

July 19, 2010

COMMON COUNCIL

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

EIGHTH REGULAR MEETING

The Council met: Monday, July 19, 2010.

Mayor Bob Ryan in the Chair:

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

Bohren, Bouck, Bowers, Gischia, Hammond, Hanna, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann – 13.

Absent – Dekker, Heidemann, VanderWeele – 3.

On motion by Alderperson Gischia and second by Alderperson Kittelson, the reading of the minutes of the Seventh Regular Meeting held July 6, 2010, and the minutes were approved as entered on the record, all Alderpersons present voting "Aye".

RESIGNATION

Honorable Robert Ryan
828 Center Avenue, 3rd Floor
Sheboygan, WI 53081

Dear Mayor Ryan,

I was recently appointed as Circuit Court Judge in Sheboygan County. Therefore, I respectfully submit my resignation as a member of the Board of Police and Fire Commissioners. It was an honor to serve on this commission and I thank you for the opportunity.

Very Truly yours,

Angela W. Sutkiewicz

On motion by Alderperson Gischia and second by Alderperson Kittelson, the foregoing Resignation was accepted and filed, all Alderpersons present voting "Aye".

MAYOR'S APPOINTMENT

July 19, 2010

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointments for your consideration:

James Pragatz to be considered for appointment to the Board of Police and Fire Commissioners to fill the unexpired term of Angela Sutkiewicz whose term expires 4/28/14.

David Sachse to be considered for appointment to the Redevelopment Authority to fill the unexpired term of Glenn Pilling whose term expires on 4/28/14.

Mayor Bob Ryan

Lies over under the rules.

CONFIRMATION OF MAYOR'S APPOINTMENT

July 6, 2010

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointment for your confirmation:

Peter Pittner to be considered for appointment to the Sustainable Sheboygan Task Force to fill the unexpired position of Sara Thiel whose term expires on 4/25/11.

Mayor Bob Ryan

On motion by Alderperson Gischia and second by Alderperson Kittelson, the foregoing appointment was confirmed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Gischia, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann— 11.

Nays: None.

Abstain: Hammond, Hanna – 2.

PUBLIC FORUM

Jeff Schukow, 2508 Indiana Ave., an extra minute was granted by Alderpersons Gischia and Kittelson, Milt Storm, 1736 Marvin Ct. was granted an extra minute by Alderpersons Hanna and Kittelson, Collin Kachel, 321 Bluff Ave., Patricia Aaholm, 2602A Camelot Blvd. and Jim Testwuide, 2711 N. 6th St. spoke. Jim Testwuide was granted an extra minute to speak by Alderpersons Gischia and Kittelson.

MAYOR'S ANNOUNCEMENTS

July 19, 2010

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

Bohren, Bouck, Bowers, Gischia, Hammond, Hanna, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann – 13.

Nays: None.

COMMUNICATIONS AND PETITIONS

Com. No. 28 - 10 - 11. July 19, 2010.

Submitting a communication from Demetree Gaines stating his support for the Spaceport project.

Was referred to the Committee on Finance and the Building Use Committee.

Com. No. 29 - 10 - 11. July 19, 2010.

Submitting a communication from Collin Kachel stating that the Sheboygan Armory should be saved and used for multiple events.

Was referred to the Committee on Finance and the Building Use Committee.

Com. No. 30 - 10 - 11. July 19, 2010.

Submitting a communication from Mike Daniels stating his upset with the Concert Noise levels allowed at Kiwanis Park during the festivals which carries for long distances and wants the City to take action for this and all other picnics/festivals.

Was referred to the Committee on Public Protection and Safety.

Com. No. 31 - 10 - 11. July 19, 2010.

Submitting a communication from Dawn Rakow stating her concerns with the fact that people are allowed to set up chairs and blankets and are taping off areas the night before or early the day of parades not allowing anyone else a place to sit.

Was referred to the Committee on Public Protection and Safety.

REPORT OF OFFICERS

***R. O. No. 143 - 10 - 11. By ASSISTANT CITY ATTORNEY. July 19, 2010.**

Submitting, as a matter of record, a copy of the Order in the matter of Mary Faydash vs. City of Sheboygan, Sheboygan County Circuit Court Case No. 09 CV 970, signed by the Honorable Terence T. Bourke, Circuit Court Judge, on July 9, 2010.

***R. O. No. 144 - 10 - 11. By BOARD OF ELECTRICAL EXAMINERS. July 19, 2010.**

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>
1279	Timothy Cooley 2235 S 10 th Street Manitowoc, WI 54220	Electrical Contractor
1410	Robert Schreier 1648 State Road 28 Kewaskum, WI 53040	Electrical Contractor

***R. O. No. 145 - 10 - 11. By CITY CLERK. July 19, 2010.**

Submitting various license applications.

TEMPORARY BEVERAGE OPERATOR'S LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
7342	Charles, Kimberly C.	2322 S. 11 th St.
8689	Imfeld, Nathan D.	780 South Pier Dr.
3490	Miller, Lee A.	833 Huron Ave.
5935	Miller, Rebecca K.	850 Weeden Creek Rd.
8688	Milleson, Josh T.	2713 Pine Grove Ave.
7575	Sonntag, Jacob D.	314 Center Ave., #2

TEMPORARY CLASS "B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2755	Bookworm Gardens	1415 Campus Dr. – one-day event to be held

7/24/10 to include Bookworm Gardens UW Sheboygan.

SECONDHAND DEALER LICENSE (December 31, 2010)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2749	British International	10261 N. Scottsdale Rd., Scottsdale, AZ

AMUSEMENT LICENSE (June 30, 2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1182	K Mart	2633 S. Business Dr.

***R. O. No. 146 - 10 - 11. By CITY PLAN COMMISSION. July 19, 2010.**

Your Commission to whom was referred R. O. No. 122-10-11 relative to submitting a communication from Russell T. Gilman Jr. of R&G Holdings, LLC, requesting to purchase approximately 6' of City land to the south of the property line at 827 Pennsylvania Ave. (Penn Ave. Pub); wishes to report this matter was discussed at the regular meeting of the City Plan Commission, July 13, 2010, and after due consideration, recommends the Report of Officer be placed on file and further recommends the City Attorney be authorized to negotiate the sale of the subject property to Mr. Gilman.

***R. O. No. 147 - 10 - 11. By CITY PLAN COMMISSION. July 19, 2010.**

Your Commission to whom was referred R. O. No. 123-10-11 relative to submitting a communication from Ray Ten Pas requesting that he be allowed to purchase the unused road right-of-way, Parcel #470622 from the City of Sheboygan; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, July 13, 2010, and after due consideration, recommends the Report of Officer be placed on file.

