directing all specified department heads of the City of Sheboygan to prepare and implement a 1%-3% reduction in their current 2009 operating budgets.
11. R. C. No. 364-09-10 by Finance who met and discussed the Ambulance Cost allocations and recommends referral of the document to the Committee of the Whole and to Public Works; and
12. R. C. No. 388-09-10 by Public Protection and Safety to whom was referred a copy of R. C. No. 364-09-10 by Finance who met and discussed the Ambulance Cost allocations; recommends the document be referred to the Committee of the Whole for further discussion;

recommends that the documents be placed on file.

**R. C. No. 491 – 09 - 10. By PUBLIC PROTECTION AND SAFETY. April 7, 2010.**

Your Committee to whom was referred Res. No. 204-09-10 by Alderperson Hanna authorizing the appropriate City Officials to enter into an inter-governmental agreement with Sheboygan County for the joint purchase and installation of a replacement City/County Computer Aided Dispatch/Records Management System (CAD-RMS) serving Police, Fire and EMS agencies county-wide; recommends that the Resolution be referred to the Committee of Public Protection and Safety of the new Common Council.

Was referred to the Committee on Public Protection and Safety of the New Council.

**R. C. No. 492 - 09 - 10. By WHOLE. April 7, 2010.**

Your Committee to whom was referred the following:

1. A copy of Com. No. 81-09-10 from Edward Wackowski regarding changes that he would like to see in Sec. 2-558 of the Municipal Code entitled, "Composition; appointment; terms – Transit Commission"; and

April 7, 2010

2. Gen. Ord. No. 55-09-10 by Alderpersons Kittelson, Hanna and Gischia repealing and recreating Sect. 2-563 of the Municipal Code relating to fiscal control of Transit Commission expenditures, so as to conform with current practice;

recommends that the documents be referred to the Committee of the Whole of the new Common Council.

Was referred to the Committee of the Whole of the New Council.

**\*R. C. No. 493 - 09 - 10. By FINANCE. April 7, 2010.**

Your Committee to whom was referred Res. No. 203-09-10 by Alderpersons Hanna, Gischia, Vue and Rindfleisch exercising the City's option to repurchase certain property in the Sheboygan Business Center; recommends that the Resolution be passed.

**R. C. No. 494 - 09 - 10. By PUBLIC WORKS. April 7, 2010.**

Your Committee to whom was referred Res. No. 194-09-10 directing that various Committees/Commissions either be merged, eliminated or reassigned at the end of the current Council year (April 2010); recommends that the attached Substitute Resolution be passed.

Was accepted and adopted.

**R. C. No. 495 - 09 - 10. By FINANCE. April 7, 2010.**

Your Committee to whom was referred Res. No. 202-09-10 by Alderperson Gischia to authorize a transfer of appropriations in the 2010 Budget (establishing appropriations for purchase of land in the Industrial Park and establishing appropriation for contribution to Sheboygan County for Business Development); recommends that the attached Substitute Resolution be passed.

Was accepted and adopted.

**R. C. No. 496 - 09 - 10. By SALARIES AND GRIEVANCES. April 7, 2010.**

Your Committee to whom was referred Gen. Ord. No. 59-09-10 by Alderpersons Bohren, Gischia and Heidemann amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to amend the minimum education and experience requirements for the position of Fire Chief for the City of Sheboygan; recommends that the Ordinance be passed.

Was accepted and adopted.

**R. C. No. 497 - 09 - 10. By PUBLIC PROTECTION AND SAFETY. April 7, 2010.**

Your Committee to whom was referred Gen. Ord. No. 53-09-10 repealing and recreating Article VI Division 3 of Chapter 50 of the Municipal Code so as to update the smoke detector ordinance and require specific types of smoke alarms; recommends that the attached Substitute of Substitute Ordinance be passed.

A motion by Alderperson Montemayor and second by Alderperson Bowers was made to file the Report of Committee.

A motion by Alderperson Montemayor and second by Alderperson Bowers was made that the Substitute of the Substitute Ordinance be passed.

Before action was taken thereon, a motion by Alderperson Kittelson and second by Alderperson Montemayor was made to amend to change Section 50-664(b) to read after the word level "and within 6 feet of the doorway of each sleeping area" and eliminate "and in each bedroom" and in (c) after the word level "and within 6 ft of the doorway of each sleeping area" and eliminate "and in each bedroom" was lost on call of the roll:

Ayes: Bowers, Kittelson, Kliejunas, Montemayor, Vue – 5.

Nays: Bouck, Dekker, Gischia, Hanna, Heidemann, VanderWeele, Wangemann – 7.

On motion by Alderperson Kittelson and second by Alderperson Montemayor, the Substitute of the Substitute Ordinance was lost on call roll:

Ayes: Bowers, Montemayor – 2.

Nays: Bouck, Dekker, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, VanderWeele, Vue, Wangemann – 10.

