

COMMON COUNCIL

Official Proceedings of the 2011-2012 Common Council of the City of Sheboygan.

FIFTH REGULAR MEETING

The Council met: Monday, June 6, 2011.

Mayor Bob Ryan in the Chair:

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

Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey-16.

Absent and Excused: None.

On motion by Alderperson Rindfleisch and second by Alderperson Dekker, the reading of the minutes of the Fourth Regular Meeting held May 16, 2011 and the Second Special Meeting held May 19, 2011, were approved as entered on the record, all Alderpersons voting "Aye".

RESIGNATIONS

One Blackfoot Trail
Sheboygan, WI 53081-7009
May 15, 2011

Mayor Bob Ryan
City of Sheboygan
628 Center Avenue
Sheboygan, WI 53081

Dear Mayor Ryan:

I do appreciate the appointment and the trust that you have given me to be on The Transit Commission. It was an honor being appointed.

However, it is with great regret that I will not be able to fulfill my term as a commissioner. In the past two weeks, I have interviewed and have accepted a new position that will take me over to work in Michigan. I would like my resignation to become effective on May 31st.

I will be working for Waste Management as a customer service representative in the MI and OH regional office located in Wixom, MI.

I have always enjoyed my conversations with you and the council members. You have a great bunch of people leading this city. The Challenges to provide services in a cost effective manager are going to be even more of a challenge this year. I wish you all well. I'm sad that I won't be around to help met those challenges.

Regretfully submitted

Brian Vandoske

On motion by Alderperson Rindfleisch and second by Alderperson Dekker, the resignation was accepted and placed on file, all Alderpersons voting "Aye".

MAYOR'S APPOINTMENTS

June 6, 3022

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointment for your consideration:

Todd Wolf to be considered for appointment to the Sheboygan Transit Commission to fill the unexpired term of Brian Vandoske whoe term expires 4/30/13.

MAYOR BOB RYAN

Lies over under the rules.

PUBLIC FORUM

JoAnn Scribner, 3 Seneca Trail and Dolyce Johnson, 1306 N. 3rd St. spoke.

On motion by Alderperson Rindfleisch and second by Alderperson Dekker, both speakers were given an extra minute to speak.

TOURISM UPDATE FROM THE SHEBOYGAN COUNTY CHAMBER OF COMMERCE

MAYOR'S ANNOUCEMENTS

Recognition of WWTP for Joe Cantwell, Energy Advisor for Focus on Energy and to Dale Doerr, Plant Superintendent.

HEARINGS

Hearing No. 1 - 11 - 12. June 6, 2011.

Pursuant to a notice published and personal notices sent by the City Clerk, there is a hearing scheduled for this evening to amend the text of City of Sheboygan Official Zoning Ordinance to so as to permit Junkyard or Salvage Yard as a conditional use within the UI Urban Industrial District.

All interested persons will now be heard.

On motion by Alderperson Rindfleisch and second by Alderperson Dekker, the foregoing hearing was closed, all Alderpersons voting "Aye".

Hearing No. 2 - 11 - 12. June 6, 2011.

Pursuant to a notice published and personal notices sent by the City Clerk, there is a hearing scheduled for this evening to amend the text of City of Sheboygan Official Zoning Ordinance in Section 15.205 Regulations Applicable to All Land Uses so as to add (12) Large Scale Buildings.

All interested persons will now be heard.

On motion by Alderperson Rindfleisch and second by Alderperson Dekker, the foregoing hearing was closed, all Alderpersons voting "Aye".

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichuk, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey-16.

Nays: None.

COMMUNICATIONS AND PETITIONS

Com. No. 2 - 11 - 12. June 6, 2011.

Submitting a communication from Michael Toth being an article from the Milwaukee Journal/Sentinel entitled, "Trainee Feels The Heat, Sweat, Fear".

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

Com. No. 3 - 11 - 12. June 6, 2011.

Submitting a communication from Luke Mattek, President/Coach Sheboygan Area Rugby Football Club, concerning the use of a city field for their football club.

Was referred to the Committee on Public Works.

REPORTS OF OFFICERS

***R. O. No. 47 - 11 - 12. By BOARD OF WATER COMMISSIONERS. June 6, 2011.**

Your Commission met and discussed R. O. No. 464-10-11 by the City Clerk submitting a communication from Lester Pierce stating his concerns over the Water Utility charging an assessment for underground services and stating that he is on a low income; recommends that the Report of Officer be placed on file.

***R. O. No. 48 - 10 - 11. By BOARD OF WATER COMMISSIONERS. June 6, 2011.**

We, hereby, submit the Board of Water Commissioners' Report on the Water Utility for the first quarter of 2011.

The water pumpage was up 3.97% from the same period in 2010. 1,013,952,000 gallons were pumped in the first quarter, compared to 975,236,000 in 2010.

Year to date Operating Revenue at the end of the 1st quarter increased by \$193,263 compared to year to date 2010. The net income for the Utility, as of the end of March 31, 2011 is \$299,781. Details are shown on the attached Income Statement and Balance Sheet.