***R. O. No. 148 - 10 - 11. By CITY PLAN COMMISSION. July 19, 2010.**

Your Commission to whom was referred Gen. Ord. No. 12-10-11 and R. O. No. 124-10-11 relative to granting James J. Bukovic Jr. the privilege of encroaching upon described portions of Pennsylvania Ave. located at 1054 Pennsylvania Ave. in the City of Sheboygan for the purpose of constructing and maintaining a fence; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, July 13, 2010, and after due consideration, recommends approval of the Ordinance and the Report of Officer be placed on file.

R. O. No. 149 - 10 - 11. By CITY CLERK. July 19, 2010.

Submitting a communication from the Sheboygan Outboard Club asking for a variance from the pier agreement wording in the agreement between the Sheboygan Outboard Club and the City of Sheboygan.
Was referred to the City Plan Commission.

R. O. No. 150 - 10 - 11. By CITY CLERK. July 19, 2010.

Submitting a Memorandum of Understanding between the City of Sheboygan and Sheboygan County to demonstrate shared ownership and maintenance responsibility for the EDGE II V5.0.24 HAVA Tabulator with VVPAT Printer (voting machine).
Was referred to the Committee on Finance.

R. O. No. 151 - 10 - 11. By CITY CLERK. July 19, 2010.

Submitting various license applications for the period ending June 30, 2011 and June 30, 2012.
Was referred to the Committee on Law and Licensing.

R. O. No. 152 - 10 - 11. By BUILDING INSPECTION DEPARTMENT. JULY 19, 2010.

We hereby submit the report of the Building Inspection Department for the month of June 2010.
Was referred to the Committee on Public Protection and Safety.

R. O. No. 153 - 10 - 11. By CITY CLERK. July 19, 2010.

Submitting information from Alderperson Versey regarding the "Requirements of the City of Milwaukee Pit bull and Rottweiler Ordinance."
Was referred to the Committee on Public Protection and Safety.

R. O. No. 154 - 10 - 11. By CITY CLERK. July 19, 2010.

Submitting a communication from Adam Mendez submitting an application for a waiver of the Sexual Offender Residency restrictions.
Was referred to the Committee on Public Protection and Safety.

R. O. No. 155 - 10 - 11. By CITY CLERK. July 19, 2010.

Submitting a communication from the State of Wisconsin Department of Corrections filing an appeal to the Sex Offender Residency restrictions for State inmate Michael Sullivan.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 156 - 10 - 11. By CITY CLERK. July 19, 2010.

Submitting a communication from Patricia Aaholm regarding the issue with the SFD/Ambulance and stating that the only proper way to resolve it is to have a public referendum on the November ballot.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 157 - 10 - 11. By CITY CLERK. July 19, 2010.

Submitting a claim from C & T Investments (Don Reineking) for alleged damages to a rental property door when Police officers carried out a search warrant.

Was referred to the Special Committee on Risk Management.

RESOLUTIONS INTRODUCED

Res. No. 56 - 10 - 11. By Alderperson Gischia. July 19, 2010.

A RESOLUTION approving the terms and conditions of a Business Development Loan Agreement between the Redevelopment Authority of the City of Sheboygan and Magna-Tech Wisconsin, Inc.

WHEREAS, the City of Sheboygan, hereinafter referred to as the "City," has been awarded a Community Development Block Grant, a portion of which has as a purpose the creation of additional employment opportunities in the City through the expansion of business development; and

WHEREAS, Magna-Tech Wisconsin, Inc. desires to borrow from the Redevelopment Authority the sum of two hundred ten thousand and 00/100 (\$210,000.00) dollars; and

WHEREAS, the City has authorized the Redevelopment Authority to enter into business development loan agreements with qualified borrowers consistent with guidelines established by the City; and

WHEREAS, the proposed loan deviates from the guidelines established by the City and therefore requires Common Council approval.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby approves the terms and conditions of the Business Development Loan Agreement between the Redevelopment Authority and Magna-Tech Wisconsin, Inc., a copy of which is attached hereto and incorporated herein by reference.

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

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

Ayes: Bohren, Bouck, Bowers, Gischia, Hammond, Hanna, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann – 13.

Nays: None.

Res. No. 57 - 10 - 11. By Alderperson Montemayor. July 19, 2010.

A RESOLUTION accepting a grant of \$70,075 and entering into agreement with the State of Wisconsin, Department of Administration, Comprehensive Planning Grant Program for the development of an update to the City of Sheboygan's Comprehensive Plan.

WHEREAS, the City of Sheboygan shall utilize Community Development Block Grant (CDBG) funding as a match to this grant to complete the update to the Comprehensive Plan.

RESOLVED: That the City of Sheboygan hereby agrees and authorizes the Department of Planning and Development to act as the primary contact to administer the grant and plan development process.

BE IT FURTHER RESOLVED: That the Mayor and City Clerk are hereby authorized to sign all necessary documents on behalf of the City of Sheboygan.

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

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

Ayes: Bohren, Bouck, Bowers, Gischia, Hammond, Hanna, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann – 13.

Nays: None.

Res. No. 58 - 10 - 11. By Alderpersons Gischia, Bouck, Bohren, Hammond and Radtke. July 19, 2010.

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

July 19, 2010

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

Lies over under the rules.

Res. No. 59 - 10 - 11. By Alderperson Gischia. July 19, 2010.

A RESOLUTION authorizing the appropriate City officials to enter into contract to develop a refined redevelopment and TIF project plan for the Indiana Avenue Corridor.

Was referred to the Committee on Finance.

Res. No. 60 - 10 - 11. By Alderperson Gischia. July 19, 2010.

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

Was referred to the Committee on Finance.

Res. No. 61 - 10 - 11. By Alderperson Rindfleisch. July 19, 2010.

A RESOLUTION establishing a policy that provides greater opportunities for businesses located in the City of Sheboygan to win sealed-bid lowest-cost City contracts while protecting taxpayers from inflated bids.

Was referred to the Committee on Finance.

Res. No. 62 - 10 - 11. By Alderpersons Bowers, Versey, Wangemann and Heidemann. July 19, 2010.

A RESOLUTION calling for a referendum on abandoning the City's fire-based ambulance service.

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

Res. No. 63 - 10 - 11. By Alderpersons Gischia and Bohren. July 19, 2010.

A RESOLUTION authorizing accepting the bid from Quality Cleaning of Sheboygan for the cleaning of City Hall.

Was referred to the Committee on Salaries and Grievances and to the Labor Management Committee.

REPORT OF COMMITTEES

***R. C. No. 115 - 10 - 11. By PUBLIC WORKS. July 19, 2010.**

Your Committee to whom was referred Com. No. 26-10-11 from Gary Hinz regarding the gang signs that are painted on the bathhouse at the northside beach; recommends that the Communication be accepted and placed on file.

