

August 16, 2010

COMMON COUNCIL

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

TENTH REGULAR MEETING

The Council met: Monday, August 16, 2010.

Mayor Bob Ryan in the Chair:

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

Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Montemayor, Radtke, Rindfleisch, VanderWeele, Versey, Wangemann – 14.

Absent – Kittelson – 1.

On motion by Alderperson Rindfleisch and second by Alderperson Hanna, the reading of the minutes of the Ninth Regular Meeting held August 2, 2010, and the minutes were approved as entered on the record, all Alderpersons present voting "Aye".

RESIGNATIONS

August 5, 2010

TO: Honorable Mayor Ryan and Distinguished Alderpersons

FROM: Alderman Radtke

RE: Resignation

Due to recent events in my life I will need to move back to the house I have owned on N. 7th St. which is in the 1st District. My resignation will be effective August 17, 2010.

Warmest Regards,

Alderman Radtke

On motion by Alderperson Rindfleisch and second by Alderperson Hanna, the foregoing Resignation was accepted and placed on file, all Alderpersons present voting "Aye".

July 20, 2010

To: The Honorable Mayor Robert Ryan
828 Center Ave.
Sheboygan, WI 53081

From: Ernest M. Keppler
14104 Rokilio Road
Kiel, WI 53042

Dear Mayor Ryan:

It is with regret that I announce my resignation from The City of Sheboygan's Capital Improvements Commission. The reason is that my wife and I are completing the final phase of moving from the City of Sheboygan to Cedar Lake located in Manitowoc County, Town of Schleswig near Kiel WI. Although we still own our Sheboygan home it will be for sale in the very near future, our Kiel address has now become our primary residence. We intend to vote for the first time in the Town of Schleswig in the September & November 2010 elections.

I have enjoyed my tenure on the Capital Improvements Commission and previously on the Re-Development Authority, and am thankful for having the opportunity to serve. I am a 5th generation Sheboyganite and Sheboygan will always be our "home town". It is a great city and we wish it continued success.

Regards,

Ernest M. Keppler

On motion by Alderperson Rindfleisch and second by Alderperson Montemayor, the foregoing Resignation was accepted and placed on file, all Alderpersons present voting "Aye".

MAYOR'S APPOINTMENT

August 11, 2010

From: Kay B. Lorenz

To: Mary Rajer

Subject: City/County Shared Services

Good Morning Mary,

Chairman Vandersteen has appointed Supervisor Thomas Epping to City/County Shared Services to replace Mick Anic who resigned from the County Board effective August 1st.

On motion by Alderperson Rindfleisch and second by Alderperson Hanna, the foregoing Appointment was accepted and placed on file, all Alderpersons present voting "Aye".

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HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointment for your consideration:

James M. Amodeo, to be appointed as Finance Director for a five year term contingent upon successful completion of the six month probationary period, commencing August 23, 2010 and expiring August 22, 2015.

Bob Ryan, Mayor

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

On motion by Alderperson Rindfleisch and second by Alderperson Hanna, the foregoing Appointment was confirmed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Montemayor, Radtke, Rindfleisch, VanderWeele, Versey, Wangemann – 14.

Nays: None.

CONFIRMATION OF MAYOR'S APPOINTMENTS

August 2, 2010

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointments for your consideration:

Ald. Don Hammond, to be appointed to the following committees to fill the unexpired term of James Gischia.

COMMITTEE

TERM EXPIRES

Strategic Fiscal Planning Committee

4/18/11

Capital Improvements Commission

4/18/11

City County Shared Services Committee

4/18/11

Sheboygan Transit Commission

4/18/11

Special Committee on Risk Management

4/18/11

Ald. Eric Rindfleisch, to be appointed to the Finance Committee to fill the unexpired term of James Gischia, whose term expires 4/18/11. Ald. Don Hammond will replace James Gischia as Chairman of Finance Committee.

Ald. James Bohren, to be appointed to the Industrial Development Commission to fill the unexpired term of James Gischia, whose term expires 4/16/12.

Mayor Bob Ryan

On motion by Alderperson Rindfleisch and second by Alderperson Hanna, the foregoing Appointments were confirmed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Montemayor, Radtke, Rindfleisch, VanderWeele, Versey, Wangemann – 14.

Nays: None.

August 2, 2010

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointments for your consideration:

Robert Ryan, to be appointed to the Tax Incremental District (TID) No. 6 Joint Review Board.

On motion by Alderperson Rindfleisch and second by Alderperson Montemayor, the foregoing Appointment was confirmed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Montemayor, Radtke, Rindfleisch, VanderWeele, Versey, Wangemann – 14.

Nays: None.

PUBLIC FORUM

Lee Montemayor, Jr., 1015 Logan Ave. spoke and was given one extra minute to speak by Alderpersons Hanna and Rindfleisch and Dick Suscha, 15 North Point Dr. spoke.

MAYOR'S ANNOUNCEMENTS INFORMATION REGARDING OPEN ALDERMANIC SEATS

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Montemayor, Radtke, Rindfleisch, VanderWeele, Versey, Wangemann – 14.

Nays: None.

COMMUNICATIONS AND PETITIONS

Com. No. 34 - 10 - 11. August 16, 2010.

Submitting a communication from Jo-Ann Decker along with a Sheboygan City/County CAD-RMS Proposal New Business Model.