Construction-Maintenance:

Construction-maintenance work by the Water Utility during the first quarter of 2011:

Number of feet of 4 inch water main installed	0
Number of feet of 6 inch hydrant lead installed	0
Number of feet of 6 inch water main installed	5.2
Number of feet of 8 inch water main installed	58.4
Number of feet of 12 inch water main installed	0
Number of feet of 16 inch water main installed	19.5
Number of feet of 20 inch water main installed	0.0
Number of feet of 24 inch water main installed	0.0
Number of feet of water main abandoned or removed.....	472

Number of water main breaks repaired	9
Number of fire hydrants installed, replaced, relocated, removed, flushed, or major repairs made.....	2
Number of water main valves installed, repaired, removed, or replaced	8
Number of water service connections installed	3

Details are shown on the attached spreadsheets.

Other Utility Business:

The Utility experienced frazil icing on its intake pipelines on several occasions. This phenomenon occurred at other water utilities on Lake Michigan. A dive team was mobilized to collect more observations on the ice buildup. Design work began on a wash water pump replacement with Donohue & Associates. This pump has been in operation since 1959. Various configurations are under evaluation. One full time position in the meter shop became vacant and will remain unfilled, reducing Utility staffing to 31.

***R. O. No. 49 - 11 - 12. By CITY CLERK. June 6, 2011.**

Submitting a communication from the Wisconsin Department of Administration stating that the proposed annexation of the Schuchardt Farm, LLC, has been reviewed and found to be in the public interest.

***R. O. No. 49A - 11 - 12. By BOARD OF CONTRACTORS EXAMINERS. June 6, 2011.**

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

2217	Vernon Habeck PO Box 21 Plymouth, WI 53073	Carpenter Contractor
1472	Charles Wigg 1214 N 4 th Street Sheboygan, WI 53081	Carpenter Contractor
2220	Sasha Moco 2719 Pine Grove Ave Sheboygan, WI 53083	Carpenter Contractor
2211	Dan Graff 2010 N 40 th Street Sheboygan, WI 53081	Carpenter Contractor
2196	David Zehms 3957 Nicolet Drive Green Bay, WI 54311	Carpenter Contractor
2209	Andrew Liermann W5088 Cty Rd LL Plymouth, WI 53073	Carpenter Contractor
2215	John Olig 4331 Moenning Rd Sheboygan, WI 53081	Carpenter Contractor
2212	Paul Powers 603A Kings Court Cascade, WI 53011	Carpenter Contractor
2207	Clifford Kissinger 14001 Moraine Road Kiel, WI 53042	Carpenter Contractor
1754	Anthony Skrepinski 1430 N 17 th Street Sheboygan, WI 53081	Carpenter Contractor
2216	William Nielson 214 Lincoln Avenue Sheboygan, WI 53081	Carpenter Contractor
2175	Anthony Schwaller W5762 Duchess Ct Plymouth, WI 53073	Carpenter Contractor
2167	Shannon Campbell W1681 Garton Road Sheboygan, WI 53083	Carpenter Contractor

2182 Joel Davies Carpenter Contractor
 N1126 Cty Road KW
 Cedar Grove, WI 53013

***R. O. No. 50 – 11 – 12. By FINANCE DIRECTOR/TREASURER. June 6, 2011.**

Submitting, for your information, the Finance Department's 2012 Budget Schedule.

May, 2011	Finance Committee established budget schedule and guidelines To be submitted and approved by Common Council
June, 2011	Common Council Adopts Budget Schedule and Guidelines
June 30, 2011	Revenue estimates due to the Finance Department
July 11, 2011	Finance Committee conducts preliminary review of 2012 estimated revenues
July 29, 2011	2012 Departmental Expenditures requests due to Finance Department
August, 2011	Executive Budget Review – Mayor, Finance and Department Heads
August, 2011	Presentation & Review of Preliminary Executive Budget – Strategic Fiscal Planning Committee
October 3, 2011	Mayor's Executive Report of Officer presenting Budget, Fund Balance, and G O Bonded Debt to the Common Council
October 4–12, 2011	Standing Committees review department budgets and make report of Committee to the Common Council
October 17, 2011	Standing Committees report to Common Council on the status of Department budgets
October 24, 2011	Finance Committee review reports of Standing Committees on departmental Budgets
October 28, 2011	Publication of Notice of Public Hearing on 2012 Proposed Budget
November 7, 2011	Proposed budget submitted to Common Council
November 14, 2011	Public Hearing on 2012 Proposed Budget
November 21 or 28	Special Council Meeting to adopt the 2012 Budget

***R. O. No. 51 - 11 - 12. By REDEVELOPMENT AUTHORITY. June 6, 2011.**

Your Authority to whom was referred Res. No. 244-10-11 and R. C. No. 398-10-11 relative to authorizing the adoption of the South Pier Live/Work District Regulation Plan 2011; recommends the documents be placed on file.

***R. O. No. 52 - 11 - 12. By SHEBOYGAN TRANSIT COMMISSION. June 6, 2011.**

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

***R. O. No. 53 - 11 - 12. By SHEBOYGAN TRANSIT COMMISSION. June 6, 2011.**

Your Commission met and discussed a copy of R. O. No. 466-10-11 by the City Clerk submitting a communication from 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 accepted and placed on file and to approve the request.