***R. C. No. 116 - 10 - 11. By LAW AND LICENSING. July 19, 2010.**

Your Committee to whom was referred R. O. No. 68-10-11 and pursuant to R. O. No. 101-10-11 and R. O. No. 128-10-11 by the City Clerk, various license applications for the period ending June 30, 2011 and June 30, 2012; recommends that the following licenses be granted (see *note under Beverage Operators renewals):

CHANGE OF PREMISE

<u>No.</u>	<u>Name</u>	<u>Address</u>
1809	The Wharf	733 Riverfront Dr. – events to be held 7/21/10 and 8/13/10 to 8/14/10 to include The parking between The Wharf and Duke of Devon and the boardwalk in front of each Business.
1337	Sheboygan Elks Lodge	1943 Erie Ave. – event to be held 7/23/10 8/22/10, 8/26/10 & 9/11/10 to include all Property to the south of the building Between the east & west parking lots.

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
2742	8 th Street Ale Haus	1132 N. 8 th St.
2150	Osteria Nonna Maria	1402 S. 8 th St.

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
7370	Anderson, Jackie L.	409 Superior Ave.
6379	Bastian, Todd R.	1012 Falls Park Dr., Sheboygan Falls
8658	Bersch, Laurie B.	916 Mayflower Ave., #1
4033	Bruder, Rebecca J.	2532 Mandy Circle
8601	Check, Emily C.	1934A S. 15 th St.
8665	Grunow, Felicia M.	508 Blackstock Ave.

2928	Helgeson, Corey Jay	1955 N. 5 th St.
8667	Holbrook, Betty A.	4616 Amanda Lane, Apt. C
6578	Jauregui, Don T.	1418 S. 12 th St.
1692	Krueger, Dawn M.	916B Mayflower Ave., #4
8662	Murphy, Heather A.	766 Pine St., Sheboygan Falls
8670	Neilsen, Tammy A.	1208 N. 26 th St.
8672	Paasch, Nicole A.	N6384 Woodland Rd.
8659	Parrish, Jason D.	3207 S. 17 th St.
8653	Quick, Sara M.	2126 Wedemeyer St.
2013	Reif, Sheryl A.	1529 Union Ave.
8656	Reinemann, Carrie L.	1409A N. 11 th St.
8668	Richter, Jeremiah M.	1342 Bluff Ave.
2201	Straus, Michael J.	914 A Court
8663	Whitcomb, Stacy L.	1009 Carver Ave., Howards Grove
8119	Wolfe, Monica N.	1613 S. 8 th St.

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
6414	Babler, Elizabeth M.	1503 Division Ave.
7094	Baulch, Melvyn D.	207 School St., Kohler
5554	Billmann, Brenda L.	1601 Alexander Ct.
7221	Bremer, Brittany A.	721 Zimbal Ave.
8103	Brunnbauer, Joel F.	708 N. Evans St.
6937	Calvert, Catherine L.	1614 N. 9 th St.
8107	Cataldo, Amanda M.	421 Washington Ct.
7338	Coffin, Kurt P.	2110 Folger Ct.
7936	Coldren, Michelle L.	1501A Erie Ave.
7169	Dodge, Brianna L.	709 Spring Ave.
6655	Donohue, Dawn M.	1704 N. 29 th St.
8202	Doyle, John P.	W3397 Hwy 28, Sheboygan Falls
5169	Drier, Lacey J.	1430 Mehrtens
8162	Dyke, Brian J.	823 Spring Ave.
8116	Erdmann, Kathy M.	1629 Alabama Ave.
6523	Evans, Gerri L.	2130 N. 23 rd St.
6534	Gehrke, Kristine M.	4438 Gray Rd., Deforest
4043	Greger, Amy L.	2125 S. 14 th St.
7959	Heinen, Stephanie L.	320 Fond Du Lac Ave., Sheboygan Falls
6036	Henrickson, Angela E.	2213 N. 9 th St.
7950	Hoffmann, Eileen B.	710 Whitcomb Ave.
6635	Hoffmann, Laura	1515 N. 7 th St.
4413	Ireland, Karen K.	1950 N. 6 th St.
7345	Jennerman, Katharine I.	2847 N. Apache Rd.
8004	Kainz, Sarah J.	3516 S. 12 th St. #22
4068	Kester, Becky L.	1439 S. 14 th St.
1659	Koelpin, Daniel C.	3939 S. 12 th St.
3336	Konz, Tracy J.	806 Lincoln Ave.
*Grant Tracy Konz contingent of a 5-day voluntary suspension of her license within 30 days.		
1685	Kraus, Jeanne E.	2410 North Ave.
8045	Krueger, Ondjrea K.	3734 S. 10 th St.
3816	Kurtz, Kathleen A.	1615 Spruce Ct.
1711	Kussard, Dennis A.	1345 N. 40 th St.
5443	Leichtnam, Tammy A.	24 Ashwood Dr.
7963	Mehn, Sydney R.	2011A Indiana Ave.
4683	Meyer, Debra M.	4228 N. 29 th St.
8003	Molitor, Elizabeth A.	4219 S. 15 th St.
6291	Nelson, Susan L.	1194 Apple Ct., Oshkosh
7142	Nitsch, Brian K.	1909 Camelot Blvd.
4046	O'Keefe, Sara M.	828 N. Water St., Apt. 3
8151	Oppeneer, Martha N.	517 Euclid Ave.
8072	Paske, Shaw M.	1906A S. 12 th St.

2871	Perronne, Daniel L.	W2799 Cty N, Sheboygan Falls
8069	Perronne, Lacie J.	1626A S. 14 th St.
6671	Phonesaithip, Priscilla C.	1210 N. 10 th St.
6815	Quasius, Jaclyn A.	926 Swift Ave.
8124	Richards, Tiffany K.	921 Clara Ave.
7202	Root, Brandon R.	742 Superior Ave.
6559	Schnuelle, Dayton L.	W5416 State Rd. 28, Waldo
2680	Schubert, Robin L.	2037 Wiemann Ave.
8099	Smith, Colleen M.	5821 S. 12 th St.
8013	Sorenson, Christina M.	3232 S. 9 th St.
8135	Suhrer, Stephen A.	410 S. Duluth Ave., Sturgeon Bay
2275	Vreeke, Scott B.	1018 Los Angeles Ave.
7099	Wehrwein, Nancy A.	4708 Fox Grove Rd.
5701	Willis, Amber M.	3232 N. 28 th St.
5113	Wilson, Rachael L.	603 Leavens Ave., Sheboygan Falls
2331	Wollin, Kristopher A.	3201 S. 12 th St.

TAXICAB BUSINESS LICENSE (NEW) (June 30, 2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2572	Lakeshore Transportation	N3243 Rock Road, Cascade
2748	Naughty-Girl Limo Service	2127 N. 10 th St.

