

September 7, 2010

**COMMON COUNCIL**

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

**ELEVENTH REGULAR MEETING**

The Council met: Tuesday, September 7, 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, Kittelson, Montemayor, Rindfleisch, VanderWeele, Versey, Wangemann – 14.

Absent: None.

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the reading of the minutes of the Tenth Regular Meeting held August 16, 2010, and the minutes were approved as entered on the record, all Alderpersons voting "Aye".

**REMINDER**

Election for Board of Waterworks Commissioner will be held September 20, 2010

**RESIGNATIONS**

February 26, 2010

Mayor Bob Ryan

828 Center Avenue

Sheboygan, WI 53081

Dear Mayor Ryan,

Kim Conway has resigned from the Harbor Centre BID Board of Directors. Her letter of resignation is attached.

The BID Board of Directors requests that you appoint Dr. Toby Watson, 548 Sir Howard Circle, Kohler, WI 53044 to fill the balance of Conway's term.

Thank you for your continued help and support.

Richard H. Meyer

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

**MAYOR'S APPOINTMENTS**

September 7, 2010

HONORABLE MEMBERS OF THE COMMON COUNCIL:

Toby Watson to be considered for appointment to the Business Improvement District to fill the unexpired term of Kim Conway whose term expires 9/11/11.

BOB RYAN, MAYOR

Lies over under the rules.

**TOURISM REPORT BY AMY GUTIERREZ, DIRECTOR OF TOURISM**

**ELECTION FOR ALDERPERSON FOR VACANT SEAT IN DISTRICT 1 & IN DISTRICT 2**

**ELECTION BY COUNCIL FOR NEW DISTRICT #1 ALDERPERSON**

A motion by Alderperson Kittelson and second by Alderperson Rindfleisch to receive nominations from the floor, voting to be done by open ballot, and if more than two candidates are nominated, the candidate with the lowest number of votes be dropped from the list and balloting to continue until one candidate receives a majority (8) was passed, all Alderpersons voting "Aye."

A motion by Alderperson Kittelson and second by Alderperson Rindfleisch to place the following names in nomination for the vacant position of District #1 Alderperson: Robert Ubbelohde, Patrick Gillette, Dennis Radtke and Cory Roeseler was passed, all Alderpersons voting "Aye."

All candidates were given an opportunity to speak to the Council.

A motion by Alderperson Kittelson and second by Alderperson Rindfleisch to close nominations was passed, all Alderpersons voting "Aye."

Round #1 – Gillette – 4; Radtke – 5; Roeseler – 4; Ubbelohde – 1.

Round #2 - Gillette – 5; Radtke – 4; Roeseler – 5.

Round #3 – Gillette – 7; Roeseler – 7.

Round #4 - Gillette – 7; Roeseler – 7.

Round #5 - Gillette – 7; Roeseler – 7.

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Round #6 - Gillette – 7; Roeseler – 7.

On motion by Alderperson Rindfleisch and second by Alderperson Hanna, the Mayor was directed to break the tie vote on call of the roll:

Ayes: Bouck, Dekker, Hammond Hanna, Kittelson, Montemayor, Rindfleisch, VanderWeele, Wangemann – 9. Nays: Bohren, Bowers, Heidemann, Kath, Versey - 5.

The Mayor voted for Cory Roeseler as District #1 Alderperson – Vote ended up Gillette – 7; Roeseler – 8 (with the Mayor breaking the tie).

#### **ELECTION BY COUNCIL FOR NEW DISTRICT #2 ALDERPERSON**

A motion by Alderperson Kittelson and second by Alderperson Rindfleisch to receive nominations from the floor, voting to be done by open ballot, and if more than two candidates are nominated, the candidate with the lowest number of votes be dropped from the list and balloting to continue until one candidate receives a majority (8) was passed, all Alderpersons voting “Aye.”