Was referred to the Committee of the Whole, Committee on Public Protection and Safety and to the City/County Shared Services Committee.

REPORT OF OFFICERS

***R. O. No. 178 - 10 - 11. By BOARD OF CONTRACTORS EXAMINERS. August 16, 2010.**

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

2142	Kevin Hopeman N718 Six Mile Road Cedar Grove, WI 53013	Carpenter Contractor
2152	Bernard Bas 1985 American Drive Neenah, WI 54956	Carpenter Contractor
1716	Samir Herdic 1206 Mac Arthur Ave Sheboygan, WI 53083	Carpenter Contractor
2033	Jeff Rittenhouse 1512 Union Avenue Sheboygan, WI 53081	Carpenter Contractor

***R. O. No. 179 - 10 - 11. By BOARD OF CONTRACTORS EXAMINERS. August 16, 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>
1376	Gary W Fuchs 14 Marsh Court Madison, WI 53718	Electrical Contractor
1411	William Moskow N635 Wiley Rd Watertown, WI 53090	Electrical Contractor
1412	James Salm 823 E Washington Ave Cleveland, WI 53015	Electrical Contractor

***R. O. No. 180 - 10 - 11. By CITY CLERK. August 16, 2010.**

Submitting various license applications.

TEMPORARY CLASS "B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2595	Altrusa International	PO Box 546 – one-day event to be held 9/25/10 at 837 Riverfront Dr. parking lot Area.
2541	Sheboygan Visual Artists	1201 Erie Ave. – one-day event to be held 8/27/10 at 1229 Erie Ave., Main Floor Gallery.
1416	Trinity Lutheran Church	824 Wisconsin Ave. – one-day event to be held 8/29/10 at the Southeast part of Kiwanis Park.
1377	St. Dominics Church	2108 N. 21 st St. – one-day event to be held 1/30/11 at the Parish Activity Center.

R. O. No. 181 - 10 - 11. By PURCHASING AGENT. August 16, 2010.

Submitting a report relative to the sale/purchase of a City-owned two-family residence located at 628/630 South 13th Street including stipulations that the owner renovate the property to the satisfaction of the City and that at least one unit on the property will be owner-occupied for not less than 5 years following renovations by the new owner(s).

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

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R. O. No. 182 - 10 - 11. By CITY CLERK. August 16, 2010.

Submitting, as a matter of record, the updated City of Sheboygan Information Technology Hardware and Software Policy.

Was referred to the Committee on Finance.

R. O. No. 183 - 10 - 11. By CITY CLERK. August 16, 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. 184 - 10 - 11. By BUILDING INSPECTION DEPARTMENT. August 16, 2010.

We hereby submit the report of the Building Inspection Department for the month of July 2010.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 185 - 10 - 11. By CITY CLERK. August 16, 2010.

Submitting a communication from Cleo Messner of the BID District requesting permission to hold "Harvest Fest" on September 25, 2010 at Sheboygan's Riverfront.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 186 - 10 - 11. By CITY CLERK. August 16, 2010.

Submitting a communication from Irma Gutierrez requesting a "No Parking" sign in front of her house at 1327 Pennsylvania Ave. because of safety issues at the corner of S. 14th St. and Pennsylvania Ave.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 187 - 10 - 11. By CITY CLERK. August 16, 2010.

Submitting a communication from Lino Autiero and Therese Janssen asking that a reflector be placed on the street lamp on the pier side of their restaurant (Lino Ristorante Italiano) and requesting one handicap parking space and two valet parking spots identified in front of their business.

Was referred to the Committees on Public Works and Public Protection and Safety.

R. O. No. 188 - 10 - 11. By DEPUTY DIRECTOR OF PUBLIC WORKS. August 16, 2010.

Submitting resume of bids for the City of Sheboygan MSB Roof Replacement Project Bid Number 1819-10 and the Analysis and Review of the Bids. After review of the bids the lowest responsive bid meeting all specifications and based upon the wishes of the City is therefore Precision Roofing of Sheboygan.

Was referred to the Committee on Public Works.

R. O. No. 189 - 10 - 11. By PURCHASING AGENT. August 16, 2010.

Submitting a report relative to the Design and installation of a new vehicle fueling facility at the Municipal Service Building included the lawful removal and disposal of the current equipment that is both obsolete and not in compliance with current environmental regulations.

Was referred to the Committee on Public Works.

R. O. No. 190 - 10 - 11. By CITY CLERK. August 16, 2010.

Submitting a communication from Brenda McBain of the Sheboygan County YMCA requesting permission to host a "Body Pump" launch on Saturday, September 11, 2010, in Deland Park across from the YMCA.

Was referred to the Committee on Public Works.

R. O. No. 191 - 10 - 11. By CITY CLERK. August 16, 2010.

Submitting a claim from Helen Feld for alleged damages to the shutters and siding at 2305 Wedemeyer St.

Was referred to the Special Committee on Risk Management.

RESOLUTIONS INTRODUCED

Res. No. 79 - 10 - 11. By Alderperson Hammond. August 16, 2010.

A RESOLUTION authorizing the Redevelopment Authority of the City of Sheboygan, Wisconsin to retain outside legal counsel to represent the Redevelopment Authority in connection with removal of a restrictive covenant on the former Wal-Mart parcel.