TAXICAB OPERATOR LICENSE (NEW) (June 30, 2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
8615	Applewhite SR., Aaron E.	728 Kentucky Ave.
5224	Gaumer, Michael B.	2127 N. 10 th St.
8184	Kabasa, Shannon J.	1538 N. 16 th St.
8673	Olaiz, Mariano	529 S. 13 th St.
8671	Rowan, Bradd J.	710 Pennsylvania Ave.
8666	Woodward, Steve E.	619 W. Main St., Plymouth

TAXICAB OPERATOR LICENSE (RENEWAL) (June 30, 2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
6090	Allmann, Michele R.	2016 N. 8 th St.
7929	D'Amato, Rachel A.	N3243 Rock Road, Cascade
8546	Frei, Dorris M.	1014 Erie Ave.
3231	Galicia, Christina M.	1319 N. 17 th St.
6703	Kropuenski, Lynn M.	716 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. 117 - 10 - 11. By MARINA AND HARBOR. July 19, 2010.**

Your Committee to whom was referred R. O. No. 70-10-11 by the Deputy Finance Director/Treasurer submitting the Harbor Centre Marina Balance sheet from operations dated April 30, 2010, as submitted by Skipper Marine; recommends that the Report of Officer be accepted and placed on file.

***R. C. No. 118 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. July 19, 2010.**

Your Committee to whom was referred the following:

1. Com. No. 23-10-11 from Marilyn Cooley requesting that the truck route be changed in the area of the Regency House as there is a noise issue;
2. Com. No. 25-10-11 from Donna Reseburg stating that she is still waiting for the crosswalk at the corner of Superior Ave. and N. 31st St. as it was approved during the last Council year;
3. R. O. No. 108-10-11 by the City Clerk submitting a communication from John Thomack requesting a "No Parking Between Sign" posting in front of their loading dock driveway at 3455 Paine Ave.;
4. R. O. No. 132-10-11 by the City Clerk submitting a communication from Patricia Aaholm regarding the Sheboygan Firefighters Ambulance issue;
5. R. O. No. 136-10-11 by the City Clerk submitting a communication from the Sheboygan Liberty Coalition making the Council aware that they will be holding a one-year anniversary Freedom Rally TEA Party event at Fountain Park on September 4; and
6. R. O. No. 137-10-11 by the City Clerk submitting a communication from the Director of the "Full Moon Race" requesting permission to hold their 3rd annual event on August 21st;

recommends that the documents be placed on file.

***R. C. No. 119 - 10 - 11. By PUBLIC WORKS. July 19, 2010.**

Your Committee to whom was referred R. O. No. 110-10-11 by the City Clerk submitting a communication from Addison Lee stating his complaint regarding the Sheboygan Park rental for Kiwanis Park in which there was confusion on getting the key and requesting his money back; recommends that the Report of Officer be accepted and placed on file.

***R. C. No. 120 - 10 - 11. By PUBLIC WORKS. July 19, 2010.**

Your Committee to whom was referred R. O. No. 112-10-11 by the Purchasing Agent submitting a report related to the provision and installation of an energy saving building control system for the Municipal Service Building utilizing Direct Digital Control technology in accordance with City of Sheboygan Request for Proposals; recommends that the Report of Officer be accepted and placed on file and to approve the bid.

***R. C. No. 121 - 10 - 11. By FINANCE. July 19, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 125-10-11 by the Purchasing Agent submitting an evaluation for Proposal for providing Fire Department Emergency Medical Services (EMS) billing and collection services; and
2. R. O. No. 126-10-11 by the City Clerk submitting the "Annual Proposals For Action" presented to the City of Sheboygan Common Council, June 2010, by the Sheboygan County Taxpayers Alliance;

recommends that the documents be placed on file.

***R. C. No. 122 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. July 19, 2010.**

Your Committee to whom was referred R. O. No. 131-10-11 by the City Clerk submitting a communication from the Sheboygan Professional Fire Fighters Local 483 requesting permission to run their annual "Fill The Boot" Campaign on August 11, 12 and 13, 2010; recommends that the Report of Officer be accepted and placed on file and to approve the request.

***R. C. No. 123 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. July 19, 2010.**

Your Committee to whom was referred R. O. No. 133-10-11 by the City Clerk submitting a communication from Officer Priebe requesting that the following neighborhood be recognized as an official neighborhood watch group and is requesting street signs and window decals

- North boundary – Dillingham Ave.
- East boundary – Lakeshore Dr.
- South boundary – Ashland Ave.
- West boundary – S. 8th St.

recommends that the Report of Officer be accepted and placed on file and to approve the request.

***R. C. No. 124 - 10 - 11. By SALARIES AND GRIEVANCES. July 19, 2010.**

Your Committee to whom was referred the following:

1. Com. No. 27-10-11 from Bob Irish regarding retiree health insurance benefits that are being paid to retired administrators;
2. R. O. No. 140-10-11 by the City Clerk submitting a communication from Alderperson Hanna being an article from the Associated Press entitled, "Walker proposes state employees pay for pensions"; and
3. R. O. No. 141-10-11 by the City Clerk submitting a communication from Alderperson Hanna being an article entitled, "In Budget Crisis, States Take Aim at Pension Costs";

recommends that the documents be placed on file.

R. C. No. 125 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. July 19, 2010.

Your Committee to whom was referred R. C. No. 509-09-10, being a list of 14 items referred to it by the Special Committee On Risk Management of the 2009-2010 council year, recommends as to Item #13 therein, being R. C. No. 427-09-10 and R. O. No. 410-09-10 by the City Clerk submitting a claim from Blue Harbor Resort Sheboygan, LLC for excessive assessment, that the pending lawsuit entitled "Blue Harbor Resort LLC v. City of Sheboygan," Case No. 09-CV-800, be settled upon the basis that the assessments for tax years 2008, 2009 and 2010 be established at the fair market values determined by the review appraisals of Mr. Andy Bussen on behalf of the City, being, respectively, \$25,930,000 for tax year 2008, \$22,270,000 for tax year 2009 and \$22,270,000 for tax year 2010, and that R. C. No. 427-09-10 and R.O. No. 410-09-10 be placed on file.

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

Ayes: Bohren, Bouck, Bowers, Gischia, Hammond, Hanna, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann – 13.

Nays: None.

***R. C. No. 126 - 10 - 11. By SALARIES AND GRIEVANCES. July 19, 2010.**

Your Committee met and discussed the City of Sheboygan Employee Fraternalization Policy and recommends that the City of Sheboygan Employee Fraternalization Policy be adopted.