A motion by Alderperson Kittelson and second by Alderperson Rindfleisch to place the following names in nomination for the vacant position of District #2 Alderperson: Kevin Sampson, Todd Willis, Allen Brunke, George Twohig was passed, all Alderpersons voting “Aye.”

All candidates were given an opportunity to speak to the Council.

A motion by Alderperson Kittelson and second by Alderperson Rindfleisch to close nominations was passed, all Alderpersons voting “Aye.”

Round #1 – Brunke – 1; Sampson – 8; Willis – 1; Twohig – 4. Kevin Sampson was elected District #2 Alderperson.

#### **PUBLIC FORUM**

Lee Montemayor, 1015 Logan Ave. spoke and Alderpersons Bouck and Kittelson moved to give him one(1) extra minute to speak passed, all Alderpersons voting “Aye”.

#### **MAYOR’S ANNOUNCEMENTS**

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, 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, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, VanderWeele, Versey, Wangemann – 14.

Absent: None.

#### **HEARING**

##### **Hearing No. 2 - 10 - 11. September 7, 2010.**

Pursuant to a notice published and personal notices sent by the City Clerk, there is a hearing scheduled for this evening for the proposed assessments for water lateral replacements in Center Ave., from N. 6<sup>th</sup> St. to N. 7<sup>th</sup> St.

All interested persons will now be heard.

No persons appeared regarding this hearing and on motion by Alderperson Kittelson and Alderperson Rindfleisch, the foregoing Hearing was closed; all Alderpersons voting “Aye”.

#### **COMMUNICATIONS AND PETITIONS**

##### **Com. No. 35 - 10 - 11. September 7, 2010.**

Submitting a communication from Carter Pawlus being an article from the New York Times titled “First Responders should serve and protect, not serve and collect, insurers say”.

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

##### **Com. No. 36 - 10 - 11. September 7, 2010.**

Submitting a communication from Mary Jo Robinson stating that she is having an issue with Eclipse Manufacturing as the “pounding” and vibrations coming from there are causing her house to rattle, pictures to fall off the walls, etc.

Was referred to the Committee on Public Protection and Safety.

##### **Com. No. 37 - 10 - 11. September 7, 2010.**

Submitting a communication from Joell Lamb requesting that winter parking signs, no parking this side of street from December 1 to April 1, be posted on the north side of Bell Ave. from N. 3<sup>rd</sup> to N. 13<sup>th</sup> St.

Was referred to the Committee on Public Protection and Safety.

##### **Com. No. 38 - 10 - 11. September 7, 2010.**

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Submitting a communication from Aaron Gabrielse stating that there is an abhorrent smell coming from the mink farm that is affecting their "quality of life" at their home at 3706 S. 17<sup>th</sup> Pl.

Was referred to the Committee on Public Protection and Safety.

**Com. No. 39 - 10 - 11. September 7, 2010.**

Submitting a communication from Michael Toth stating that he is upset with the fact that he will no longer be able to use black garbage bags and asks that Alderpersons Bowers and Hanna come forward with a resolution that would create a binding referendum so that the citizens can have the final say on what type of garbage bags to be used for collection.

A motion by Alderperson Montemayor and second by Alderperson Versey, to file the Communication lost on call of the roll:

Ayes: Bowers, Dekker, Montemayor, Versey – 4.

Nays: Bohren, Bouck, Hammond, Hanna, Heidemann, Kath, Kittelson, Rindfleisch, VanderWeele, Wangemann – 10.

Was referred to the Committee on Public Works.

**REPORTS OF OFFICERS**

**\*R. O. No. 192 - 10 - 11. By BOARD OF PARKS AND FORESTRY COMMISSIONERS. September 7, 2010.**

Your Commission who met and discussed Com. No. 16-10-11 being a petition from Gerald DuMonthier et al., regarding keeping the Roosevelt Park Facility enclosed; recommends that the Communication be placed on file.

