

COMMON COUNCIL

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

TWENTY-SIXTH REGULAR MEETING

The Council met: Monday, April 18, 2011.

Mayor Bob Ryan in the Chair:

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

Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Absent and Excused: None.

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the reading of the minutes of the Twenty-Fifth Regular Meeting held April 6, 2011, was approved as entered on the record, all Alderpersons voting "Aye".

REPORTS OF OFFICERS

***R. O. No. 481 - 10 - 11. By BOARD OF ELECTRICAL EXAMINERS. April 18, 2011.**

Pursuant to State of Wisconsin Comm. 5 and City of Sheboygan Municipal Code, Section 26-355, the following licenses have been issued:

<u>APPLICATION #</u>	<u>NAME AND ADDRESS</u>	<u>TYPE OF LICENSE</u>
1216	Scott Balsiger 21936 W Good Hope Lannon, WI 53046	Electrical Contractor

R. O. No. 482 – 10 - 11. By DIRECTOR OF PUBLIC WORKS. April 18, 2011.

Submitted herewith is the resume of bids for the CTH EE/OK Sanitary Sewer Relocation project.

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

On motion by Alderperson Bohren and second by Alderperson Heidemann, the foregoing Report of Officer was accepted and placed on file on call of the roll:

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

R. O. No. 483 - 10 - 11. By CITY CLERK. April 18, 2011.

Submitting various license applications.

TEMPORARY CLASS "B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
1077	Gesangverein Concordia	Fountain Park – one-day event to be held 8/12/11 at Fountain Park.
1077	Gesangverein Concordia	IC Activity Center – one-day event to be Held 10/22/11 at 2722 Henry St.
2808	Water Street Pub Softball	931 N. 12 th St. – one-day event to be held 4/23/11 to include parking lot north of Bldg.

COMMERCIAL OPERATORS LICENSE (December 31, 2011)

<u>No.</u>	<u>Name</u>
2819	Mikes Lawn & Landscape LLC

THEATRE LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>
1219	MARC CINEMAS

AMUSEMENT LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>
1219	Marc Cinemas

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the Report of Officer was accepted and placed on file and approved the licenses.

R. O. No. 484 - 10 - 11. By CITY CLERK. April 18, 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 of the new Council.

R. O. No. 485 - 10 - 11. By CITY CLERK. April 18, 2011.

Submitting a communication from Fr. Michael Dineen, Event Coordinator for the Sheboygan Catholic Schools Annual Unity Walk/Run requesting permission to hold a 2 mile walk on Sunday, May 22, 2011 to be held within the South Pier District around the Blue Harbor facility.

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

R. O. No. 486 - 10 - 11. By CITY CLERK. April 18, 2011.

Submitting a communication from Wydell J. Vaughn submitting a request for 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. 487 - 10 - 11. By CITY CLERK. April 18, 2011.

Submitting a communication from Terry Blevons requesting a waiver of the Sex Offender Residency Restrictions.

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

R. O. No. 488 - 10 - 11. By CITY CLERK. April 18, 2011.

Submitting a communication from Mark Mand, President of the Sheboygan Liars Dice Club requesting permission to hold their annual Sheboygan Liar's Dice Club Street Dance on Sunday, August 7, 2011.

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

R. O. No. 489 - 10 - 11. By CITY CLERK. April 18, 2011.

Submitting a communication from Susie Patterson of Al & Al's Stein Haus & The Tavern requesting permission to close S. 12th St. from Clara Ave. to the end of their building and Clara Ave. from the S. 12th St. intersection to the end of their building for their 4th Annual Heritage Square Oktoberfest on Friday, September 30th, Saturday, October 1st and Sunday, October 2nd.

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

R. O. No. 490 - 10 - 11. By CITY CLERK. April 18, 2011.

Submitting a communication from Pete Heimbold, requesting the City of Sheboygan to grant permission for him to volunteer to paint park benches and picnic tables along the lake front as long as it does not take anyone's employment and the City supply the paint.

Was referred to the Committee on Public Works of the new Council.

R. O. No. 491 - 10 - 11. By CITY CLERK. April 18, 2011.

Submitting a Summons and Complaint in the matter of the Sheboygan Area Credit Union vs. Kelly A. Allen et al.