R. C. No. 127 - 10 - 11. By GOVERNMENT STRUCTURE COMMITTEE. July 19, 2010.

The Government Structure Committee was originally charged with the task of making recommendations to the Common Council as to the economic and administrative feasibility of having a City Manager or City Administrator versus a full-time Mayor and a contracted outside legal counsel versus an elected city attorney. The committee was fully staffed and began their deliberations on February 11th, 2009 met five times and made a unanimous endorsement of the City Administrator position. The Committee was recreated in early 2010 and asked to review and augment their recommendations. As the Committee had received multiple charges as outlined in Resolution 151-09-10, the decision was reached to evaluate and recommend each charge individually. Thus, this Report of Committee deals primarily with the City Administrator Issue.

Was referred to the Committee of the Whole.

***R. C. No. 128 - 10 - 11. By PUBLIC WORKS. July 19, 2010.**

Your Committee to whom was referred R. C. No. 447-09-10 and Res. No. 190-09-10 by Alderperson Kittelson authorizing entering into a Three-Party Design Engineering Services Contract with AECOM Technical Services, Inc., (Consultant) to provide consultant engineering services for the Eisner Ave. reconstruction with sidewalks and bike lanes; recommends that the Report of Committee be accepted and adopted and the attached Substitute Resolution be passed.

***R. C. No. 129 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. July 19, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 135-10-11 by the City Clerk submitting a communication from Camp Evergreen requesting permission to hold their 7th Annual Camp Evergreen Benefit Walk on July 24, 2010; and
2. Res. No. 52-10-11 by Alderpersons Hanna and Bowers granting Camp Evergreen permission to hold their 3 mile Benefit Walk;

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

***R. C. No. 130 - 10 - 11. By PUBLIC WORKS. July 19, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 139-10-11 by the City Engineer submitting bids for the 2010 Concrete Sidewalk Construction Project; and
2. Res. No. 53-10-11 by Alderperson Bohren authorizing entering into a contract for the 2010 Concrete Sidewalk Program;

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

***R. C. No. 131 - 10 - 11. By PUBLIC WORKS. July 19, 2010.**

Your Committee to whom was referred Res. No. 54-10-11 by Alderperson Bohren authorizing signing easement(s) for a mini-storm to be constructed in portions of property located at 1613 N. 29th St.; recommends that the Resolution be passed.

***R. C. No. 132 - 10 - 11. By PUBLIC WORKS. July 19, 2010.**

Your Committee to whom was referred Res. No. 55-10-11 by Alderperson Bohren authorizing signing easement(s) for a mini-storm sewer to be constructed in portions of properties on S. 17th Place; recommends that the Resolution be passed.

R. C. No. 133 - 10 - 11. By FINANCE. July 19, 2010.

Your Committee to whom was referred Res. No. 50-10-11 by Alderperson Gischia authorizing the appropriate City officials to execute the Lease Agreement for the Sheboygan Armory, 516 Broughton Dr., Sheboygan; recommends that the Resolution be passed.

Was accepted and adopted.

R. C. No. 134 - 10 - 11. By FINANCE. July 19, 2010.

Your Committee to whom was referred Res. No. 48-10-11 by Alderperson Gischia being an Initial Resolution Regarding Industrial Development Revenue Bond Financing To Benefit Just Kids Dental, S.C.; recommends that the Resolution be passed.

Was accepted and adopted.

R. C. No. 135 - 10 - 11. By FINANCE. July 19, 2010.

Your Committee to whom was referred Res. No. 49-10-11 by Alderperson Gischia authorizing the Purchasing Agent to enter into a contract for the provision of EMS billing and collection services for the Fire Department; recommends that the Resolution be passed.

Was accepted and adopted.

R. C. No. 136 - 10 - 11. By SALARIES AND GRIEVANCES. July 19, 2010.

Your Committee to whom was referred a copy of Res. No. 51-10-11 by Alderpersons Gischia and Hanna determining that all represented and non-represented employees hired, and all elected officials elected, after the effective date of this resolution shall be required to contribute the full amount of the employee-required contributions under the Wisconsin Retirement System, except where expressly provided otherwise under applicable law, collective bargaining agreement or subsequent Council resolution or ordinance; recommends that the attached Substitute Resolution be passed.

Was accepted and adopted.

R. C. No. 137 - 10 - 11. By PUBLIC WORKS. July 19, 2010.

Your Committee to whom was referred a copy of Res. No. 50-10-11 by Alderperson Gischia authorizing the appropriate City officials to execute the Lease Agreement for the Sheboygan Armory, 516 Broughton Dr., Sheboygan; recommends that the Resolution be passed.

On motion by Alderperson Gischia and second by Alderperson Kittelson, the Report of Committee was accepted and adopted and the Resolution was filed, all Alderpersons present voting "Aye".

R. C. No. 138 - 10 - 11. By LAW AND LICENSING. July 19, 2010.

Your Committee to whom was referred Gen. Ord. No. 9-10-11 by Alderpersons Rindfleisch, Bowers and VanderWeele repealing and recreating Section 70-6 of the Municipal Code so as to adopt and clarify the statewide smoking ban; recommends that the attached Substitute Ordinance be passed.

Was accepted and adopted.

RESOLUTIONS ON SECOND READING

***Subs. of Res. No. 190 - 09 - 10. By Alderperson Kittelson. July 19, 2010.**

A RESOLUTION authorizing entering into a Three-Party Design Engineering Services Contract with AECOM Technical Services, Inc. (Consultant) to provide consultant engineering services for the Eisner Avenue reconstruction with sidewalks and bike lanes, Project I.D. #4996-01-55.

RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to enter into the Three-Party Design Engineering Services Contract with AECOM Technical Services, Inc. (Consultant) to provide engineering services for the Eisner Avenue reconstruction with sidewalks and bike lanes, Project I.D. #4996-01-55 for the lump sum of \$399,678.74.

BE IT FURTHER RESOLVED: That this project will be part of the 2010 Capital Improvements Program.

***Res. No. 52 - 10 - 11. By Alderpersons Hanna and Bowers. July 6, 2010.**

A RESOLUTION granting Camp Evergreen permission to hold their 3 mile Benefit Walk on the streets of the City of Sheboygan.

RESOLVED: That permission is hereby granted to Camp Evergreen to hold a 3 mile walk on the streets of the City of Sheboygan on Saturday, July 24, 2010.

BE IT FURTHER RESOLVED: That the course for the 3 mile walk will begin at Camp Evergreen, 2776 N. 31st Pl., proceed east on Cherokee Dr., to N. 30th St., turn right on N. 30th St. to North Ave., then turn left on North Ave. to N. 25th St., turn left to Calumet Dr., then turn left on Calumet Dr. to main entrance of Evergreen Park, follow road through the park and back to Calumet Dr. to N. 25th St., turn right on N. 25th St. to North Ave., then right on North Ave. to N. 30th St., turn right on N. 30th St. to Cherokee Dr., turn left on Cherokee Dr. and end at Camp Evergreen.