RESOLVED: That the appropriate Redevelopment Authority officials are hereby authorized to retain the services of Michael Best & Friedrich LLP, pursuant to the attached engagement letter, in connection with removal of a restrictive covenant on the former Wal-Mart parcel, tax key number 215124, located at 609 S. Taylor Drive, Sheboygan, Wisconsin, through acquisition of the property, and authorizing payment for said services.

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BE IT FURTHER RESOLVED: That the Finance Director/Treasurer is hereby authorized and directed to draw on the Redevelopment Authority Legal Services Account No. 29561100-521200 in payment of same, subject to direct reimbursement by BV Sheboygan, LLC, c/o Boulder Venture, LLC.

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

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Montemayor, Radtke, Rindfleisch, VanderWeele, Versey, Wangemann – 14.

Nays: None.

Res. No. 80 – 10 – 11. Alderperson Hammond. August 16, 2010.

AN INITIAL RESOLUTION RELATING TO INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING ON BEHALF OF RCS EMPOWERS, INC.

WHEREAS, the City of Sheboygan, Wisconsin (the “**Municipality**”) is a body municipal corporation existing under and pursuant to the laws of the State of Wisconsin and is authorized by Section 66.1103, Wisconsin Statutes, as amended (hereinafter sometimes referred to as the “**Act**”):

to issue revenue bonds to finance all or any part of the costs of the construction, equipping, reequipping, acquisition, purchase, installation, reconstruction, rebuilding, rehabilitation, improving, supplementing, replacing, maintaining, repairing, enlarging, extending, or remodeling of a project which qualifies under the Act and the improvement of the site therefor; and

to enter into a revenue agreement with an eligible participant pursuant to which the eligible participant agrees to cause said project to be constructed and to pay the Municipality an amount of funds sufficient to provide for the prompt payment when due of the principal of and interest on said revenue bonds; and

WHEREAS, RCS Empowers, Inc., a Wisconsin nonstock nonprofit corporation (the “**Eligible Participant**”), has been considering undertaking a project to be located in the Municipality, and the Eligible Participant has represented to the Municipality that it would be an encouragement and inducement for the Eligible Participant to proceed if the project could be financed with revenue bonds; and

WHEREAS, the Eligible Participant has represented that the intended use of the project is for the purpose of providing skills, counseling, advocacy, job placement, and support to individuals with mental and physical disabilities, mental illness, alcohol and drug abuse, and traumatic brain injuries, and would consist of the construction and equipping of an approximate 39,925 square foot two-story building containing office space and space to accommodate various programs and individuals to be located at 1607 Geele Avenue in the Municipality (collectively, the “**Project**”); and

WHEREAS, the Eligible Participant has estimated that the cost of the Project would be approximately \$5,000,000 but, with allowance for modifications, design changes, and inflation, could be as high as \$6,000,000; and

WHEREAS, prior to the date of adoption of this Resolution, a statement which provides a good faith estimate of attorney fees which are expected to be paid from proceeds of the revenue bonds has been filed with the Clerk and with the Department of Commerce of the State of Wisconsin; and

WHEREAS, it is in the public interest of the Municipality to promote, attract, stimulate, rehabilitate, and revitalize commerce, industry, and manufacturing, to promote the betterment of the environment and the economy of the Municipality, and to stimulate a large flow of private investment funds into the Municipality; and

WHEREAS, it is the finding and determination of this body that the Project is a qualified “project” within the meaning of the Act and that the Eligible Participant is an “eligible participant” within the meaning of the Act; and

WHEREAS, it is the finding and determination of this body that the Municipality would derive public benefits from the Project and its operation, including by way of illustration but not limitation the following: the provision of gainful employment opportunities for the citizens of the Municipality; the stimulation of the flow of investment capital into the Municipality with resultant beneficial effects on the economy in the Municipality; and the preservation and enhancement of the Municipality’s tax base; and

WHEREAS, it is the finding and determination of this body that the public interest will be served if the Municipality were to encourage and induce the Eligible Participant to undertake the Project in the Municipality;

NOW, THEREFORE, BE IT RESOLVED:

Subject to the conditions specified in Section 2, the Municipality shall pursue and consummate a financing having the following elements:

The Municipality shall issue revenue bonds pursuant to the Act at one or more times in one or more series in such aggregate principal amount not in excess of \$6,000,000 as the Eligible Participant shall request; provided, however, that the actual aggregate principal amount shall not be greater than the sum of the then estimated aggregate cost of providing the Project, plus the amount

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necessary to fund any reserve deemed necessary or desirable, plus the estimated financing and bond issuance costs (said bonds being hereinafter called the “**Bonds**”).

The Bonds shall be limited obligations of the Municipality payable by the Municipality solely out of revenues derived from the Eligible Participant or otherwise provided for pursuant to the terms of a loan or similar agreement (hereinafter called the “**Revenue Agreement**”) to be entered into between the Municipality and the Eligible Participant.

The Revenue Agreement shall require the Eligible Participant to acquire, construct, or install the Project and to provide the Municipality with revenues sufficient to pay when due the principal of, premium, if any, and interest on the Bonds.

The Revenue Agreement shall require the Eligible Participant to submit to the Department of Commerce within 12 months after the Project is completed or 2 years after bonds are issued, whichever is sooner, the net number of jobs eliminated, created, or maintained on the Project site and elsewhere in the state of Wisconsin as a result of the Project.