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

RESOLUTIONS INTRODUCED

Res. No. 257 – 10 - 11. By Alderperson Bohren. April 18, 2011.

A RESOLUTION authorizing entering into a contract for the CTH EE and CTH OK Sanitary Sewer Relocation project.

RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to enter into contract with De Groot, Inc., Green Bay, WI, for the CTH EE and CTH OK Sanitary Sewer Relocation, for the proposed sum of \$95,965.33 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 sanitary sewer account number 60134110-521900 in payment of same.

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

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

Res. No. 258 - 10 - 11. By Alderperson Bohren. April 18, 2011.

A RESOLUTION authorizing executing a one-year lease for the agricultural property in the William A. Hayssen Industrial Park.

Was referred to the Committee on Public Works of the new Council.

REPORTS OF COMMITTEES

***R. C. No. 455 - 10 - 11. By SALARIES AND GRIEVANCES. April 18, 2011.**

Your Committee to whom was referred a copy of Com. No. 48-10-11 from the Deputy Finance Director/Treasurer entitled, "WI Retirement Rates"; recommends that the Communication be placed on file.

R. C. No. 456 - 10 - 11. By PUB. PROT. & SAFETY. April 18, 2011.

Your Committee to whom was referred Com. No. 68-10-11 by Ald. Hanna submitting a communication from Gail and Robert Terns, who live next to Calumet Gardens Apartments on N. 25th St., are wondering, along with their neighbors, what is the future of the seemingly abandoned smoke-damaged apartments; recommends the communication be placed on file.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

R. C. No. 457 - 10 - 11. By PUB. PROT. & SAFETY. April 18, 2011.

Your Committee to whom was referred Com. No. 67-10-11 by Ald. Heidemann 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; recommends that the Communication be placed on file.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

R. C. No. 458 - 10 - 11. By PUB. PROT. & SAFETY. April 18, 2011.

Your Committee to whom was referred Com. No. 66-10-11 by Ald. Heidemann 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, recommends that the Communication be placed on file.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

***R. C. No. 459 - 10 - 11. By FINANCE. April 18, 2011.**

Your Committee to whom was referred R. O. No. 465-10-11 by the City Clerk 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; recommends that the Report of Officer be placed on file.

***R. C. No. 460 - 10 - 11. By LAW AND LICENSING. April 18, 2011.**

Your Committee to whom was referred R. O. No. 466-10-11 by the City Clerk submitting a communication from the Manager of the Harbor Centre BID, making various requests from the City to hold "Taste Sheboygan" on September 15th from 4-10 p.m.; recommends that the Report of Officer be placed on file.

***R. C. No. 461 - 10 - 11. By PUBLIC WORKS. April 18, 2011.**

Your Committee to whom was referred a copy of R. O. No. 466-10-11 by the City Clerk submitting a communication from the Manager of the Harbor Centre BID, making various requests from the City to hold "Taste Sheboygan" on Thursday, September 15th from 4 – 10 p.m.; recommends that the Report of Officer be accepted and placed on file and to approve the request.

R. C. No. 462 - 10 - 11. By PUB. PROT. & SAFETY. April 18, 2011.

Your Committee to whom was referred R. O. 466-10-11 by the City Clerk 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; recommends the Report of Officer be placed on file.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

R. C. No. 463 - 10 - 11. By PUB. PROT. & SAFETY. April 18, 2011.

Your Committee to whom was referred R. O. No. 474-10-11 by the City Clerk submitting a communication from Butzen Contracting, Inc., regarding an issue with building permit applications; recommends that the Report of Officer be placed on file.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

R. C. No. 464 - 10 - 11. By PUB. PROT. & SAFETY. April 18, 2011.

Your Committee to whom was referred R. O. No. 472-10-11 by the City Clerk 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; recommends that the Communication be placed on file and approve the request.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

R. C. No. 465 - 10 - 11. By PUB. PROT. & SAFETY. April 18, 2011.

Your Committee to whom was referred R. O. No. 470-10-11 by the City Clerk 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; recommends that the Communication be placed on file and approve the request.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

R. C. No. 466 - 10 - 11. By LAW AND LICENSING. April 18, 2011.

Your Committee to whom was referred, pursuant to R. O. No. 449-10-11 and R. O. No. 467-10-11 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 5/1/11 to include the parking lot south of the Holman bldg. north of the alleyway.
1005	Al & Al's	1502 S. 12 th St. – four-day event to be held 9/30/11 to 10/3/11 to include Clara Ave. fr. S. 12 th St. intersection 90' west And 75' south including the intersection.
1252	Petek's	2702 S. 8 th St. – one-day event to be held 4/30/11 to include the area southwest of tavern.