**\*R. O. No. 193 - 10 - 11. By CITY ATTORNEY. September 7, 2010.**

Submitting, as a matter of record, the recorded Easement (mini-storm sewer) dated May 24, 2010, between the City of Sheboygan and the Gordon R. Netzow Survivor's Trust.

**\*R. O. No. 194 - 10 - 11. By CITY ATTORNEY. September 7, 2010.**

Submitting, as a matter of record, the fully executed and recorded Warranty Deed from Body Shoppe of Sheboygan, LLC to the City of Sheboygan, executed in accordance with Res. No. 15-10-11 authorizing the purchase of vacant property to be used as part of the Neighborhood Revitalization Strategy Area (NRSA) and for the purpose of a neighborhood green space and a neighborhood sign.

**\*R. O. No. 195 - 10 - 11. By CITY ATTORNEY. September 7, 2010.**

Submitting, as a matter of record, the recorded Easement (mini-storm sewer) dated May 19, 2010, between the City of Sheboygan, Stacy L. Wolgram, and Thomas L. Ruppel and Karen L. Ruppel.

**\*R. O. No. 196 - 10 - 11. By CITY PLAN COMMISSION. September 7, 2010.**

Your Commission to whom was referred Res. No. 82-10-11 and R. O. No. 181-10-11 relative to authorizing the appropriate City Officials to enter into a sale/purchase agreement for the City-owned two-family residence located at 628/630 South 13<sup>th</sup> Street, Sheboygan, WI; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, August 24, 2010, and after due consideration, recommends approval of the Resolution and the Report of Officer be accepted and placed on file.

**R. O. No. 197 - 10 - 11. By CITY CLERK. September 7, 2010.**

Submitting a petition for direct annexation by unanimous approval for DHP, LLC (David A. Heather, 1232 N. 40<sup>th</sup> St.).

Was referred to the City Plan Commission.

**R. O. No. 198 - 10 - 11. By CITY CLERK. September 7, 2010.**

Submitting a communication from Adam Payne, County Administrator for Sheboygan County, requesting the City's permission for the County to utilize two "City Days" at the Blue Harbor Conference Center for a meeting of the Rocky Knoll department managers for the purpose of fiscal planning and program development and for a meeting of the county's 22 department heads.

Was referred to the Committee on Finance.

**R. O. No. 199 - 10 - 11. By PURCHASING AGENT. September 7, 2010.**

Submitting a report related to the provision and installation of bus graphics to support the new corporate identity of Sheboygan Transit.

Was referred to the Committee on Finance and to the Sheboygan Transit Commission.

**R. O. No. 200 - 10 - 11. By CITY CLERK. September 7, 2010.**

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

Was referred to the Committee on Law and Licensing.

**R. O. No. 201 - 10 - 11. By DEPUTY FINANCE DIRECTOR/TREASURER. September 7, 2010.**

Submitting the Harbor Centre Marina Balance Sheet from Operations dated July 31, 2010, as submitted by Skipper Marine.

Was referred to the Marina and Harbor Committee.

**R. O. No. 202 - 10 - 11. By CITY CLERK. September 7, 2010.**

Submitting the City of Sheboygan Fire Department's Second Quarter 2010 EMS Quality Assurance and Quality Improvement Report (April 1, 2010 – June 30, 2010).

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 203 - 10 - 11. By CITY CLERK. September 7, 2010.**

Submitting a communication from the State of Wisconsin Department of Corrections to file an appeal to the Sex Offender Residency requirements for Shawn M. Pope.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 204 - 10 - 11. By FIRE CHIEF. September 7, 2010.**

Pursuant To Section 50-494 of the Municipal Code, I herewith submit quarterly report for the period commencing April 1, 2010, and ending June 30, 2010.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 205 - 10 - 11. By BUILDING INSPECTION DEPARTMENT. September 7, 2010.**

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

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 206 - 10 - 11. By CITY CLERK. September 7, 2010.**