Any contract for construction work for the Project shall include a clause prohibiting discrimination in employment and subcontracting.

The Bonds shall have such maturities, interest rates, and redemption limitations as the Eligible Participant and the initial Bond purchaser(s) shall propose.

The issuance of the Bonds by the Municipality shall be on the following conditions:

The Bonds shall not constitute an indebtedness of the Municipality within the meaning of any State constitutional provision or statutory limitation.

The Bonds shall not constitute or give rise to a pecuniary liability of the Municipality or a charge against its general credit or taxing powers.

The Eligible Participant shall be responsible for finding a purchaser or purchasers for all of the Bonds.

Prior to the issuance of the Bonds: (i) the electors of the Municipality shall have been given the opportunity to petition for a referendum on the matter of the Bond issue as required by the Act; (ii) either no such petition shall be timely filed or such petition shall have been filed and said referendum shall have approved the Bond issue; and (iii) this body, by further resolution, shall have authorized and approved the terms of the Bonds and the Revenue Agreement.

The Bonds shall be issued pursuant to the Act, and the delivery of the Bonds shall be accompanied with the unqualified approving legal opinion of the law firm of Foley & Lardner LLP or such other nationally recognized firm of bond attorneys as shall be acceptable to the Municipality and the Eligible Participant.

All out-of-pocket costs in connection with the issuance and sale of the Bonds shall be paid either from the proceeds of the Bonds or by the Eligible Participant.

The Clerk shall cause notice of the adoption of this Resolution, in substantially the form attached hereto as Exhibit A, to be published once in the Municipality’s official newspaper (for the publication of notices pursuant to Chapter 985 of the Wisconsin Statutes) and shall cause evidence of publication (including a newspaper clipping of the notice as published), indicating the date of publication of such notice, to be filed with the Secretary of the Department of Commerce of the State of Wisconsin within 20 days following publication of such notice.

The appropriate officers and authorized representatives of the Municipality are hereby authorized and directed to give notice of a public hearing with respect to the Project and the Bonds, in compliance with Chapter 985 of the Wisconsin Statutes. The public hearing shall be held by the Common Council of the Municipality at a time and place as such officers or authorized representatives deem appropriate. The notice of public hearing shall, at a minimum, be published one time in the official newspaper of the Municipality, which is a newspaper of general circulation in the locality of the Project, no less than fourteen (14) days prior to the date of the public hearing.

This Resolution is an “initial resolution” within the meaning of the Act and a reimbursement resolution for purposes of Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

This Resolution shall be effective immediately upon its passage. Unless the Bonds shall have been issued prior thereto, the authorities and authorizations given by this Resolution shall expire on the second anniversary date of the date of adoption of this Resolution or on such later date as this body may specify by resolution adopted either before or after such date.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Montemayor, Radtke, Rindfleisch, VanderWeele, Versey, Wangemann – 14.

Nays: None.

Res. No. 81 – 10 – 11. By Alderperson Hammond. August 16, 2010.

August 16, 2010

A RESOLUTION RELATING TO WAIVER OF SECTION 66.1103(11)(B)1. IN CONNECTION WITH AN INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING ON BEHALF OF RCS EMPOWERS, INC.

WHEREAS, this governing body has adopted a resolution entitled "Initial Resolution Relating to Industrial Development Revenue Bond Financing on Behalf of RCS Empowers, Inc." (the "**Initial Resolution**"); and

WHEREAS, the Initial Resolution provides that upon certain conditions the City of Sheboygan, Wisconsin (the "**Municipality**") shall issue industrial development revenue bonds pursuant to Section 66.1103, Wisconsin Statutes, as amended (the "**Act**") to finance a project to be located in the Municipality and to be undertaken by RCS Empowers, Inc., a Wisconsin nonstock nonprofit corporation (the "**Eligible Participant**"); and

WHEREAS, the Eligible Participant has represented that the intended use of the project is for the purpose of providing skills, counseling, advocacy, job placement, and support to individuals with mental and physical disabilities, mental illness, alcohol and drug abuse, and traumatic brain injuries, and would consist of the construction and equipping of an approximate 39,925 square foot two-story building containing office space and space to accommodate various programs and individuals to be located at 1607 Geele Avenue in the Municipality (collectively, the "**Project**"); and

WHEREAS, Section (11)(b)1. of the Act contains provisions requiring competitive bidding for certain construction contracts with regard to the construction of projects financed under the Act; and

WHEREAS, Section (11)(b)2. of the Act empowers the governing body of a municipality to waive the requirements of Section (11)(b)1. by adopting a resolution containing a statement of the reasons for the waiver and a description of the project for which waiver is made and publishing it as a class 1 notice under Chapter 985 of the Wisconsin Statutes;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. It is the finding and determination of this governing body that the Municipality will not control the design, costs, construction or operation of the Project; that no public moneys will be expended for the Project; that the Municipality will have no beneficial ownership in the Project; that the primary reason for requiring competitive bidding for construction of municipal projects is to protect the taxpayers against excessive expenditures of public funds and that such reason, although sound as applied to public works, is not applicable to the Project in which no general funds or tax revenues of the Municipality will be used or put at risk; that it would be more efficient and expedient for the accomplishment of the public purposes of the revenue bond issue if the Eligible Participant were to have complete control over the letting of contracts for construction for the Project. Therefore, the Municipality does hereby waive the provisions of Section (11)(b)1. Of the Act with regard to the Project.