PERMANENT CHANGE OF PREMISE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2121	El Camino	823 Michigan Ave. – premise to include the main floor, the Banquet area, patio area and the basement storage.

- 2029 Weill Center 826 N. 8th St. – First floor, auditorium, all 2nd floor, 2nd floor lobby, stage area, storage in basement & 830 N. 8th St. and 816 N. 8th St.
- 2516 Pick N Save #6433 2633 S. Business Dr. - location change from Calumet to old K-Mart location.

CLASS "A" FERMENTED MALT BEVERAGE(June 30, 2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2816	Marathon II	905 Indiana Ave.

SIDEWALK CAFÉ LICENSE (April 14, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1005	Al & Al's Bar & Grill	1502 S. 12 th St.
2561	Z Spot	1024 Indiana Ave.

BEVERAGE OPERATOR'S LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>
9021	Alft, Kyle G.
9030	Benish, Leland J.
9035	Genson, Amanda N.
5779	Gill, Stephanie L.
9029	Heitzmann, Amanda K.
9034	May, Constance A.
9033	Peterson, Pete M.
9025	Rigsby, Joseph W.
9039	Saladino, Rebecca A.
9031	Schlafke, Tiffany A.
9040	Schomberg, Tiffany R.
9032	Schrader, Jacquelyn M.
9026	Tanner, Nicole L.
1508	Tershner, Jenny
9037	Wagner, Clifford J.

TAXICAB OPERATOR LICENSE (June 30, 2011)

<u>No.</u>	<u>Name</u>
9028	Siegl, Andrew R.

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

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

R. C. No. 467 - 10 - 11. By LAW AND LICENSING. April 18, 2011.

Your Committee to whom was referred, pursuant to R. O. No. 449-10-11 and R. O. No. 467-10-11 by the City Clerk, submitting license applications for the period ending June 30, 2011 and June 30, 2012; recommends that the following licenses be referred to the Law and Licensing Committee of the new Common Council:

BEVERAGE OPERATOR'S LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>
5479	Gahiji II, Tariak T.

TAXICAB OPERATOR LICENSE (June 30, 2011)

<u>No.</u>	<u>Name</u>
9038	Copeland, Corey Barnett
9024	Siegl, Travis W.

Was referred to the Committee on Law and Licensing of the new Council.

***R. C. No. 468 - 10 - 11. By FINANCE. April 18, 2011.**

Your Committee to whom was referred Res. No. 252-10-11 by Alderperson Hammond amended the Initial Resolution Regarding Exempt Facility Bond Financing For Green Envirotech Holdings Corp.; recommends that the Resolution be passed.

***R. C. No. 469 - 10 - 11. By FINANCE. April 18, 2011.**

Your Committee to whom was referred Res. No. 253-10-11 by Alderperson Hammond 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; recommends that the Resolution be passed.

***R. C. No. 470 - 10 - 11. By PUBLIC WORKS. April 18, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 476-10-11 by the Director of Public Works submitting bids for the 2011 Bituminous Resurfacing Program; and
2. Res. No. 254-10-11 by Alderperson Bohren authorizing entering into contract for the 2011 Bituminous Resurfacing Program;

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

***R. C. No. 471 - 10 - 11. By PUBLIC WORKS. April 18, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 477-10-11 by the Purchasing Agent submitting a Request for Proposal for the purchase of lawnmowers for the Motor Vehicle Division; and
2. Res. No. 255-10-11 by Alderperson Bohren authorizing the Purchasing Agent to purchase (2) 60" Cut Zero Turn Lawnmowers and one 72"cut Zero Turn Lawn Mower;

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

***R. C. No. 472 - 10 - 11. By PUBLIC WORKS. April 18, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 475-10-11 by the Director of Public Works submitting 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; and
2. Res. No. 256-10-11 by Alderperson Bohren 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;

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

***R. C. No. 473 - 10 - 11. By LAW AND LICENSING. April 18, 2011.**

Your Committee to whom was referred a copy of Gen. Ord. No. 57-10-11 by Alderperson Rindfleisch amending and repealing and recreating various sections of Chapter 26 of the Municipal Code relating to contractor qualifications, licensing and insurance/bonding requirements; recommends that the Ordinance be passed.