**RESOLUTIONS ON SECOND READING**

**\*Res. No. 203 - 09 - 10. By Alderpersons Hanna, Gischia, Vue and Rindfleisch. March 15, 2010.**

**A RESOLUTION** exercising the City's option to repurchase certain property in the Sheboygan Business Center.

**WHEREAS**, SP Rentals, LLC, a limited liability company, purchased the following described 0.9236 acre parcel of real estate in the Sheboygan Business Center (the "Property"):

Lot One (1) of a Certified Survey Map recorded in Volume 22 of Certified Survey Maps, page 173/4, as Document No. 1803595, recorded on July 19, 2006 at 9:49 a.m., being part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 9, Township 14 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin.

on October 30, 2006 for \$20,319.00 (\$22,000 per acre); and

April 7, 2010

**WHEREAS**, due to the current economic climate and difficulty in obtaining satisfactory bank financing, the owner has abandoned plans to build on the parcel; and

**WHEREAS**, the Protective Covenants for the Sheboygan Business Center provide the City an option to repurchase the Property if the owner fails to commence construction of a building thereon within 12 months after purchase and complete construction within two (2) years after purchase; and

**WHEREAS**, the owner has requested to sell the Property back to the City; and

**WHEREAS**, the City is willing to repurchase the Property under the terms as provided in the Protective Covenants.

**NOW, THEREFORE, BE IT RESOLVED:** That the City of Sheboygan hereby agrees to repurchase the above-described Property from SP Rentals, LLC under the following terms and conditions:

The purchase price to be paid by the City shall be the sum of the following:

1. The purchase price paid for the land by SP Rentals, LLC;
2. All special assessments which may have been paid by SP Rentals, LLC which were levied against the Property during the period of SP Rentals, LLC's ownership;

Less the sum of the following:

- a. Unpaid real estate taxes;
- b. Proration of current year's real estate taxes to date of closing;
- c. Title insurance policy premium;
- d. Liens and encumbrances on the Property of a definite or ascertainable amount.

Conveyance shall be by warranty deed, free and clear of all liens and encumbrances except those in existence prior to SP Rentals, LLC's ownership of the Property, and subject to all City regulations, recorded easements for public utilities, and recorded protective covenants and amendments thereto. Seller shall furnish title insurance policy at seller's expense for full amount of purchase price.

Closing shall take place within sixty (60) days following the date of this resolution on such date as shall be designated by the City.

**BE IT FURTHER RESOLVED:** That the Finance Director/Treasurer is authorized to draw on the Industrial Park Fund, Acct. No. 40761100-611100 in payment of same.

**Subs. of Res. No. 194 – 09 - 10. By Alderperson Gischia. April 7, 2010.**

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

**WHEREAS**, the City of Sheboygan currently lists 58 individual Committee and Commissions on its web page, and

**WHEREAS**, overlap of Committee/Commission duties exist causing citizens to need to visit several committees for the same item as well as additional staff expense in attending these various meetings, and

**WHEREAS**, many of these Committees/Commissions have not met for many years or are duplicated by other Committees/Commissions responsibilities.

**NOW THEREFORE BE IT RESOLVED:** That the Common Council hereby directs that the following Committees/Commissions be either merged, eliminated or reassigned as indicated at the end of the current Council year (April 2010).

**Public Works Committee:**

Eliminate – Building Use Committee

Add duties to – Public Works Committee

Eliminate – Motor Vehicle Review Committee

Add duties to – Public Works Committee

**Finance Committee:**

Eliminate – IS Steering Committee

Add duties to – Finance Committee

**MERGE:**

- Wellness Committee and Group Health Insurance Committee - Overlap
- Sheboygan Board of Housing Appeals and the Sheboygan Commission on Fair Housing Practices - Overlap

**ELIMINATE:**

- Hand Held Mobile Telephone Use Committee – Project complete.
- Emergency Management Plan Development Committee – Project complete.
- Naming Rights Committee – Last met in March of 2008.

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

Before action was taken thereon, a motion by Alderperson Kliejunas and second by Alderperson Gischia was made to keep the Building Use Committee for one(1) year to April 2011, passed all Alderpersons present voting "Aye".

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

April 7, 2010

Ayes: Bouck, Bowers, Dekker, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, Montemayor, VanderWeele, Vue, Wangemann – 12.  
Nays: None.

**Subs. of Res. No. 202 - 09 - 10. By Alderperson Gischia. April 7, 2010.**

**A RESOLUTION** to authorize a transfer of appropriations in the 2010 Budget.

**RESOLVED:** That the Finance Director be and is hereby authorized and directed to make the following transfer of appropriations in the 2010 Budget for the purpose of:

Establishing appropriation for purchase of land in the Industrial Park:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Industrial Park Fund Unreserved Fund Balance 40700000-253000-0	Industrial Park Fund Land Acquisition 40761100-611100	\$22,000
Establishing appropriation for contribution to Sheboygan County Economic Development Corporation for Business Development:		
Industrial Park Fund Unreserved Fund Balance 407000000-253000-0	Industrial Park Fund Contribution to Sheboygan County 40761100-590100	\$100,000

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

Ayes: Bouck, Bowers, Dekker, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, Montemayor, VanderWeele, Vue, Wangemann – 12.  
Nays: None.