Section 2. The Clerk shall cause the foregoing resolution to be published together with the public notice required by the Initial Resolution, in substantially the form attached as Exhibit A to the Initial Resolution.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Montemayor, Radtke, Rindfleisch, VanderWeele, Versey, Wangemann – 14.

Nays: None.

Res. No. 82 – 10 - 11. By Alderperson Bouck. August 16, 2010.

A RESOLUTION authorizing the appropriate City Officials to enter into a sale/purchase agreement for the City-Owned Two-Family residence located at 628/630 South 13th Street, Sheboygan, WI.

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

Res. No. 83 – 10 - 11. By Alderperson Bohren. August 16, 2010.

A RESOLUTION authorizing the appropriate City Officials to enter into a contract for the provision and installation of a new vehicle fueling station for the Municipal Service Building and demolition and disposal of the current facilities which have exceeded their expected useful life.

Was referred to the Committee on Public Works.

Res. No. 84 – 10 - 11. By Alderperson Bohren. August 16, 2010.

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

Was referred to the Committee on Public Works.

Res. No. 85 - 10 - 11. By Alderperson Bohren. August 16, 2010.

A RESOLUTION authorizing the appropriate City Officials to enter into contract for the reroofing of the MSB service garage roof with improved insulation for energy efficiencies,

Was referred to the Committee on Public Works.

REPORT OF COMMITTEES

***R. C. No. 154 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. August 16, 2010.**

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Your Committee to whom was referred R. O. No. 28-10-11 by the City Clerk submitting a claim from Jozette Borgwardt for alleged injuries when she fell on ice in her alley that was there after the Fire Department put out the fire at Sly's Bar; recommends that the claim be denied and to direct the City Attorney send a Notice of Disallowance.

***R. C. No. 155 - 10 - 11. By MARINA AND HARBOR. August 16, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 129-10-11 by the City Clerk submitting a communication from Paul Roberts of Anglers Avenue requesting a fee adjustment for a dock located at Anglers Ave.; and
2. R. O. No. 130-10-11 by the City Clerk submitting the Harbor Centre Marina Balance Sheet from operations dated May 31, 2010, as submitted by Skipper Marine;

recommends that the documents be accepted and placed on file.

***R. C. No. 156 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. August 16, 2010.**

Your Committee to whom was referred R. O. No. 142-10-11 by the City Clerk submitting a claim from Curtis Wilson for alleged damages to his sunglasses when a City truck drove onto the grass at Roosevelt Park near the basketball courts and ran over his keys and sunglasses; recommends that the claim be denied and to direct the City Attorney send a Notice of Disallowance.

***R. C. No. 157 - 10 - 11. By SPECIAL COMMITTEE ON RISK MANAGEMENT. August 16, 2010.**

Your Committee to whom was referred R. O. No. 157-10-11 by the City Clerk 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; recommends that the claim be denied and to direct the City Attorney send a Notice of Disallowance.

***R. C. No. 158 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. August 16, 2010.**

Your Committee to whom was referred R. O. No. 166-10-11 by the Chief of Police submitting his quarterly report showing activities of the department for the period commencing April 1, 2010 and ending June 30, 2010; recommends that the Report of Officer be accepted and placed on file.

***R. C. No. 159 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. August 16, 2010.**

Your Committee to whom was referred the following:

1. Com. No. 32-10-11 from Kim Ogea requesting that a left green turn arrow be placed at Superior Ave. turning onto Calumet Dr. or Taylor Dr. as there are safety issues;
2. Com. No. 33-10-11 from Jodee Bzdawka asking that the Council pass an ordinance prohibiting people from pumping their sump pumps into the streets as the continuous flow of water creates the buildup of algae which is extremely slippery; and
3. R. O. No. 167-10-11 by the City Clerk submitting a communication from Darla Jo Altman requesting a "No Parking Here to Corner" sign on N. 17th St. at Michigan Ave. as it is a safety issue;

recommends that the documents be placed on file.

***R. C. No. 160 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. August 16, 2010.**

Your Committee to whom was referred R. O. No. 168-10-11 by the City Clerk submitting a communication from Dianne Tripoli, General Manager of SheVegas Entertainment, Inc., requesting that they be allowed to place two cones in front of their establishment at 1133 Michigan Ave. on Thursday, Friday and Saturday evenings to allow their limo access to pickup and drop off customers; recommends that the document be placed on file and to direct that an ordinance be drafted to create a loading zone.

***R. C. No. 161 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. August 16, 2010.**

Your Committee to whom was referred R. O. No. 169-10-11 by the City Clerk submitting a communication from The Sheboygan Cancer Care Fund requesting permission to hold a non-competitive 2-mile/4-mile walk/jog/run on Saturday, October 16, 2010, on the sidewalk/walkway in front of the YMCA; recommends that the document be placed on file with a favorable recommendation to the Police Chief (approval).