R. C. No. 474 - 10 - 11. By PUBLIC PROT. AND SAFETY. April 18, 2011.

Your Committee to whom was referred Gen. Ord. No. 58-10-11 by Alderperson Kittelson repealing the Municipal Code so as to update a section number in the International Property Maintenance Code; recommends that the Ordinance be passed.

Was accepted and adopted.

RESOLUTIONS ON SECOND READING

***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.

WHEREAS, Section 66.1103 of the Wisconsin Statutes (the "Act") authorizes the City of Sheboygan, Wisconsin (the "Issuer"), to authorize the issuance and sale of bonds by the Issuer to construct, equip, re-equip, acquire by gift, lease or purchase, install, reconstruct, rebuild, rehabilitate, improve, supplement, replace, maintain, repair, enlarge, extend or remodel industrial projects; and

WHEREAS, Green EnviroTech Holdings Corp., a Delaware corporation, and/or a related limited liability entity to be formed (collectively, the "Borrower"), desires to complete a project consisting of financing the (i) acquisition of an existing approximately 288,500 square foot facility located at 2821 Muth Court in the City of Sheboygan, Wisconsin (the "Facility") to be used by the Borrower to recycle waste material, (ii) rehabilitation of the Facility, (iii) acquisition and installation of equipment and (iv) professional fees and costs (collectively, the "Project"), all of which would contribute to the well-being of the City of Sheboygan, Wisconsin; and

WHEREAS, on December 6, 2010, the Common Council of the City of Sheboygan, Wisconsin adopted resolution no. 151-10-11 entitled "Initial Resolution Regarding Exempt Facility Bond Financing for Green EnviroTech Holdings Corp.," which

authorized the issuance of one or more series of tax-exempt and/or taxable exempt facility bonds in an amount not to exceed \$25,000,000; and

WHEREAS, the current cost of the Project is presently estimated to be greater than \$30,000,000, and the amount proposed to be financed with one or more series of tax-exempt and/or taxable exempt facility bonds does not exceed \$30,000,000; and

WHEREAS, the Borrower has requested that the Issuer now approve this amended initial resolution (the "Amended Initial Resolution") providing for the financing of the Project in an amount not to exceed \$30,000,000; and

WHEREAS, the Issuer is a municipality organized and existing under and pursuant to the laws of the State of Wisconsin, and is authorized to enter into revenue agreements with eligible participants with respect to the Project whereby eligible participants agree to cause said Project to be constructed and to pay the Issuer an amount of funds sufficient to provide for the prompt payment when due of the principal and interest on said exempt facility bonds.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Sheboygan, Wisconsin, as follows:

1. Based upon representations of the Borrower, it is the finding and determination of the Common Council that the Project is a qualified "project" within the meaning of the Act and that the Borrower is an "eligible participant" within the meaning of the Act. The Issuer shall:

(a) Finance the Project in an amount not to exceed \$30,000,000; and

(b) Issue exempt facility bonds in one or more series of tax-exempt and/or taxable bonds (the "Bond(s)"), in an amount not to exceed \$30,000,000 in order to finance costs of the Project.

2. The aforesaid plan of financing contemplates, and is conditioned upon, the following:

(a) The Bonds shall never constitute an indebtedness of the Issuer within the meaning of any state constitutional provision or statutory limitation;

(b) The Bonds shall not constitute or give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers;

(c) The Project shall be subject to property taxation in the same amount and to the same extent as though the Project were not financed with exempt facility bonds;

(d) The Borrower shall find a purchaser for all of the Bonds; and

(e) The Issuer's out-of-pocket costs, including but not limited to legal fees and Trustee's fees, in connection with the issuance and sale of the Bonds shall be paid by the Borrower.