Submitting a communication from RoseMarie Wilke-Hassmann requesting impacted parking in front of her home at 824 St. Clair Ave.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 207 - 10 - 11. By CITY CLERK. September 7, 2010.**

Submitting a request for a waiver of the Sex Offender Residency restrictions from David A. Fischer.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 208 - 10 - 11. By CITY CLERK. September 7, 2010.**

Submitting a communication from FATKATS MTB Club requesting the use of Evergreen and Quarryview Parks for the 16<sup>th</sup> Annual Wigwam Mountain Bike Challenge and requesting Police support at the entrance to Quarryview Park.

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

**R. O. No. 209 - 10 - 11. By CITY CLERK. September 7, 2010.**

Submitting a communication from Gil Bruckmueller requesting that there is a better and more efficient way of street cleaning.

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

**R. O. No. 210 - 10 - 11. By CITY CLERK. September 7, 2010.**

Submitting a communication from Kim Hodges regarding a recycling violation for a couch placed in the public right-of-way for collection at 516 S. Water St.

Was referred to the Committee on Public Works.

**R. O. No. 211 - 10 - 11. By PURCHASING AGENT. September 7, 2010.**

Submitting a tabulation of Bid #1751-10 received on August 31, 2010, for the provision and installation of an A.D.A Compliant entrance ramp, approved entranceways and related work.

Was referred to the Committee on Public Works.

**R. O. No. 212 - 10 - 11. By CITY CLERK. September 7, 2010.**

Submitting a claim from Thusuong Dang-Graumann for alleged damages to his vehicle when a City street sweeper/cleaner side-swiped the car.

Was referred to the Special Committee on Risk Management.

**R. O. No. 213 - 10 - 11. By CITY CLERK. September 7, 2010.**

Submitting a Summons and Complaint in the matter of BAC Home Loans Servicing, L.P. vs. Stephanie Krenzer et al.

Was referred to the Special Committee on Risk Management.

**RESOLUTIONS INTRODUCED**

**\*Res. No. 86 - 10 - 11. By Alderperson Bouck. September 7, 2010.**

**A RESOLUTION** confirming the exercise of police power in making an assessment for those benefited properties against which assessments are proposed for the water lateral replacements in Center Ave., from N. 6<sup>th</sup> St. to N. 7<sup>th</sup> St.

**RESOLVED:** That the assessments and schedule of the proposed assessments prepared by the Board of Water Commissioners for the proposed water lateral replacements in Center Ave., from N. 6<sup>th</sup> St. to N. 7<sup>th</sup> St. are hereby confirmed, and the City Clerk is authorized and directed to publish the notices required by law.

**BE IT FURTHER RESOLVED:** That the Board of Water Commissioners is hereby authorized and directed to carry out the work in accordance with the report, as finally approved, and that payment thereof be made as therein provided.

**Res. No. 87 - 10 - 11. By Alderperson Montemayor. September 7, 2010.**

**A RESOLUTION** authorizing the Mayor and City Clerk to execute the Deed from the City of Sheboygan to Madrigal, LLC.

**RESOLVED:** That the Mayor and City Clerk are hereby authorized to execute the Deed, and any other necessary ancillary documents, conveying Lot 8, Block 63, Sheboygan Original Plat according to the Plat thereof in the City of Sheboygan, County of Sheboygan, State of Wisconsin, from the City of Sheboygan to Madrigal, LLC.

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

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

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

Absent: None.

**Res. No. 88 - 10 - 11. By Alderperson Hammond. September 7, 2010.**

**A RESOLUTION** approving an amendment to the project plan and boundaries of Tax Incremental District No. 6, City of Sheboygan, Wisconsin.

Lies over under the rules.

**Res. No. 89 - 10 - 11. By Alderperson Montemayor. September 7, 2010.**

**A RESOLUTION** authorizing the appropriate City officials to execute the Dock Space Agreement between the City and WINSA for berthing of the ex-CANON in the Sheboygan River.