***R. C. No. 162 - 10 - 11. By PUBLIC WORKS. August 16, 2010.**

Your Committee to whom was referred R. O. No. 170-10-11 by the City Clerk submitting a communication from Nicole Meyer requesting a portion of our block grants be used for a "dumpster program" so that citizens could dispose of their items without having to pay for that disposal; recommends that the document be placed on file.

***R. C. No. 163 - 10 - 11. By PUBLIC WORKS. August 16, 2010.**

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Your Committee to whom was referred R. O. No. 171-10-11 by the City Clerk submitting a communication from Deborah Earls stating that the sewer in front of her house is not working properly; recommends that the communication be placed on file.

***R. C. No. 164 - 10 - 11. By SALARIES AND GRIEVANCES. August 16, 2010.**

Your Committee to whom was referred the following:

1. A copy of R. O. No. 163-10-11 submitting a communication from Alderperson Hanna being an article from the Wall Street Journal entitled, "States Shift Hybrid Pensions";
2. R. O. No. 172-10-11 by the City Clerk submitting a communication from Jeffrey Wessel along with two articles from the Milwaukee Journal/Sentinel on July 13th entitled, "Pension talk just politics"; and
3. A copy of R. C. 146-10-11 by Whole to whom was referred a copy of 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. 165 - 10 - 11. By LAW AND LICENSING. August 16, 2010.

Your Committee to whom was referred R. O. No. 128-10-11 by the City Clerk, submitting license applications for the period ending June 30, 2011 and June 30, 2012; recommends denying Taxicab Driver's License #7760 based upon her ineligibility for the license and her oral withdrawal of her application.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Montemayor, Radtke, Rindfleisch, VanderWeele, Versey, Wangemann – 14.

Nays: None.

***R. C. No. 166 - 10 - 11. By LAW AND LICENSING. August 16, 2010.**

Your Committee to whom was referred, pursuant to R. O. No. 151-10-11 and R. O. No. 164-10-11 by the City Clerk, submitting license applications for the period ending June 30, 2011 and June 30, 2012; recommends granting the following licenses:

CHANGE OF AGENT

Jennifer Radtke is replacing Dennis Radtke as agent for Urbane located at 1231 N. 8th St.

Lane A. Landon is replacing Bradley Schmidt as agent for Pick N Save #6432 located at 1317 N. 25th St.

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
2758	Finer Things In Life I	840 Wilson Ave.
2245	Thai Café Restaurant	1227 N. 14 th St.

BEVERAGE OPERATOR'S LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
7751	Bowers, Misty D.	717 St. Clair Ave.
7858	Callejas, Angela R.	2716 S. 9 th St.
8698	Casper, Stephanie L.	4719 Winship Circle
7808	Collett, Kelli R.	1004 Eastern Ave., Plymouth
7951	Cook, Hannah M.	38 South St., #A, Plymouth
7640	Dearie, Edna L.	3422 N. 11 th St.
7391	Grams, Bradley	1409 Sunnyside Ave.
8695	Harmeling, Andrew A.	N1421 Cottage Dr., Oostburg
7139	Janey, Adam M.	2004 S. 15 th St.
8692	Jensen, Kurt R.	3218 N. 8 th St.
8702	Kartes, Nicholas J.	2108 N. 19 th St.
8700	Kazmierczak, Jennifer A.	4919 Windward Ct.
8214	Kleinke, Nicole L.	1731 Broadway
8697	Liebl, Samantha H.	4730 Willow Creek Ln.
7400	MacDonald, Jason T.	1101 Eisner Ave.
8703	Manyvanh, Wongjan	2619 Main Ave.
2709	McKenzie, Daniel J.	7093 Hwy. 67, Plymouth
7285	Metropolis, Michael G.	2332 S. 10 th St.
8716	Moua, Kao Zong	2223 Terrace View Dr.
8710	Pattison, Sheena B.	1235 New York Ave.
5036	Posey, Susan E.	411 S. Lincoln Dr., Howards Grove

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8696	Schultz, Kenneth J.	1448 S. 22 nd St.
8706	Shufflebotham, Jonathan P.	1322 S. 20 th St.
8699	Steinhaus, Arlita J.	2511 Mandy Circle
8186	Tessar, Danielle L.	1916 N. 12 th St.
8704	Trad, Lauri A.	932 Oakland Ave.

TAXICAB OPERATOR LICENSE(June 30, 2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
8711	Billie, Claire R.	2137 Bollman Dr.
8676	Farmer, Shaun P.	714 N. 4 th St.
5921	Turk, David L.	1613 N. 17 th St.

***R. C. No. 167 - 10 - 11. By WHOLE. August 16, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 508-09-10 by the Transit Commission who met and discussed a copy of Gen. Ord. No. 55-09-10 by Alderpersons Kittelson, Hanna and Gischia repealing and recreating Section 2-563 of the Municipal Code relating to fiscal control of Transit Commission expenditures, so as to conform with current practice;
2. A copy of Com. No. 18-10-11 from Alderperson Bohren being a letter he wrote that was published in the Sheboygan Press entitled, "Sheboygan taxpayers should know everything they are paying for";
3. A copy of Com. No. 30-10-11 by the City Clerk submitting a communication from the Sheboygan County Taxpayers Alliance regarding the proposal to decrease the membership of the Transit Commission deserving a favorable vote with the exception of the Mayor that should remain a member and stating that a third party examination should occur for the alleged "non-compliance" to the City's ordinance No. 55-09-10;
4. R. O. No. 176-10-11 by the City Clerk submitting a communication from Marge Mattern requesting that the Mayor and the Council ask Alderperson Kittelson to abstain from discussing and voting on any future decisions concerning the fire department/ambulance service, whether it be finances, building, etc.; and
5. R. O. No. 177-10-11 by the City Clerk submitting a communication from Dolyce Johnson questioning Alderperson Kittelson's votes on Fire Department issues;

recommends that the documents be placed on file.