3. The aforesaid plan of financing shall not be legally binding upon the Issuer nor be finally implemented unless and until:

(a) The details and mechanics of the same are authorized and approved by a further resolution of the Common Council which shall be solely within the discretion of the Common Council;

(b) The City Clerk shall cause notice of adoption of this Amended Initial Resolution, in the form attached hereto as Exhibit A, to be published once in a newspaper of general circulation in the City of Sheboygan, and the electors of the City of Sheboygan shall have been given the opportunity to petition for a referendum on the matter of the aforesaid Bond issue, all as required by law;

(c) Either no such petition shall be timely filed or such petition shall have been filed and said referendum shall have approved the Bond issue;

(d) The City Clerk shall have received an employment impact estimate issued under Section 560.034 of the Wisconsin Statutes;

(e) All documents required to consummate the financing have been duly authorized and delivered; and

(f) The Issuer and the Borrower have resolved all land use and special use issues with respect to the affected property and the Project.

4. Pursuant to the Act, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the Issuer's interests are not prejudiced thereby.

5. The City Clerk is directed, following adoption of this Amended Initial Resolution (i) to publish notice of such adoption not less than one time in the official newspaper of the City of Sheboygan, Wisconsin, such notice to be in substantially the form attached hereto as Exhibit A and (ii) to file a copy of this Amended Initial Resolution, together with a statement indicating the date the Notice to Electors was published, with the Secretary of Business Development of the State of Wisconsin within twenty (20) days following the date of publication of such notice.

6. This Amended Initial Resolution is an "initial resolution" within the meaning of the Act and official action toward issuance of the Bonds for purposes of Sections 103 and 144 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder. Furthermore, it is the reasonable expectation of the Issuer that proceeds of the Bonds may be used to reimburse expenditures made on the Project prior to the issuance of the Bonds. The maximum principal amount of debt expected to be issued for the Project on the date hereof is \$30,000,000. This statement of official intent is made pursuant to Internal Revenue Code §1.150-2.

EXHIBIT A

NOTICE TO ELECTORS OF

THE CITY OF SHEBOYGAN, WISCONSIN

TAKE NOTICE that the Common Council of the City of Sheboygan, Wisconsin (the "Issuer"), at a regular meeting held at City Hall, 828 Center Avenue, Sheboygan, Wisconsin, on April 18, 2011, adopted an Amended Initial Resolution pursuant to Section 66.1103 of the Wisconsin Statutes, as amended, expressing the intention to issue not to exceed \$30,000,000 of exempt facility bonds of the Issuer (the "Bonds") on behalf of Green EnviroTech Holdings Corp., a Delaware corporation, and/or a related limited liability entity to be formed (collectively, the "Borrower"). The Bonds are for financing a project on behalf of the Borrower consisting of the (i) acquisition of an existing approximately 288,500 square foot facility located at 2821 Muth Court in the City of Sheboygan, Wisconsin (the "Facility") to be used by the Borrower to recycle waste material, (ii) rehabilitation of the Facility, (iii) acquisition and installation of equipment and (iv) professional fees and costs (collectively, the "Project"). The Borrower has represented that the net number of full-time equivalent jobs which the Project is expected to create on the Project site is 120.

Pursuant to the terms of Section 66.1103 of the Wisconsin Statutes, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the Issuer's interests are not prejudiced thereby.

THE BONDS SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE ISSUER, NOR SHALL THE BONDS GIVE RISE TO ANY PECUNIARY LIABILITY OF THE ISSUER, NOR SHALL THE BONDS BE A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE ISSUER. RATHER, THE BONDS SHALL BE PAYABLE SOLELY FROM THE REVENUES AND OTHER AMOUNTS TO BE DERIVED PURSUANT TO THE REVENUE AGREEMENT RELATING TO SAID PROJECT TO BE ENTERED INTO BETWEEN THE ISSUER AND THE BORROWER.

The Amended Initial Resolution may be inspected in the office of the City Clerk at 828 Center Avenue, Sheboygan, Wisconsin, during business hours.