R. O. No. 54 - 11 - 12. By CITY PLAN COMMISSION. June 6, 2011.

Your Commission to whom was referred Gen. Ord. No. 9-11-12 and R. O. No. 34-11-12 relative to annexation of the Schuchardt Farm, LLC to the City of Sheboygan; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, May 24, 2011, and after due consideration, recommends the Ordinance be passed and the Report of Officer be placed on file.

Was accepted and placed on file.

R. O. No. 55 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting various license applications.

AMUSEMENT LICENSE APPLICATION (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2757	Lucky Dons Bear Claw	3347 Memorial Mall
2728	Theisen Vending Company	3447 Memorial Mall

CARNIVAL LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2638	Miesfelds Lakeshore Weekend	South Pier, Harbor District

TEMPORARY CLASS "B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2073	UW-SHEBOYGAN FOUNDATION	1 University Dr. – one-day event to be held 6/23/2011 at Harbor Center Family Day & Bike Race.
2638	Miesfeld's Lakeshore Weekend	2741 N. 40 th St. – three-day event to be Held 7/29/11 to 7/31/11 on South Pier, Harbor Centre District.
2824	Volunteer Center	2911 Rammer Ct. – one-day event to be held 7/15/11 at the Kiwanis Park Shelter Area.
2828	Wisconsin Naval Ship Assoc.	802 Blue Harbor Dr. – two-day event to be Held 7/3/11 to 7/4/11 at the Triple Play Bldg. First Floor & grassy area.
2830	Trisha L Bergemann Found.	2722 Henry St. – one-day event to be held 6/25/11 to include the outside grounds.

TEMPORARY BEVERAGE OPERATOR'S APPLICATION

<u>No.</u>	<u>Name</u>
6187	Cvetan, Donna
9100	Jackson, Shawn D.
7952	Ries, Michael J.
9121	Rindt, Jonathan C.

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

R. O. No. 56 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting an agreement between Community Bank & Trust and the Sheboygan Softball Association to award naming rights of the current park, Wildwood Softball Complex, to be named Community Bank & Trust Softball Fields, from 2011 through the 2015 season.

Was referred to the Board of Parks and Forestry.

R. O. No. 57 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Was referred to the Law and Licensing Committee.

R. O. No. 58 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Was referred to the Law and Licensing Committee.

R. O. No. 59 - 11 - 12. By DEPUTY FINANCE DIRECTOR/TREASURER. June 6, 2011.

Submitting the Harbor Centre Marina Balance Sheet from Operations dated April 30, 2011, as submitted by Skipper Marine.

Was referred to Marina and Harbor Committee.

R. O. No. 60 - 11 - 12. By BUILDING INSPECTION. June 6, 2011.

We hereby submit the report of the Building Inspection Department for the month of March and April 2011.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 61 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting a communication from Christopher Gable requesting a waiver for the Sex Offender Residency restrictions in order to move to 1226 St. Clair Ave.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 62 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting a request for a waiver of the Sex Offender Residency restrictions from Albert Webster to move to 2533 N. 15th Place.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 63 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting a communication from the Wisconsin Department of Corrections requesting a waiver of the Sex Offender Residency restrictions on behalf of Benjamin E. Walker to TLP at 1123/1125 N. 14th St. or 930A Michigan Ave. Was referred to the Committee on Public Protection and Safety.

R. O. No. 64 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting a communication from Kevin Traas requesting a waiver of the Sex Offender Residency restrictions to move to 730 Grand Ave. Was referred to the Committee on Public Protection and Safety.

R. O. No. 65 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting a communication from the State of Wisconsin Department of Corrections to file an appeal to the Sex Offender Residency restrictions on behalf of Rene Cordova to be placed at a Transitional Living Placement residence located at 1123/1125 N. 14th St. or 931A Michigan Ave., based on availability. Was referred to the Committee on Public Protection and Safety.

R. O. No. 66 - 11 - 12. By FIRE CHIEF. June 6, 2011.

Submitting the First Quarter 2011 EMS Quality Assurance and Quality Improvement Report (January 1, 2011 – March 31, 2011). Was referred to the Committee on Public Protection and Safety.

R. O. No. 67 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting a communication from the State of Wisconsin Department of Corrections submitting a request for a waiver of the Sex Offender Residency restriction on behalf of Anthony Masta. They are requesting to move him to the TLP at 931A Michigan Ave. Was referred to the Committee on Public Protection and Safety.

R. O. No. 68 - 11 - 12. By DEPUTY DIRECTOR OF PUBLIC WORKS. June 6, 2011.

Submitting resume of bids for the New Toilet Facilities and Pavilions, Cleveland Park, Veterans Park and Optimist Park. The Department received three qualified bids: Was referred to the Committee on Public Works.