***R. C. No. 168 - 10 - 11. By PUBLIC WORKS. August 16, 2010.**

Your Committee to whom was referred a copy of R. C. No 146-10-11 by the Committee of the Whole regarding topics #2, 5 and 7 of the "Annual Proposals for Action" by the Sheboygan County Taxpayers Alliance; recommends that the Report of Committee be placed on file.

R. C. No. 169 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. August 16, 2010.

Your Committee to whom was referred a copy of Res. No. 62-10-11 by Alderpersons Bowers, Wangemann and Heidemann calling for a referendum on abandoning the City's fire-based ambulance service; recommends that the Resolution be filed.

On motion by Alderperson Hanna and second by Alderperson Dekker, the Report of Committee was accepted and adopted, all Alderpersons present voting "Aye".

R. C. No. 170 - 10 - 11. By SPECIAL BUDGET SUB-COMMITTEE. August 16, 2010.

Your Committee met and researched the following potential savings in the 2011 Budgets from various departments:

Was referred to the Strategic Fiscal Planning Committee.

***R. C. No. 171 - 10 - 11. By PUBLIC WORKS. August 16, 2010.**

Your Committee to whom was referred Res. No. 78-10-11 by Alderperson Bohren authorizing signing easements for a mini-storm to be constructed in portions of property located at N. 18th St. and N. 36th St.; recommends that the Resolution be passed.

R. C. No. 172 - 10 - 11. By WHOLE. August 16, 2010.

Your Committee to whom was referred a copy of Res. No. 62-10-11 by Alderpersons Bowers, Wangemann and Heidemann calling for a referendum on abandoning the City's fire-based ambulance service; recommends that the attached Substitute Resolution be passed.

Was accepted and adopted.

***R. C. No. 173 - 10 - 11. By WHOLE. August 16, 2010.**

Your Committee to whom was referred the following:

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1. R. C. No. 492-09-10 by Whole
2. A copy of Com. No. 81-09-10 from Edward Wackowski regarding changes that he would like to see in Sec. 2-558 of the Municipal Code entitled, "Composition; appointment; terms – Transit Commission"; and
3. Gen. Ord. No. 55-09-10 by Alderpersons Kittelson, Hanna and Gischia repealing and recreating Sect. 2-563 of the Municipal Code relating to fiscal control of Transit Commission expenditures, so as to conform with current practice;

recommends that the Report of Committee and the Communication be placed on file and to pass the Ordinance.

***R. C. No. 174 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. August 16, 2010.**

Your Committee to whom was referred Gen. Ord. No. 14-10-11 by Alderperson Kittelson relating to parking regulations so as to change the parking limits on the north side of Paine Ave. east of Taylor Drive; recommends that the Ordinance be passed.

***R. C. No. 175 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. August 16, 2010.**

Your Committee to whom was referred Gen. Ord. No. 15-10-11 by Alderperson Kittelson relating to on-street parking so as to add a loading zone on the south side of Union Ave; recommends that the Ordinance be passed.

RESOLUTIONS ON SECOND READING

***Res. No. 78 – 10 - 11. By Alderperson Bohren. August 2, 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. R. Timothy Ebenreiter and Diane M. Ebenreiter, 4902 N. 18th St., Sheboygan, WI 53083, owners of property located at 2216-2220 N. 36th St.
2. George E. Karshner and Beverly B. Karshner, 2226 N. 36th St.
3. Julia T. Kastner, 2302 N. 36th St.

Subs. of Res. No. 62 - 10 - 11. By Alderpersons Bowers, Wangemann and Heidemann. August 16, 2010.

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

RESOLVED: That the City Clerk place the following referendum question upon the ballot at the November general election for decision of the voters of the City of Sheboygan:

"Shall the City of Sheboygan abandon its fire department based ambulance service in favor of a private ambulance service beginning January 1, 2012?"

BE IT FURTHER RESOLVED: That the Common Council shall take such actions as are necessary to carry out the decision of the electorate on said referendum question.

BE IT FURTHER RESOLVED: That the Common Council shall hold five (5) public information sessions before the referendum.

A motion by Alderperson Rindfleisch and second by Alderperson Hanna was made to accept and adopt the Report of Committee and pass the Substitute Resolution.

Before action was taken thereon, a motion by Alderperson Montemayor and second by Alderperson Rindfleisch to amend the first sentence to read "A Resolution calling for an *advisory* referendum on abandoning the City's fire-based ambulance service" AND to amend the first "Be It Further Resolved" to read "That the Common Council shall *consider* such actions as *it deems appropriate* to carry out the decision of the electorate on said referendum question" was lost on call of the roll: Ayes: 4; Nays: 10.