TAKE FURTHER NOTICE THAT THE ELECTORS OF THE CITY OF SHEBOYGAN MAY PETITION FOR A REFERENDUM ON THE QUESTION OF THE BOND ISSUE. Unless within thirty (30) days from the date of the publication of this Notice a petition signed by not less than five percent (5%) of the registered electors of the City of Sheboygan is filed with the City Clerk requesting a referendum on the question of the issuance of the Bonds, the Issuer will issue the Bonds without submitting the proposition for the electors' approval. If such petition is filed as aforesaid, then the Bonds shall not be issued until approved by a majority of the electors of the City of Sheboygan voting thereon at a general or special election.

Susan Richards, City Clerk
City of Sheboygan, Wisconsin

***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.

WHEREAS: The City of Sheboygan received a grant from the U.S. Department of Housing and Urban Development, Lead-based Paint Hazard Control Program;

WHEREAS: The budget includes a line item of \$35,225.00 to provide lead based paint training to low and moderate income residents and contractors for lead safe work practices;

WHEREAS: The City has contracted with Milwaukee Lead and Asbestos Center (MLAC) in the past and MLAC has committed to a reduced rate for training to provide approximately \$4,710 local match to the grant;

WHEREAS: The City anticipates training approximately 70 people in Supervisor, Lead Safe Worker, Refresher and One-day OSHA classes with these funds.

BE IT FURTHER RESOLVED: That the Finance Director/Treasurer is authorized to draw from the following account in payment thereof: 25261100-521900-10311: \$35,225- Lead Hazard Rehabilitation Contracted Services.

***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.

RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to enter into contract with Northeast Asphalt, Fond du Lac, WI, for the 2011 Bituminous Resurfacing Program, for the proposed sum of \$614,865.75 per their proposal dated March 29, 2011.

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

A/C 601-304110-631033-0	Sanitary Sewer Lining	\$132,980.00
A/C 468-303150-631034-0	Storm Sewer	\$ 49,646.50
A/C 470-303140-631031-0	Bituminous Paving	\$432,239.25

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

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

RESOLVED: That the Purchasing Agent is hereby authorized to enter into contract with Cedarburg Outdoor Power Equipment Inc. of Cedarburg for the purchase of one (1) Ferris Model IS3100Z 72" Zero turn Mower in the amount of \$9,540.00 and Weyers Equipment of Kaukauna for the purchase of (2) Hustler Super Z 60" Zero-turn mowers at a total cost of \$18,760.00 in accordance with City of Sheboygan Request For Proposal #1762-11.

BE IT FURTHER RESOLVED: That the equipment to be replaced will be sold at auction in the near future in lieu of trade-in to assure maximum return.

BE IT FURTHER RESOLVED: That the appropriate City Officials are hereby authorized to draw orders on the Motor Vehicle Account Number 701-306100-641200 in payment of same.

***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.

WHEREAS, the City is required by our Federal discharge permit to expand bio-solid storage at the wastewater treatment plant;

WHEREAS, Donohue & Associates, Inc., has been engaged to provide professional engineering services for the planning and design of bio-solids handling and disposal improvements at the wastewater treatment plant; and

WHEREAS, it has been recommended that a detail analysis of alternative methods of processing and disposing be completed prior to expanding our existing facilities.

RESOLVED: That the appropriate City office be authorized to enter into an agreement amending the contract with Donohue & Associates, Inc. by an estimated amount of \$89,760 and payment of same from account number 60138300-980099.

ORDINANCES ON SECOND READING

***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.

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

Section 1. Section 26-149 of the Sheboygan Municipal Code entitled "Qualifications" is hereby amended in subsection (a)(2) thereof to read as follows:

"Sec. 26-149. Qualifications.

(a) . . .

(2) Carpenter contractors: Four years of apprenticeship plus two years working as a journeyman in the residential trade or six years experience in the construction industry."

Section 2. Section 26-149 of the Sheboygan Municipal Code entitled "Qualifications" is hereby repealed and recreated in subsection (b) thereof so as to read as follows:

"Sec. 26-149. Qualifications.

. . .

(b) The following qualifications must also be met for licensed contractors: Any person taking a required examination on behalf of, and procuring a license for, a firm, co-partnership, corporation, association or other organization or any combination thereof shall be an active member or officer thereof; and he cannot qualify to take a required examination for himself, another firm, co-partnership, corporation, association or other organization or combination thereof while any license previously procured by him remains unexpired or uncanceled; provided, however, that if the person passing the examination shall, at any time, sever his connection with the contractor to whom the license was issued on his examination, it shall be his duty, and the contractor to whom the license was issued to give written notice immediately to the board of examiners and, at the same time, surrender the license for cancellation."