BE IT FURTHER RESOLVED: That the streets and sidewalks will be used as a route of travel. Checkers will be located along the routes to assist the walkers when necessary in crossing streets and getting directions for the route of travel, as specified by the Sheboygan Police Department and as shown on the attached map.

BE IT FURTHER RESOLVED: That permission for the 3 mile Benefit Walk is hereby granted with the proviso that the City Clerk's Office shall receive the necessary insurance statement and the Hold Harmless Agreement prior to this event.

***Res. No. 53 - 10 - 11. By Alderperson Bohren. July 6, 2010.**

A RESOLUTION authorizing entering into a contract for the 2010 Concrete Sidewalk Program, Bid No. 2337-10.

July 19, 2010

RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to enter into contract with Griessmeyer Concrete, Inc., Sheboygan, WI, for the 2010 Concrete Sidewalk Program for the proposed sum of \$55,081.00 per their proposal dated June 29, 2010.

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

***Res. No. 54 – 10 - 11. By Alderperson Bohren. July 6, 2010.**

A RESOLUTION authorizing signing easement(s) for a mini-storm sewer to be constructed in portions of their property.

RESOLVED: That the Mayor and City Clerk are hereby authorized to sign the easement(s) for a mini-storm sewer for the following property:

1. Rita M. Grafenstein, 1613 N. 29th St.

***Res. No. 55 – 10 - 11. By Alderperson Bohren. July 6, 2010.**

A RESOLUTION authorizing signing easement(s) for a mini-storm sewer to be constructed in portions of their property.

RESOLVED: That the Mayor and City Clerk are hereby authorized to sign the easement(s) for a mini-storm sewer for the following properties:

1. Donald F. Diener and Kim S. Diener, 3808 S. 17th Place
2. Paul J. Steger, Jr. and Tracy S. Steger, 3722 S. 17th Place

Res. No. 50 - 10 - 11. By Alderpersons Gischia and Hanna. July 6, 2010.

A RESOLUTION authorizing the appropriate City officials to execute the Lease Agreement for the Sheboygan Armory, 516 Broughton Drive, Sheboygan.

RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to execute the Lease Agreement Between Great Lakes Aerospace Science and Education Center, Inc. and City of Sheboygan, Wisconsin for the Sheboygan Armory, 516 Broughton Drive, a copy of which is attached hereto and incorporated herein.

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

Ayes: Bohren, Bouck, Bowers, Gischia, Hammond, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann – 12.

Nays: None.

Abstain: Hanna – 1.

Res. No. 48 – 10 – 11. By Alderperson Gischia. July 6, 2010.

AN INITIAL RESOLUTION REGARDING INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING TO BENEFIT JUST KIDS DENTAL, S.C.

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, Marbisky Enterprises, LLC, a Wisconsin limited liability company, and/or a related limited liability entity to be formed (collectively, the “Borrower”), desires to complete a project consisting of financing the (i) construction of an approximately 6,500 square foot pediatric dental facility to be located at 1337 North Taylor Drive in the City of Sheboygan, Wisconsin to be owned by the Borrower and leased to Just Kids Dental, S.C., a Wisconsin corporation, (ii) acquisition and installation of equipment and (iii) professional fees and costs (collectively, the “Project”), all of which would contribute to the well-being of the City of Sheboygan, Wisconsin; and

WHEREAS, the cost of the Project is presently estimated to be greater than \$2,100,000, and the amount proposed to be financed with one or more series of tax-exempt and/or taxable industrial development revenue bonds does not exceed \$2,100,000; and

WHEREAS, the Borrower has requested that the Issuer now approve an initial resolution (the “Initial Resolution”) providing for the financing of the Project in an amount not to exceed \$2,100,000; 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 industrial development revenue bonds.

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

July 19, 2010

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 \$2,100,000; and

(b) Issue industrial development revenue bonds in one or more series of tax-exempt and/or taxable bonds (the "Bond(s)"), in an amount not to exceed \$2,100,000 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 industrial development revenue 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 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 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 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 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 \$2,100,000. 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 July 19, 2010, adopted an Initial Resolution pursuant to Section 66.1103 of the Wisconsin Statutes, as amended, expressing the intention to issue not to exceed \$2,100,000 of industrial development revenue bonds of the Issuer (the "Bonds") on behalf of Marbisky Enterprises, LLC, a Wisconsin limited liability company, 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) construction of an approximately 6,500 square foot pediatric dental facility to be located at 1337 North Taylor Drive in the City of Sheboygan, Wisconsin to be owned by the Borrower and leased to Just Kids Dental, S.C., a Wisconsin corporation, (ii) acquisition and installation of equipment and (iii) 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 2.

July 19, 2010

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 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

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

Ayes: Bohren, Bouck, Bowers, Gischia, Hanna, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann – 12.

Nays: None.

Abstain: Hammond – 1.

Res. No. 49 – 10 - 11. By Alderperson Gischia. July 6, 2010.

A RESOLUTION authorizing the Purchasing Agent to enter into a contract for the provision of EMS billing and collection services for the Fire Department.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into contract with **EMS Medical Billing Associates, LLC** of Milwaukee for providing Emergency Medical Services billing and collection services for an initial three year period starting on or around October 1, 2010 accordance with City of Sheboygan RFP #1847-10.

BE IT FURTHER RESOLVED: That the cost for these services is based upon a specific percentage of all funds collected and there is no cost to the City assessed unless revenue is collected.

BE IT FURTHER RESOLVED: That the Purchasing Agent is herewith authorized to exercise the ability to end the current contract for EMS Billing & Collection Services prior to the expiration date of 12/31/2010 as per the terms of the agreement between the City of Sheboygan and the current Vendor.

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

Ayes: Bohren, Bouck, Bowers, Gischia, Hammond, Hanna, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann – 13.

Nays: None.

Subs. of Res. No. 51 – 10 – 11. By Alderpersons Gischia and Hanna. July 19, 2010.

A RESOLUTION determining that all represented and non-represented employees hired, and all elected officials elected, after the effective date of this resolution shall be required to contribute the full amount of the employee-required contributions under the Wisconsin Retirement System, except where expressly provided otherwise under applicable law, collective bargaining agreement or subsequent Council resolution or ordinance.

WHEREAS, the pay/benefit gap between the public and the private sectors is a major concern of Sheboygan, Wisconsin and across the county,

WHEREAS, the City of Sheboygan values the skills and dedication of its employees but abhors the current statewide collection bargaining system and feels that the system places an unfair burden on all Wisconsin municipalities and stifles innovate in a time when taxpayers need action and not incremental change.

NOW, THEREFORE BE IT RESOLVED: That the Common Council hereby determines that all represented and non-represented employees hired, and all elected officials elected, after the effective date of this resolution shall be required to contribute the full amount of the employee-required contributions under the Wisconsin Retirement System, except where expressly provided otherwise under applicable law, collective bargaining agreement or subsequent Council resolution or ordinance.