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

**Res. No. 90 - 10 - 11. By Alderperson Hammond. September 7, 2010.**

**A RESOLUTION** authorizing the appropriate City officials to execute a Lease Agreement for the Little Red School House property at 1116 Huron Avenue, Sheboygan.

Was referred to the Committee on Finance.

**Res. No. 91 - 10 - 11. By Alderperson Hammond. September 7, 2010.**

**A RESOLUTION** approving the proposed 2011 calendar year budget for tourism promotion and development services to be provided by the Chamber of Commerce.

Was referred to the Committee on Finance.

**Res. No. 92 - 10 - 11. By Alderperson Hammond. September 7, 2010.**

**A RESOLUTION** to authorize entering into a Tax Collection agreement with Sheboygan County for the 2010-2011 collection period.

Was referred to the Committee on Finance.

**Res. No. 93 - 10 - 11. By Alderperson Hammond. September 7, 2010.**

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

Was referred to the Committee on Finance.

**Res. No. 94 - 10 - 11. By Alderperson Hammond. September 7, 2010.**

**A RESOLUTION** authorizing the Purchasing Agent to enter into contract for the provision and installation of new vehicle graphics for the Sheboygan Transit and RTC Fleets to support the unveiling of a new corporate identity.

Was referred to the Committee on Finance and to the Sheboygan Transit Commission.

**Res. No. 95 - 10 - 11. By Alderperson Kittelson. September 7, 2010.**

**A RESOLUTION** authorizing the Purchasing Agent to publicly offer for sale a Fire Department Rescue vehicle commonly referred to as Rescue #2.

Was referred to the Committee on Public Protection and Safety.

**Res. No. 96 - 10 - 11. By Alderperson Kittelson. September 7, 2010.**

**A RESOLUTION** authorizing the Purchasing Agent to publicly offer FOR SALE a vacant parcel of property located directly south of Fire Station # 2 on the corner of South 18<sup>th</sup> Street and Mead Avenue.

Was referred to the Committee on Public Protection and Safety.

**Res. No. 97 - 10 - 11. By Alderperson Bohren. September 7, 2010.**

**A RESOLUTION** authorizing signing easements for a mini-storm sewer to be constructed in portions of their property.

Was referred to the Committee on Public Works.

**Res. No. 98 - 10 - 11. By Alderperson Bohren. September 7, 2010.**

**A RESOLUTION** authorizing the Purchasing Agent to enter into contract for installation of an A.D.A Compliant entrance ramp and entranceways for City Hall.

Was referred to the Committee on Public Works.

**REPORTS OF COMMITTEES**

**\*R. C. No. 176 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. September 7, 2010.**

Your Committee to whom was referred R. O. No. 184-10-11 by the Building Inspection Department submitting their report for July 2010; recommends that the Report of Officer be accepted and placed on file.

**\*R. C. No. 177 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. September 7, 2010.**

Your Committee to whom was referred R. O. No. 185-10-11 by the City Clerk submitting a communication from Cleo Messner of the BID District requesting permission to hold "Harvest Fest" on September 25, 2010, at Sheboygan's Riverfront; recommends that the Report of Officer be accepted and placed on file and to approve the request.

**\*R. C. No. 178 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. September 7, 2010.**

Your Committee to whom was referred the following:

1. A copy of Com. No. 34-10-11 from Jo-Ann Decker along with a Sheboygan City/County CAD-RMS Proposal New Business Model;
2. R. O. No. 186-10-11 by the City Clerk from Irma Gutierrez requesting a "No Parking" sign in front of her home at 1327 Pennsylvania Ave. because of safety issues at the corner of S. 14<sup>th</sup> St. and Pennsylvania Ave.; and
3. A copy of R. C. No. 146-10-11 by the Committee of the Whole to whom was referred item #4 in the "Annual Proposals For Action" presented by the Sheboygan County Taxpayers Alliance;

recommends that the documents be placed on file.