Section 3. Section 26-150 of the Sheboygan Municipal Code entitled "Re-examination" is hereby repealed and recreated to read as follows:

"Sec. 26-150. Re-examination.

Any person failing to pass a required examination may be re-examined after 60 days by filing the proper application with a \$20.00 examination fee."

Section 4. Section 26-151 of the Sheboygan Municipal Code entitled "Issuance" is hereby repealed and recreated to read as follows:

"Sec. 26-151. Issuance.

(a) If the applicant receives a score of 75 percent or greater on a required examination, the board shall report said application to the council who may then authorize the building inspection division to issue a license to the applicant upon payment of the license fee.

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(b) Where no examination is required, the board shall report a qualifying application to the council who may then authorize the building inspection division to issue a license to the applicant upon payment of the license fee.”

Section 5. Section 26-154 of the Sheboygan Municipal Code entitled “Insurance requirements” is hereby repealed and recreated to read as follows:

“Sec. 16-154. Insurance requirements.

(a) Every contractor granted a license and/or registration shall maintain at all times at least one of the following:

1. A policy of general liability insurance issued by an insurer authorized to do business in this state insuring the contractor in the amount of at least \$250,000 per occurrence because of bodily injury to or death of others or because of damage to the property of others.
2. A bond endorsed by a surety company authorized to do business in this state of not less than \$5,000, conditioned upon the contractor complying with all applicable building code provisions and city ordinances, with the exception that for carpenter contractors, the bond shall be conditioned upon the contractor complying with all applicable provisions of the one- and two-family dwelling code and any city ordinance enacted under sec. 101.65(1)(a), Wis. Stats.

(b) If the applicant is required under sec. 102.28(2)(a), Wis. Stats., to have in force a policy of workers’ compensation insurance or if the applicant is self-insured in accordance with sec. 102.28(2)(b), Wis. Stats., the applicant shall file with the building inspection division a statement certifying that the applicant has in force a policy of workers’ compensation insurance issued by an insurer authorized to do business in this state or is self-insured in accordance with sec. 102.28(2)(b), Wis. Stats.

(c) If the applicant is required to make state unemployment insurance contributions under chap. 108, Wis. Stats., or is required to pay federal unemployment taxes under 26 USC §§ 3301-3311, the applicant shall file with the building inspection division a statement certifying that the applicant is making those contributions or paying those taxes as required.

(d) If an applicant for a carpenter contractor’s license or a registered contractor wishes to use a bond under subsection (a)2 of less than \$25,000 to comply with subsection (a), the applicant shall agree not to perform any work on a dwelling for which the estimated cost of completion is greater than the amount of the bond.

(e) The applicant shall provide evidence of compliance with liability insurance or bond requirements as specified in subsection (a)1 or (a)2 to the building inspection division.

(f) Licenses and/or registrations rendered void for lack of insurance and/or bonding may be reinstated without a new application upon filing the necessary documents within a period of not exceeding 45 days from the date the license and/or registration became void.”

Section 6. Section 26-175 of the Sheboygan Municipal Code entitled “Renewal” is hereby repealed and recreated to read as follows:

“Sec. 26-157. Renewal.

A contractor’s license and/or registration may be renewed for the next succeeding calendar year by filing a renewal application with the building inspection division and the payment of the renewal fee on or before December 1. Unless a license is renewed prior to its expiration, the applicant shall be required to file a new application and be re-examined, if applicable. An appeal for a waiver from this re-examination requirement may be made to the board of contractor examiners.”

Section 7. 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.

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

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

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

Section 1. Subsection 26-37(a)(2)(b)5 of the Municipal Code is hereby repealed and re-created to read as follows:

“26-37 Uniform Codes Adopted

...

(a)

...

(2)

...

(b)

...

- 5. Subsection 307.1 is modified to provide as follows: "Every exterior and interior flight of stairs having more than three risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface more than 24 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 38 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Exception: Existing handrail and guardrails in good repair may remain per the code in effect at the time of installation."

...