BE IT FURTHER RESOLVED: This Resolution defines and clarifies the following:

Employee Hired – Is defined as an individual who is not currently employed with the City of Sheboygan at

July 19, 2010

the time of the adoption of this Resolution. Current applicable collective bargaining agreement language applies.

Elected Officials – Any current holder of an elected office with the City of Sheboygan, upon re-election (assuming no break between service/election) is not considered a “new” employee and therefore the current contribution level is to continue.

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

Ayes: Bohren, Bouck, Bowers, Gischia, Hammond, Hanna, Kath, Radtke, Rindfleisch, Versey, Wangemann – 11.

Nays: Kittelson, Montemayor – 2.

ORDINANCES ON SECOND READING

***Gen. Ord. No. 12 - 10 – 11. By Alderpersons Bouck and Radtke. July 6, 2010.**

AN ORDINANCE granting James J. Bukovic Jr. his heirs and assigns the privilege of encroaching upon described portions of Pennsylvania Ave. located at 1054 Pennsylvania Ave. in the City of Sheboygan for the purpose of construction and maintaining a fence.

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

Section 1. Subject to the terms and conditions contained herein, James J. Bukovic Jr. his heirs and assigns, is hereby granted the privilege of encroaching into that part of Pennsylvania Avenue right of way adjacent to the south line of Lot 1 Block 157 of the Original plat for the City of Sheboygan, Sheboygan County, Wisconsin being more particularly described as follows:

Commencing at the Southwest corner of said Lot 1, Block 157, said corner also being the Northeast corner of N. Commerce Street and Pennsylvania Avenue, thence east along the North Right of Way of said Pennsylvania Avenue 62.50 feet to the Point Of Beginning, thence continuing East along said North Right of Way 148.00 feet, thence South 2.00 feet, thence West 148.00 feet, thence North 2.00 feet to the Point Of Beginning.

Said parcel contains 296 sq. ft., in accordance with the sketch attached hereto and made a part hereof.

Section 2. The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said James J. Bukovic Jr. his heirs and assigns:

a. Shall become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of such privilege.

b. Shall remove the encroachment allowed herein within ten (10) days after notice so to remove given by the State of Wisconsin or the City of Sheboygan; in the event of the failure so to remove, the said James J. Bukovic Jr. his heirs and assigns: shall pay the costs of removal by the State of Wisconsin or the City of Sheboygan, waiving all claim or claims for damages resulting from such removal, whether the removal is done by the said James J. Bukovic Jr. his heirs and assigns, or by the State of Wisconsin or by the City of Sheboygan.

c. Shall pay such compensation to the City of Sheboygan for the grant of this privilege as may be determined by a board consisting of the Mayor, the Director of Public Works and the City Attorney; the compensation shall be paid into the General Fund.

d. Shall make such construction and/or alterations and maintain the same subject to the approval of the City Building Inspector and Director of Public Works, and shall waive the right to contest in any manner the validity of this ordinance or the amount of compensation charged.

Section 3. The provisions of §66.0425(1) thru (5) of the Wisconsin Statutes are incorporated herein by reference to all intents and purposes as if set out fully.

Section 4. The City Clerk is authorized and directed to record a certified copy of this ordinance in the office of the Register of Deeds for Sheboygan County, Wisconsin, the costs thereof to be charged to the General Fund.

Section 5. This ordinance shall take effect and be in full force from and after its passage and publication and upon payment of the consideration to be determined hereunder, provided, however, that in the event of failure to exercise the privilege herein granted and the payment of such consideration within six (6) months from the effective date hereof, then and in that event such privilege shall be rendered null and void.

Subs. of Gen. Ord. No. 9 - 10 - 11. By Alderpersons Rindfleisch, Bowers and VanderWeele. June 21, 2010.

AN ORDINANCE repealing and recreating Section 70-6 of the Municipal Code so as to adopt and clarify the statewide smoking ban.

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

Section 1. Section 70-6 of the Municipal Code is hereby repealed and recreated to read as follows:

“Sec. 70-6. *Smoking prohibited.*

(a) Adoption of Statewide smoking ban.

- (1) The provisions of Subsections 101.123(1), (2), (2m), (3), (6) and (9) of the Wisconsin Statutes, and all acts amendatory thereof, are adopted by reference in this Section as if fully set forth herein.
 - (2) In addition to the definition of "enclosed indoor area" set forth in Section 101.123, Wis. Stats., an enclosed indoor area for the purposes of this ordinance shall include all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.
 - (3) The person in charge of a restaurant, tavern, private club, or retail establishment located in an area subject to this Section may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.
- (b) Additional prohibitions.
- (1) *Public buildings.* No person shall smoke in any city-owned or leased public building or within 25 feet of a main entrance thereof at any time, including, but not limited to, the following:
 - a. City Hall, 828 Center Avenue.
 - b. Public Works Building, 833 Center Avenue.
 - c. Sheboygan Transit Building, 608 South Commerce.
 - d. Bus Transfer Terminal, across from 828 Pennsylvania Avenue.
 - e. Municipal Service Building, 2026 New Jersey Avenue.
 - f. Fire stations:
 1. Station No. 1, 833 New York Avenue.
 2. Station No. 2, 2413 South 18th Street.
 3. Station No. 3, 1326 North 15th Street.
 4. Station No. 4, 2622 North 8th Street.
 5. Station No. 5, 4504 S. 18th Street.
 - g. Mead Public Library, 710 North 8th Street.
 - h. Senior Activity Center, 428 Wisconsin Avenue.
 - i. Marina Administration Building, 821 Broughton Drive.
 - j. Youth Boating Center, 619 Broughton Drive.
 - k. Deland Park Community Center, 901 Broughton Drive.
 - l. Wastewater Treatment Facility, 3333 Lakeshore Drive.
 - m. Water Utility Building, 72 Park Avenue.
 - n. Any other city-owned or rented office.
 - o. All city-owned or leased motor vehicles.
 - (2) *Council meetings.* No person shall smoke while in attendance at any public meeting of the common council or in any of its authorized committees regardless of the location of the meeting.
 - (3) It shall be unlawful for any person to remove, deface or destroy any legally required "No Smoking" sign.
- (c) *Penalties.*
- (1) Any person who violates the provisions of Subsection 101.123(2), Wis. Stats., as incorporated herein in Sec. 70-6(a) or Sec. 70-6(b) shall be subject to a forfeiture of not less than \$100.00 nor more than \$250.00 for each violation, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 80 days.
 - (2) Except as provided in Subsection (c), par. (3) or (4) below, any person in charge who violates Subsection 101.123(2m)(b) to (d), Wis. Stats., as incorporated herein in Sec. 70-6(a) shall be subject to a forfeiture of \$100.00 for each violation, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 80 days.
 - (3) For violations subject to the forfeiture under Subsection (c)(2) above, if the person in charge has not previously received a warning notice for a violation of Subsection 101.123(2m)(b) to (d), Wis. Stats., as incorporated herein in Sec. 70-6(a), the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.
 - (4) No person in charge may be required under Subsection (c)(2) above to forfeit more than \$100.00 in total, plus costs of prosecution, for all violations of Subsection 101.123(2m)(b) to (d), Wis. Stats., as incorporated herein in Sec. 70-6(a), occurring on a single day.