R. O. No. 69 - 11 - 12. By PURCHASING AGENT. June 6, 2011.

Submitting report documenting the results of Bid # 1573-11 for the purchase of one replacement 6,000# Capacity LP-Gas Powered forklift truck and accessories for use at the Municipal Service Building equipped as specified. In lieu of a trade-in, the current unit will be offered at auction following receipt of the new equipment. Was referred to the Committee on Public Works.

R. O. No. 70 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting a claim from Antonio Lopez for alleged damages when he was stopped by the Police, patted down and a pocket knife was taken from him and put on the police car and the knife was misplaced. Was referred to the Special Committee on Risk Management.

R. O. No. 71 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting a claim from TransPac Solutions, agent for Auto Club a/s/o Justine Bakes, for alleged damages to her vehicle when it was struck by a City snow plow. Was referred to the Special Committee on Risk Management.

R. O. No. 72 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting a claim from Afni Insurance Services on behalf of their insured Mark E. Landgraf for alleged damages to his vehicle when he was parked in the lot at Fire Station #3 and a fire truck backed into the front bumper. Was referred to the Special Committee on Risk Management.

R. O. No. 73 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting claim from AT&T for for alleged damages to their buried telephone cable while the City was excavating for a water service. Was referred to the Special Committee on Risk Management.

R. O. No. 74 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting a communication from Sylvia Saldana about trouble she is having with a certain bus driver.
Was referred to the Sheboygan Transit Commission.

R. O. No. 75 - 11 - 12. By CITY CLERK. June 6, 2011.

Submitting the tentative map for restricting for the City of Sheboygan.
(8 Districts, 16 Alderpersons, 23 wards).
Was referred to the Committee of the Whole.

RESOLUTIONS INTRODUCED

Res. No. 21 - 11 - 12. By Alderperson Hammond. June 6, 2011.

A RESOLUTION approving the terms and conditions of the Ground Lease between the Redevelopment Authority and Sheboygan County Chamber of Commerce, Inc.
Lies over under the rules.

Res. No. 22 - 11 - 12. By Alderpersons Hammond, Matichek and Van Akkeren. June 6, 2011.

A RESOLUTION to authorize a transfer of appropriations in the 2011 Budget.
Lies over under the rules.

Res. No. 23 - 11 - 12. By Alderpersons Hammond, Matichek and Van Akkeren. June 6, 2011.

A RESOLUTION authorizing the City of Sheboygan to enter into a contract for audio visual equipment for the Council.
Lies over under the rules.

Res. No. 24 - 11 - 12. By Alderpersons Hammond, Matichek and Van Akkeren. June 6, 2011.

A RESOLUTION to authorize a transfer of appropriations in the 2011 Budget.
Lies over under the rules.

Res. No. 25 - 11 - 12. By Alderperson Hammond. June 6, 2011.

A RESOLUTION to authorize a transfer of appropriations in the 2011 Budget.
Was referred to the Committee on Finance.

Res. No. 26 - 11 - 12. By Alderperson Bohren. June 6, 2011.

A RESOLUTION authorizing execution of the buyout provision in the Renewable Electrical Generation Agreement with Wisconsin Power & Light Company.
Was referred to the Committee on Finance.

Res. No. 27 - 11 - 12. By Alderperson Bohren. June 6, 2011.

A RESOLUTION authorizing the appropriate City Officials to enter into contract with Quasius Construction, Sheboygan, Wisconsin, for the construction of New Toilet Facilities and Pavilions at Cleveland Park, Veterans Park and Optimist Park as proposed in the 2011 Capital Improvements Program.
Was referred to the Committee on Public Works.

Res. No. 28 - 11 - 12. By Alderperson Bohren. June 6, 2011.

A RESOLUTION authorizing the Purchasing Agent to enter into contract with Wisconsin Lift Truck Inc. for the purchase of one (1) 2011 Model Doosan G30P 6000# Capacity LP-Gas powered lift truck for use at the Municipal Service Building.
Was referred to the Committee on Public Works.

REPORTS OF COMMITTEES

***R. C. No. 37 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. June 6, 2011.**

Your Committee to whom was referred R. O. No. 505-09-10 by the City Clerk 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. 8th St. and Georgia Ave.; recommends that the document be placed on file.

***R. C. No. 38 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. June 6, 2011.**

Your Committee to whom was referred R. O. No. 393-10-11 by the City Clerk submitting a claim from John Prinsen for alleged damages to his vehicle while pulling out of a parking spot and pulling forward, a Police department

employee began backing out of his parking spot and struck the vehicle; recommends that the claim be paid in the amount of \$895.02.

***R. C. No. 39 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. June 6, 2011.**

Your Committee to whom was referred R. O. No. 458-10-11 by the City Clerk submitting a claim from Robert Theis for alleged damages to his tire because the street sank damaging the tire; recommends that the claim be denied and direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 40 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. June 6, 2011.**

Your Committee to whom was referred R. O. No. 479-10-11 by the City Clerk submitting a claim from Michael Brenner for alleged damages to his vehicle when he struck an aluminum pole sticking out into the line of traffic; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 41 - 11 - 12. By PUBLIC WORKS. June 6, 2011.**

Your Committee to whom was referred R. O. No. 18-11-12 by the City Clerk submitting a communication from Henry Nelson et al., requesting that street lights be installed on Settlement Trail from approximately 200' south of Broadway south to the end of the cul-de-sac; recommends that the Report of Officer be accepted and placed on file and the request be approved.