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

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

ORDINANCES INTRODUCED

Gen. Ord. No. 59 - 10 - 11. By Alderperson Bohren. April 18, 2011.

AN ORDINANCE amending Section 2-761 of the Municipal Code so as to increase the number of voting members on the board of park and forestry commissioners from seven to eight and repealing and recreating Section 2-764(e) so as to change the membership status of the member of the city historic preservation commission on the board to voting membership.

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

Section 1. Section 2-761 of the Sheboygan Municipal Code entitled "Establishment" is hereby amended so as to increase the number of adult voting members on the board of park and forestry commissioners from seven to eight.

Section 2. Section 2-764 of the Sheboygan Municipal Code entitled "Appointment, term; composition; compensation; removal; filling vacancies" is hereby repealed and recreated in subsection (e) thereof to read as follows:

"Sec. 2-764. *Appointment, term; composition; compensation; removal; filling vacancies.*

...

- (e) One member of the city historic preservation commission shall be a voting member of the board. The city director of public works and engineering and one representative of the Sheboygan police department shall be members of the board; however, they will be nonvoting members: The terms of each of these representatives shall be for a period of one year."

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.

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

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

Gen. Ord. No. 60 - 10 - 11. By Alderpersons Hanna, Kittelson, Roeseler and VanderWeele. April 18, 2011.

AN ORDINANCE amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to change the class grade for the position of Deputy Finance Director/Treasurer in the Finance Department for the City of Sheboygan.

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

Section 1. Section 29-75 of the 1975 Sheboygan Municipal Code entitled, "List of Classes and Class Specifications," is hereby amended in Section 5. Finance Department as follows:

DELETE:

5.	FINANCE DEPARTMENT	Job Code	Class Grade	NO. of Employees
	Deputy Finance Director/Treasurer	B06020D	11	1.0

ADD:

5. FINANCE DEPARTMENT

Deputy Finance Director/Treasurer B06020D 13 1.0

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

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance and attached job description shall be in effect from and after its passage and publication.

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

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

Gen. Ord. No. 61 - 10 - 11. By Alderperson VanderWeele. April 18, 2011.

AN ORDINANCE repealing and recreating Subsection 70-6(a)(2) of the Municipal Code so as to clarify the definition of an enclosed place in the statewide smoking ban.

Was referred to the Committee on Law and Licensing of the new Council.

Gen. Ord. No. 62 - 10 - 11. By Alderperson Roeseler. April 18, 2011.

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 2011 through April 2012.

Was referred to the Committee on Salaries and Grievances of the new Council.

MATTERS LAID OVER

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.

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

Establishing appropriation for park department furniture:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General Fund	General Fund	
Streets & Alleys	Park Department	
Contractors Services	Furniture	
10133140-521900	10153000-631100	\$22,000

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

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.

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

Section 1. Section 29-75 of the 1975 Sheboygan Municipal Code entitled, "List of Classes and Class Specifications," is hereby amended so that Section D.3. are amended as follows:

Class Title	Job Code	Class Grade	NO. of Employees
Delete:			
D. Police Department			
3. Sergeant of Police-Field Supvr.	C10720Q	16	6
Police Officer	C10750P	13	62
Add:			
D. Police Department			
3. Sergeant of Police-Field Supvr.	C10720Q	16	7
Police Officer	C10750P	13	61

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

A motion by Alderperson Hanna and second by Alderperson Versey was made to pass the Ordinance.

Before action was taken thereon, Chief Domagalski spoke.

On motion, the Ordinance was passed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

CONVENE IN CLOSED SESSION

A motion by Alderperson Kittelson and second by Alderperson Rindfleisch to CONVENE IN CLOSED SESSION under the exemption contained in Sec. 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the City who is rendering oral advice concerning strategy to be adopted by the City with respect to litigation with which it is likely to become involved namely claims for excessive assessment by JFM1, LLC, (owner of parcel 59281-215850) and Foxcroft Limited Partnership (owner of parcel 59281-431080) was passed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey, Sampson, Wangemann – 16.

Nays: None.

RECONVENE IN OPEN SESSION

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

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.

On motion by Alderperson Kittelson and second by Alderperson Montemayor, the claim was denied and the City Attorney was directed to send a Notice of Disallowance.

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

Mayor

City Clerk