A motion by Alderperson Rindfleisch and second by Alderperson Montemayor to amend the referendum question to read "Shall the City of Sheboygan abandon its fire department based ambulance service in favor of a *non-government operated* ambulance service beginning *no later than January 1, 2012?*" was passed on call of roll: Ayes: 12; Nays: 2.

A motion by Alderperson Bowers and second by Alderperson Wangemann to amend the question to change the date from "*January 1, 2012 to July 31, 2011*" was lost on call of the roll: Ayes: 3; Nays: 11.

On motion by Alderperson Rindfleisch and second by Alderperson Hanna, the foregoing Report of Committee was accepted and adopted and the foregoing Substitute Resolution, as amended, was passed on call of the roll: Ayes: 12. Nays: 2. (Footnote: Subs. of Res. No. 62-10-11, as amended, calls for a binding referendum).

ORDINANCES ON SECOND READING

***Gen. Ord. No. 55 - 09 - 10. By Alderpersons Kittelson, Hanna and Gischia. February 1, 2010.**

AN ORDINANCE repealing and recreating Section 2-563 of the Municipal Code relating to fiscal control of Transit Commission expenditures, so as to conform with current practice.

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

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Section 1. Section 2-563 of the Sheboygan Municipal Code entitled "Fiscal control" is hereby repealed and recreated to read as follows:

"Sec. 2-563. *Fiscal control.*

Unless otherwise authorized by the transit commission, all books of accounts shall be kept in the office of the city finance director/treasurer. All transit commission expenditures shall be approved by the transit director and shall be paid by the city in the manner provided by ordinance. A payment register shall be reviewed by the transit commission or its designee."

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.

***Gen Ord. No. 14 – 10 - 11. By Alderperson Kittelson. August 2, 2010.**

AN ORDINANCE relating to parking regulations so as to change the parking limits on the north side of Paine Ave. east of Taylor Drive.

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 Paine Avenue from 525' east of the east curb line of Taylor Dr. to 615' east of the east curb line of Taylor Dr., is hereby made a no parking zone.

Section 2. The Department of Public Works and the Police Department are hereby authorized and directed to install sign(s) 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.

***Gen. Ord. No. 15 – 10 - 11. By Alderperson Kittelson. August 2, 2010.**

AN ORDINANCE relating to on-street parking so as to add a loading zone on the south side of Union Ave.

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

Section 1. Pursuant to Section 118-126 of the Municipal Code entitled, "Prohibitions and Restrictions Authorized", the south side of Union Ave. from 205' west of the west curb line of S. 22nd St. to 235' west of the west curb line of S. 22nd St., is hereby made a loading zone.

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

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

ORDINANCES INTRODUCED

Gen. Ord. No. 16 - 10 -11. By Alderpersons Hanna, Vander Weele and Versey. August 16, 2010.

AN ORDINANCE establishing the salary for the Finance Director/Treasurer.

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

Section 1. The starting salary for the position of Finance Director/Treasurer effective August 23, 2010, shall be established as follows:

- Effective upon date of hire (August 23, 2010), \$103,000
- Effective March 1, 2011, an increase of 3.0% to \$106,150
- Effective September 1, 2011, an increase of 4.0% to \$110,396
- Effective September 1, 2012, an increase of 4.0% to \$113,708

Section 2. That, except as provided herein, the City's compensation program for non-represented employees shall govern said Finance Director/Treasurer salary and benefits in addition to increases listed above.

Section 3. This ordinance shall be in effect from and after its passage and publication and as of August 23, 2010.

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

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Montemayor, Radtke, Rindfleisch, VanderWeele, Versey, Wangemann — 14.

Nays: None.

Gen. Ord. No. 17 – 10 – 11. By Alderpersons Bohren and Heidemann. August 16, 2010.

AN ORDINANCE amending Gen. Ord. No. 61-09-10, adopted April 19, 2010 so as to correct an error in the legal description for granting Quality State Oil Company, Inc., its successors and assigns, the privilege of encroaching upon

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described portions of Weeden Creek Rd. located at 1211 Weeden Creek Rd. in the City of Sheboygan for the purpose of maintaining a sign.

Lies over under the rules.

Gen. Ord. No. 18 – 10 – 11. By Alderpersons Hanna, VanderWeele and Versey. August 16, 2010.

AN ORDINANCE amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete the Information Technology Department from the Table of Organization and add said positions to the Department of Finance and create the job description of Information Technology Manager in the Finance Department.

Lies over under the rules.

MATTERS LAID OVER

Res. No. 74 - 10 - 11. By Alderperson Kittelson. August 2, 2010.

A RESOLUTION approving the Corrected Amendment No. 2 to Lease with Maltscoop Corp.

WHEREAS, Res. No. 229-09-10 adopted April 19, 2010 authorized the appropriate City officials to execute the Amendment No. 2 to Lease between the City and Maltscoop Corp.; and

WHEREAS, the Amendment No. 2 to Lease attached to Res. No. 229-09-10 contained an error in the rental fee for 2010; and

WHEREAS, the correct rental fee for 2010 should be \$830.20.

NOW, THEREFORE, BE IT RESOLVED: That the Mayor and City Clerk are hereby authorized to execute the Corrected Amendment No. 2 to Lease, a copy of which is attached hereto and incorporated herein by reference.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Montemayor, Radtke, Rindfleisch, VanderWeele, Versey, Wangemann — 14.

Nays: None.

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

Mayor

City Clerk