***R. C. No. 42 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. June 6, 2011.**

Your Committee to whom was referred R. O. No. 21-11-12 by the City Clerk submitting a claim from Michelle Peterson for alleged damages to her tire when she hit a pothole on Wilgus Rd. near the Marcus Theatre; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 43 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. June 6, 2011.**

Your Committee to whom was referred R. O. No. 22-11-12 by the City Clerk submitting a claim from Anthony Olson for alleged damages to his home when a water main broke; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

***R. C. No. 44 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. June 6, 2011.**

Your Committee to whom was referred R. O. No. 23-11-12 by the City Clerk submitting a claim from American Family Insurance on behalf of their insured Anthony J. Olson for alleged damages to his home as a result of a water main break; recommends that the document be placed on file.

***R. C. No. 45 - 11 - 12. By FINANCE. June 6, 2011.**

Your Committee to whom was referred R. O. No. 35-11-12 by the City Clerk submitting the Harbor Centre Business Improvement District's Financial Statements for 2010 together with the independent Auditor's report; recommends that the document be placed on file.

***R. C. No. 46 - 11 - 12. By LAW AND LICENSING. June 6, 2011.**

Your Committee to whom was referred R. O. No. 37-11-12 by the City Clerk, submitting various license applications for the period ending June 30, 2011 and June 30, 2012; recommends that the following licenses be granted:

PERMANENT CHANGE OF PREMISE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2789	Poseidon	434 Pennsylvania Ave. – to include the fenced in area on the northwest corner of the building.

SIDEWALK CAFÉ LICENSE (April 14, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2487	Frankie's Pub & Grille	2218 Indiana Ave.

"CLASS A" LIQUOR LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2532	Fischers Food & Liquor	4554 S. 12 th St.
1257	Piggly Wiggly #15	3124 S. Business Dr.
2820	Superior Discount	823 S. 8 th St.
2702	Tietzs Piggly Wiggly	2905 N. 15 th St.
2423	Wal-Mart Supercenter #1276	3711 S. Taylor Dr.

CLASS "A" FERMENTED MALT BEVERAGE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
------------	-------------	----------------

2209	Aldi #94	919 S. Taylor Dr.
1193	Kwik Trip #361	1618 Calumet Dr.
1998	Kwik Trip #780	2622 S. Business Dr.
2763	Kwik Trip #897	2033 North Ave.
2503	Mad Max Convenience Stores	1003 S. 14 th St.
1253	Petro Center #1	1208 Union Ave.
1254	Petro Center #4	2113 S. Business Dr.
1272	Q Mart #200	1006 Geele Ave.
1273	Q Mart #201	1508 S. 8 th St.
2191	Q Mart #208	2235 North Ave.
1277	Q Mart #211	2420 Calumet Dr.
1778	Q Mart #218	3715 Wash. Ave. S Frt Rd.
1683	Q Mart #221	3626 S. Taylor Dr.
2470	Q Mart #235	1230 N. Taylor Dr.
2472	Q Mart #238	1211 Weeden Creek Rd.
1406	Tidy Car of Sheboygan	810 N. 14 th St.

"CLASS B" LIQUOR LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2742	8 th Street Ale Haus	1132 N. 8 th St.
1877	Applebees Neighborhood Grill	526 S. Taylor Dr.
2351	Ashleys Bar & Grill	1034 Michigan Ave.
2693	Bean's on 12 th	1823 N. 12 th St.
2762	Braveheart Pub I	2120 Calumet Dr.
1040	Brennans on Michigan	1101 Michigan Ave.
1833	Champs Sports Bar	1501 Indiana Ave.
2772	Club Michigan I	908 Michigan Ave.
1511	Dennys Bar	2140 Calumet Dr.
1516	Emmers	906 S. 15 th St.
1525	Fountain Park Lounge	922 N. 8 th St.
1119	Four of a Kind	811 Indiana Ave.
2487	Frankies Pub & Grill	2218 Indiana Ave.
1799	George Michaels I	513 N. 8 th St.
1892	Gosses at Northwestern House	1909 Union Ave.
2192	Harrys Diner	2504 Calumet Dr.
2193	Kaddyshack LLC, The	1502 S. 13 th St.
1199	Lakeshore Lanes	2519 S. Business Dr.
2685	Lino Ristorante Italiano	422 South Pier Dr.
1226	Meyers Lakeview Pub	550 Wilson Ave.
2272	PJs Party Zone	910 N. 18 th St.
2563	Penn Ave Pub II	827 Pennsylvania Ave.
2720	Rehab Bar & Grill	1450 S. 8 th St.
1925	Screamers	2201 N. 15 th St.
1229	Sheboygan Moose Lodge #438	1811 Georgia Ave.
1346	Sheboygan Pine Club	1716 Geele Ave.
2717	Shevegas	1133 Michigan Ave.
1890	Suscha Super Bar	1054 Pennsylvania Ave.
1397	Tappers Bar & Grill	1702 S. 17 th St.
2466	Tipo Too	2607 Superior Ave.
1420	VFW Post #9156	552 S. Evans St.
1693	Zieggys II	933 Indiana Ave.