**ORDINANCES ON SECOND READING**

**Gen. Ord. No. 59 - 09 - 10. By Alderpersons Bohren, Gischia and Heidemann. March 15, 2010.**

**AN ORDINANCE** amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to amend the minimum education and experience requirements for the position of Fire Chief for the City of Sheboygan.

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

Section 1. The minimum education and experience requirements for the position of Fire Chief for the City of Sheboygan as set forth in Section 29-75 of the 1975 Sheboygan Municipal Code entitled "List of classes and class specifications" are hereby amended to read as follows:

"Fire Chief

...

Education and Experience.

A Bachelor's degree in Fire Science, Emergency Management, Public or Business Administration, or a related field is required. A Master's degree in Public Administration or a related field is preferred.

Preferred experience equivalent to a minimum of fifteen (15) years of firefighting/emergency medical service including at least five (5) years of which has been served at a supervisory/management level."

Section 2. The job description for Fire Chief, incorporating the amendment to the education and experience requirements set forth in Section 1 above is attached hereto, and copies of which shall be on file in the offices of the City Clerk, City Finance Director/Treasurer and Human Resources Department.

Section 3. This amendment shall not be applicable to the City's current incumbent Fire Chief.

Section 4. 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.

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

Ayes: Bouck, Bowers, Dekker, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, Montemayor, VanderWeele, Vue, Wangemann – 12.  
Nays: None.

**ORDINANCES INTRODUCED**

**Gen. Ord. No. 60 - 09 - 10. By Alderperson Kittelson. April 7, 2010.**

**AN ORDINANCE** amending Section 1 of Gen. Ord. No. 93-07-08 so as to freeze the Mayor's salary at the current annual rate for the period May 2010 through April 2011.

Lies over under the rules.

**Gen. Ord. No. 61 – 09 – 10. By Alderpersons Bohren and Heidemann. April 7, 2010.**

**AN ORDINANCE** granting Quality State Oil Company, Inc., its successors and assigns, the privilege of encroaching upon described portions of Weeden Creek Rd. located at 1211 Weeden Creek Rd. in the City of Sheboygan for the purpose of maintaining a sign.

Was referred to the City Plan Commission.

**Gen. Ord. No. 62 - 09 - 10. By Alderperson Kittelson. April 7, 2010.**

**AN ORDINANCE** repealing and recreating Section 29-95 of the 1975 Sheboygan Municipal Code relating to biweekly payment of earnings so as to provide for a two-week holdback.

Was referred to the Committee on Salaries and Grievances.

**MATTERS LAID OVER**

**R. O. No. 453 - 09 - 10. By CITY CLERK. March 15, 2010.**

Submitting a communication from Bernard Markevitch, Library Board President, stating that they appreciate the recent actions taken by the Common Council and its Finance Committee to amend the 2010 budget in order to meet the Maintenance of Effort funding requirement for 2010.

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

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

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

Was referred to the Committee of Public Works of the New Council.

**Gen. Ord. No. 58 – 09 – 10. By Alderpersons Heidemann, Bouck, Gischia and Kath. March 15, 2010.**

**AN ORDINANCE** re-establishing the salary schedule for certain designated elected officials.

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

Section 1. The following salaries are hereby established for the full-time elected positions designated below, effective the first payday in May 2011:

<u>TITLE</u>	<u>ANNUAL RATE</u>
City Attorney	\$103,072
City Clerk	\$ 71,460

Section 2. The following salaries are hereby established for the full-time elected positions designated below, effective the first payday in May 2012:

<u>TITLE</u>	<u>ANNUAL RATE</u>
City Attorney	\$105,649
City Clerk	\$ 74,318

Section 3. The following salaries are hereby established for the full-time elected positions designated below, effective the first payday in May 2013:

<u>TITLE</u>	<u>ANNUAL RATE</u>
City Attorney	\$107,762
City Clerk	\$ 76,548

Section 4. The following salaries are hereby established for the full-time elected positions designated below, effective the first payday in May 2014:

<u>TITLE</u>	<u>ANNUAL RATE</u>
City Attorney	\$109,912
City Clerk	\$ 78,844

Section 5. Full-time elected officials shall not engage in any outside business activities during normal City Hall office hours.

Section 6. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extend of such conflict, and this ordinance shall be in effect from and after its passage and publication.

On motion by Alderperson Heidemann and second by Alderperson Kittelson, the foregoing Ordinance was passed on call of the roll:

Ayes: Bouck, Bowers, Dekker, Gischia, Hanna, Heidemann, Kittelson, Kliejunas, Montemayor, VanderWeele, Wangemann – 11.

Nays: Vue – 1.

**April 7, 2010**

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

---

Mayor

---

City Clerk