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 Rindfleisch and second by Alderperson Versey, the Substitute Ordinance was passed on call of the roll:

July 19, 2010

Ayes: Bohren, Bouck, Bowers, Gischia, Hammond, Hanna, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann – 13.
Nays: None.

ORDINANCES INTRODUCED

Gen Ord. No. 13 – 10 - 11. By Alderperson Kittelson. July 19, 2010.

AN ORDINANCE repealing and re-creating Section 122-14 of the Municipal Code, entitled “Private well abandonment” so as to update the ordinance and bring it into compliance with the requirements of the Wisconsin Administrative Code.

Was referred to the Committee on Public Protection and Safety.

MATTERS LAID OVER

Res. No. 47 - 10 - 11. By Alderpersons Gischia, Bouck, Bohren, Radtke and Hammond. July 6, 2010.

A RESOLUTION authorizing the Finance Department to return to the Environmental Park Trust of Sheboygan County, Inc. program fees for the purchase and installation of solar panels at Maywood.

WHEREAS, the solar panels would reduce the overall utility expenses of Maywood and its Ecology Center;

WHEREAS, the Environmental Park Trust of Sheboygan County, Inc., in combination with grants from Focus on Energy, and Alliant Energy would fund the entire project;

WHEREAS, Maywood could be used to implement alternative energy curriculum to area students, and provide a venue for businesses and home owners to learn about alternative energy;

WHEREAS, visitors to the Ecology Center would be able to see live energy production results on an interactive display;

WHEREAS, the reduction in energy consumption as a result of the solar panels follows the goals and objectives of the City of Sheboygan’s Sustainability Task Force;

WHEREAS, the Environmental Park Trust of Sheboygan County, Inc. upon completion of the project will assign ownership to the City of Sheboygan;

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby authorizes the Finance Department to return program fees in the amount of \$30,000 to the Environmental Park Trust of Sheboygan County, Inc. from account no. 80653110-590100.

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

Ayes: Bohren, Bouck, Bowers, Gischia, Hammond, Hanna, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann – 13.

Nays: None.

R. C. No. 113 - 10 - 11. By SALARIES AND GRIEVANCES. July 6, 2010.

Your Committee to whom was referred Res. No. 45-10-11 by Alderpersons Kittelson, Gischia, VanderWeele and Versey lifting the hiring freeze in order to hire an Employee Benefits Administrator in the Human Resources Department; recommends that the Resolution be passed.

Res. No. 45 - 10 - 11. By Alderpersons Kittelson Gischia, VanderWeele and Versey. June 21, 2010.

A RESOLUTION lifting the hiring freeze in order to hire an Employee Benefits Administrator in the Human Resources Department.

WHEREAS, the City of Sheboygan passed Resolution 73-09-10 that extended the hiring freeze to December 31, 2010,

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

WHEREAS, the Mayor recently approved the Hiring Audit form to authorize hiring the Employee Benefits Administrator.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby authorizes, as an emergency exception to the hiring freeze, the hiring of the Employee Benefits Administrator for the Human Resources Department.

A motion by Alderperson Hanna and second by Alderperson Kittelson was made to accept and adopt the foregoing Report of Committee and to pass the foregoing Resolution. Tom Rice spoke.

On motion by Alderperson Gischia and second by Alderperson Hanna, the Report of Committee was accepted and adopted and the foregoing Resolution was passed on call of the roll:

Ayes: Bohren, Bouck, Gischia, Hammond, Hanna, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann – 12.

Nays: Bowers – 1.

R. C. No. 114 - 10 - 11. By SALARIES AND GRIEVANCES. July 6, 2010.

Your Committee to whom was referred Gen. Ord. No. 10-10-11 by Alderpersons Kittelson, Gischia, VanderWeele and Versey to amend Sec. 29-75 of the 1975 Sheboygan Municipal Code so as to delete/add various positions from the Human Resources Table of Organization and Finance Department Table of Organization; recommends that the Ordinance be passed with the updated job descriptions for both positions and including a Public Sector Survey Report.

Gen. Ord. No. 10 – 10 – 11. By Alderpersons Kittelson, Gischia, Vander Weele and Versey. June 21, 2010.

AN ORDINANCE amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete /add various positions from the Human Resources Table of Organization and Finance Department 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 in Section A.5.a. Department of Finance; and Section A.7. of the Human Resources Department as follows:

Class Title	Job Code	Class Grade	No. of Employees
A. CITY HALL DEPARTMENTS			
5. Department of Finance			
a. Accounting Division			
Delete:			
Payroll Coordinator	B06100N	05C	1.0
7. Human Resources Department			
Delete:			
Human Resources Analyst	A02040N	06A	1.0
Administrative Temp PT Extra Help	A02090X	26A	1.0
Add:			
Employee Benefits Administrator	A02042N	05E	1.0
Compensation Administrator	A02041N	05C	1.0

The incumbent Payroll Coordinator shall become the Compensation Administrator.

Section 2. The new job descriptions for the Employee Benefits Administrator and Compensation Administrator 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 descriptions shall be in effect from and after its passage and publication.

On motion by Alderperson Hanna and second by Alderperson Kittelson, the foregoing Report of Committee was accepted and adopted and the foregoing Ordinance was passed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Gischia, Hammond, Hanna, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann – 13.

Nays: None.

Gen. Ord. No. 11 – 10 - 11. By Alderpersons Kittelson, Montemayor and Dekker. July 6, 2010.

AN ORDINANCE relating to 2-hour parking limits so as to add the parking limits on the north side of Wilson Ave. between S. 8th St. and S. 7th St.

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

Section 1. Pursuant to Section 118-126 of the Municipal Code entitled, "Prohibitions and Restrictions Authorized", the north side of Wilson Ave. from 25' east of the east curb line of S. 8th St. to 50' east of the east curb line of S. 8th St. is hereby added to the 2-hour limits parking regulations.

Section 2. The Department of Public Works and the Police Department are hereby authorized and directed to install the signs to give notification of the aforementioned parking restriction.

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

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

Ayes: Bohren, Bouck, Bowers, Gischia, Hammond, Hanna, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, Versey, Wangemann – 13.

Nays: None.

July 19, 2010

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

Mayor

City Clerk