CLASS "B" FERMENTED MALT BEVERAGE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1986	Pizza Hut #13440	1107 N. 14 th St.
1987	Pizza Hut #13462	2727 S. Business Dr.
1328	Sheboygan Athletic Club	2338 New Jersey Ave.
2696	Sheboygans Family Restaurant	2704 S. Business Dr.

"CLASS C" WINE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2696	Sheboygans Family Restaurant	2704 S. Business Dr.

TAXICAB BUSINESS LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2525	All Star Taxi I	W2254 Ourtown Rd., Sheboygan Falls
2748	Naughty-Girl Limo Service	2127 N. 10 th St.
1911	Wheelchair Taxi	2516 Superior 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. 47 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. June 6, 2011.**

Your Committee to whom was referred R. O. No. 41-11-12 by the Fire Chief submitting his report of departmental activity for the period commencing January 1, 2011, and ending March 31, 2011; recommends that the Report of Officer be accepted and placed on file.

***R. C. No. 48 - 11 - 12. By PUBLIC WORKS. June 6, 2011.**

Your Committee to whom was referred R. O. No. 43-11-12 by the City Clerk submitting a communication from Amy Gutierrez, Tourism Director of the Sheboygan County Chamber of Commerce requesting use of services and equipment from the Department of Public Works and Public Protection and Safety for activities on South Pier during the 4th of July events; recommends that Report of Officer be accepted and placed on file and to approve the requests.

R. C. No. 49 - 11 - 12. By LAW AND LICENSING. June 6, 2011.

Your Committee to whom was referred R. O. No. 484-10-11 by the City Clerk, submitting license applications for the period ending June 30, 2011, June 30, 2012 and June 30, 2013; recommends that Beverage Operator's License Application #7081 be denied based upon his failure to include all relevant convictions on his application, his record of violations, and his failure to cooperate with the Committee.

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey-16.

Nays: None.

R. C. No. 50 - 11 - 12. By MARINA AND HARBOR. June 6, 2011.

Your Committee to whom was referred R. O. No. 9-11-12 by the Deputy Finance Director/Treasurer submitting the Harbor Centre Marina Balance Sheet from operations dated March 31, 2011, as submitted by Skipper Marine; recommends that the Report of Officer be accepted and placed on file.

On motion by Alderperson Van Akkeren and second by Alderperson Kittelson, the Report of Committee was accepted and adopted, all Alderpersons voting "Aye".

***R. C. No. 51 - 11 - 12. By LAW AND LICENSING. June 6, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 484-10-11 and R. O. No. 38-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2011, June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:

BEVERAGE OPERATOR'S LICENSE (NEW) (June 30, 2013)

<u>No.</u>	<u>Name</u>
9064	Blaser, Brenda S.
9076	Bolwerk, Kevin G.
7095	Forward, Tiffany
7256	Hazelberg, Samantha C.
1451	Hilbert, Paula M.
9063	Kindy, David G.
4939	Lubach, Nancy K.
9077	Strysick, Judy
9070	Tahiri, Paula
9074	Varisco, Tiffany A.
9068	Voskuil, Cory A.
9066	Wilsing, Andrew W.

BEVERAGE OPERATOR'S LICENSE (RENEWAL) (June 30, 2013)

<u>No.</u>	<u>Name</u>
1004	Adamavich, William
1006	Adelich, Colette

4235 Altmann, Donna M.
 5301 Altmann, Terry W.
 7735 Baker, Duane D.
 1041 Batt, Lisa M.
 6141 Berg, Joel F.
 1853 Berglund, Jodi C.
 1091 Blindauer, Eugene
 1130 Brezonik, John J.
 7672 Decker, Dennis E.
 8459 Dekker, Jeremy J.
 7629 Devault, Ashley J.
 3659 Emmer, Patrick J.
 1605 Emmer, Tamie Ann
 7641 Frericks, Julie A.
 4619 Giovannetti, Elizabeth M.
 7572 Graefe, Lee P.
 5364 Hiebing, Suzanne M.
 4635 Hinz, Curtis
 1512 Hocking Jr., Frederick S.
 1568 Jetzer, Julian E.
 8528 Jimenez, Sara A.
 1628 Klabechek, James R.
 2520 Kleeman, Rick A.
 6200 Knabe, Suzan D.
 5973 Krebsbach, Kristin E.
 6340 Kruse, Richard J.
 4682 Laiken, Thomas E.
 1767 Long, Jean H.
 4004 MacKenzie, Anna M.
 7845 MacLaughlin, Penny L.
 4972 Mondloch, Susan M.
 4927 Oehldrich, Richard M.
 4890 Peterson, Leslie M.
 5584 Rider, Aaron M.
 8372 Roerdink, Lisa A.
 6331 Ross, Daniel T.
 8451 Rupnik, Rachel M.
 5381 Schaetzer, Todd B.
 6904 Scherer, Ann Marie
 2135 Sessler, Steven J.
 7616 Shaha, Eryn L.
 2174 Spira, Romaine G.
 8229 Ubbelohde, Lisa
 2265 Voechting, Harlen
 2915 Voechting, Lawrence J.
 2970 Vreeke, Marianne
 8432 Wellman, Alexandra K.
 8321 Wenninger, Janet L.
 6803 Wilsing, William J.
 7486 Zschetzsche, Brian A.

TAXICAB OPERATOR LICENSE (NEW) (June 30, 2012)

<u>No.</u>	<u>Name</u>
8554	Castillo, Sonia

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. 52 - 11 - 12. By FINANCE. June 6, 2011.

Your Committee to whom was referred Res. No. 19-11-12 by Alderperson Hammond executing a grant agreement with the Department of Natural Resources and the City of Sheboygan for the purpose of developing a conservation plan for 177 acres on the Schuchardt property; recommends that the Resolution be passed.

Was accepted and adopted.

***R. C. No. 53 - 11 - 12. By PUBLIC WORKS. June 6, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 42 – 11 -12 by Purchasing Agent submitting a report to the provision of 2011 Husqvarna diesel powered, walk-behind concrete saw and trailer, including trade-in of the current saw from 2001; and
2. Res. No. 20 - 11 - 12 by Alderperson Bohren authorizing the Purchasing Agent to enter into contract for the provision of (1) new diesel powered walk behind concrete saw and trailer for the Motor Vehicle Department;

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

RESOLUTIONS ON SECOND READING

***Res. No. 20 - 11 - 12. By Alderperson Bohren. May 16, 2011.**

A RESOLUTION authorizing the Purchasing Agent to enter into contract for the provision of (1) new diesel powered walk behind concrete saw and trailer for the Motor Vehicle Dept. less trade-in.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into contract with Bay Verte Machinery Inc. of Green Bay WI for the provision of (1)2011 Model Husqvarna diesel powered walk behind concrete saw and trailer received in response to Bid # 1877-11 dated May 10, 2011 in the amount of \$29,909.00 including trade in of the 2001 Model.

BE IT FURTHER RESOLVED: That the Purchasing Agent is hereby authorized to draw orders on Account #70136100-641200 for the payment of same.

Res. No. 19 - 11 - 12. By Alderperson Hammond. May 16, 2011.

A RESOLUTION executing a grant agreement with the Department of Natural Resources and the City of Sheboygan for the purpose of developing a conservation plan for 177 acres on the Schuchardt property.

RESOLVED: That proper City officials are hereby authorized to execute the attached grant agreement with the Department of Natural Resources for the purpose of development a conservation plan for 177 acres on the Schuchardt property. The agreement provides the Department of Natural Resources will reimburse the City of Sheboygan in the amount up to a total of \$40,000.

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey-16.

Nays: None.

ORDINANCE ON SECOND READING

Gen. Ord. No. 9 – 11 - 12. By Alderpersons Kath and Kittelson. May 16, 2011.

AN ORDINANCE annexing territory to the City of Sheboygan, Wisconsin.

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

Section 1. Territory Annexed. In accordance with sec. 66.0217 of the Wisconsin Statutes and the petition for direct annexation filed with the City Clerk on the 10th day of May, 2011, signed by a number of qualified electors residing in the territory equal to at least the majority of votes cast for governor in the territory at the last gubernatorial election and the owners of at least one-half of the land in area within the territory, together with a scale map and a legal description of the property to be annexed, the following described territory in the Town of Sheboygan, Sheboygan County, Wisconsin, is hereby annexed to the City of Sheboygan, Wisconsin:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN.

Section 2. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Sheboygan for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Sheboygan.

Section 3. In accordance with sec. 66.0217(14) of the Wisconsin Statutes, the City of Sheboygan agrees to pay annually to the Town of Sheboygan, for five (5) years, an amount equal to the amount of property taxes that the Town levied on the annexed territory, as shown by the tax roll under sec. 70.65 of the Wisconsin Statutes, in the year in which the annexation is final.

Section 4. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other

provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 5. This ordinance shall take effect upon passage and publication as provided by law.

Section 6. The territory described in Section 1 of this ordinance is hereby made a part of the 29th Ward, 3rd Aldermanic District, 28th Supervisory District, 26th Assembly District and 9th Senatorial District.

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey-16.

Nays: None.

ORDINANCE INTRODUCED

Gen. Ord. No. 9 - 11 - 12. By Alderperson Kittelson. June 6, 2011.

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

Lies over under the rules.

MATTERS LAID OVER

Res. No. 18 - 11 - 12. By Alderpersons Hammond, Rindfleisch, Bohren, Matichek and Van Akkeren. May 16, 2011.

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

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

Establishing estimated revenue and appropriation for donations to the Police Department for community policing:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General Fund	General Fund	
Police Department	Police Department	
Contributions	Community Policing	
10121100-467101	10121100-530200-00035	\$1,200

Establishing estimated revenue and appropriation for donations to the Police Department for K-9 services:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General Fund	General Fund	
Police Department	Police Department	
Contributions	K-9 Services	
10121100-467101	10121100-649100-00026	\$30

Establishing estimated revenue and appropriation for donations to the Fire Department for a Thermal Imaging Camera:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General Fund	General Fund	
Fire Department	Fire Department	
Contributions	Thermal Imaging Camera	
10122100-467101	10122100-649100-29180	\$850

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey-16.

Nays: None.

R. O. No. 30 - 11 - 12. By CITY PLAN COMMISSION. May 16, 2011.

Your Commission to whom was referred Gen. Ord. No. 1-11-12 and R. O. No. 7-11-12 relative to amending the text of the City of Sheboygan Official Zoning Ordinance in Sections 15.105, 15.203 and 15.206 so as to permit Junkyard or Salvage Yard as a conditional use within the UI Urban Industrial District; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, May 10, 2011, and after due consideration, recommends approval of the Ordinance and the Report of Officer be placed on file.

Gen. Ord. No. 1 - 11 - 12. By Alderperson Sampson. May 2, 2011.

AN ORDINANCE amending the text of the City of Sheboygan Official Zoning Ordinance in Sections 15.105, 15.203 and 15.206 so as to permit Junkyard or Salvage Yard as a conditional use within the UI Urban Industrial District.

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

Section 1. Section 15.105 of the Sheboygan Official Zoning Ordinance is hereby amended in Subsection (3)(h)2.c. thereof relating to the land uses permitted as conditional use so as to add the following:

“Section 15.105(3)(h)2.c.

...

Junkyard or Salvage Yard (per Section 15.206(5)(d)”

Section 2. Section 15.203 of the Sheboygan Official Zoning Ordinance is hereby amended in Subsection (5)(d) thereof relating to the table of land uses for storage/disposal so as to add the following:

“C” under Zoning District Abbreviations in the UI District for Junkyard or Salvage Yard.

Section 3. Section 15.206 of the Sheboygan Official Zoning Ordinance is hereby amended in Subsection (5)(d)3. thereof relating to Junkyard or Salvage Yard so as to read as follows:

“Section 15.206(5)(d) Junkyard or Salvage Yard

...

3. Conditional Use Regulations {RA-35ac, HI, UI}:

- a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting residentially zoned property (see Section 15.610).
- b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
- c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard area.
- d. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in Section 15.719.
- e. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
- f. In the UI District, permitted uses include Junkyards or Salvage Yards that operated prior to adoption of the 1996 zoning ordinance (Subs. Gen. Ord. No. 10-96-97) and consist of not less than 13 acres. This does not permit the expansion of land area for existing Junkyard or Salvage Yard uses or creation of new Junkyard or Salvage in the UI District.”

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 Sampson and second by Alderperson Hanna, the Report of Officer was accepted and placed on file and the Ordinance was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey-16.

Nays: None.

R. O. No. 31 - 11 - 12. By CITY PLAN COMMISSION. May 16, 2011.

Your Commission to whom was referred Gen. Ord. No. 2-11-12 relative to amending the text of the City of Sheboygan Official Zoning Ordinance in Section 15.205 Regulations Applicable to All Land Uses so as to add (12); wishes to report this matter was discussed at the regular meeting of the City Plan Commission, May 10, 2011, and after due consideration, recommends approval of the Ordinance.

Gen. Ord. No. 2 - 11 - 12. By Alderperson Sampson. May 2, 2011.

AN ORDINANCE amending the text of the City of Sheboygan Official Zoning Ordinance in Section 15.205 Regulations Applicable to All Land Uses so as to add (12).

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

Section 1. Section 15.205 of the Sheboygan Official Zoning Ordinance, Regulations Applicable to All Land Uses, is hereby amended as to add the following:

(12) “Large Scale Buildings”. All large scale retail and commercial buildings in excess of 20,000 square feet are subject to the following additional requirements:

- (a) Policy on vacation of existing sites. Where such a building is proposed as a replacement location for a business already located within the city, the city shall prohibit any privately imposed limits on the type of use or reuse of the previously occupied building through conditions of sale or lease.
- (b) In the event a Large Scale Building is vacated, the owner/developer shall submit a plan to the City for the continued maintenance of the property which addresses how the owner/developer will avoid any nuisance violations and/or the owner/developer shall submit a plan to the City which addresses the removal and/or the proposed reuse of the building. This plan must be submitted within twelve (12) months after the vacancy; provide however, the time limit may be extended by the Plan Commission upon showing of good cause.

June 6, 2011

- (c) Absolute building area cap. No individual building shall exceed a total of 155,000 square feet in gross floor area. This cap may be exceeded only by the granting of a conditional use permit.
- (d) Outlots. All buildings on outlots shall be of architectural quality comparable to the primary structure as determined by the Architectural Review Board.

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 Sampson and second by Alderperson Versey, the Report of Officer was accepted and placed on the file and the Ordinance was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey-16.

Nays: None.

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

Mayor

City Clerk