**\*R. C. No. 179 - 10 - 11. By PUBLIC WORKS. September 7, 2010.**

Your Committee to whom was referred R. O. No. 187-10-11 by the City Clerk 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; recommends that the Report of Officer be placed on file.

**\*R. C. No. 180 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. September 7, 2010.**

Your Committee to whom was referred a copy of R. O. No. 187-10-11 by the City Clerk 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; recommends the following –

1. To direct that an ordinance be drafted adding a handicapped stall in compliance with the handicapped parking policy created by this committee; and

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- To approve a loading zone in front of the business between 5 p.m. and 11 p.m., Tuesday through Sunday. The signage for the loading zone will be determined between the Planning Department, Department of Public Works and Mr. Autiero.

**\*R. C. No. 181 - 10 - 11. By PUBLIC WORKS. September 7, 2010.**

Your Committee to whom was referred R. O. No. 190-10-11 by the City Clerk submitting a communication from Brenda McBain of the Sheboygan County YMCA requesting permission to host a "Body Pump" launch on September 11, 2010, in Deland Park across from the YMCA; recommends that the Report of Officer be accepted and placed on file and to approve the request.

**R. C. No. 182 - 10 - 11. By MARINA AND HARBOR. September 7, 2010.**

Your Committee to whom was referred R. O. No. 165-10-11 by the Deputy Finance Director/Treasurer submitting the Harbor Centre Marina Balance Sheet from Operations dated June 30, 2010, as submitted by Skipper Marine; recommends that the Report Officer be accepted and placed on file.

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

**\*R. C. No. 183 - 10 - 11. By LAW AND LICENSING. September 7, 2010.**

Your Committee to whom was referred, pursuant to R. O. No. 164-10-11 and R. O. No. 183-10-11 by the City Clerk, submitting license applications for the period ending June 30, 2011 and June 30, 2012; recommends that the following licenses be granted:

CHANGE OF PREMISE

<u>No.</u>	<u>Name</u>	<u>Address</u>
1419	The Bunker(VFW Post 1230)	1138 Union Ave. – one-day event to be held 9/11/10 of the parking lot between the VFW Post and 1146 Union Ave. building.
2563	Penn Ave. Pub II	827 Pennsylvania Ave. – one-day event to be held 9/12/10 to include the grassy area by the south entrance.
1252	Petek's Tavern	2702 S. 8 <sup>th</sup> St. – one-day event to be held 9/18/10 to include the lot south and west of tavern.

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
2760	Weimann's Sport Center	4604 S. Business Dr.

BEVERAGE OPERATOR'S LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
8722	DeMaster, Jennifer E.	434 Center Ave., Oostburg
8199	Everts, Gail A.	2111 N. 23 <sup>rd</sup> St.
7253	Gulig, Joshua	3609 S. 15 <sup>th</sup> St.
8734	Haas, Jeffery A.	2217 N. 20 <sup>th</sup> St.
8735	Horton, Kiara M.	1418 Superior Ave.
8721	Illingworth, Shayna M.	241 School St., Kohler
4107	Kather, Chad J.	817 Georgia Ave.
8720	Leftwich, Natasha R.	1904 Forst Ct., Howards Grove
8714	Sneen, Jasmine S.	516 Forest Blvd., Sheboygan Falls
3940	Sommer, John M.	1030 Dillingham Ave.
7048	Stuedemann, Michael J.	523 Pine St., Sheboygan Falls
8718	Theune, Kimberly A.	1902 Camelot Blvd.
8717	Verhage, Tina R.	520A Washington Ct.
8739	Villarreal, Tanya L.	1309 N. 4 <sup>th</sup> St.
7978	Wychesit, Nicholas H.	439 Michigan Ave., Oostburg

TAXICAB OPERATOR LICENSE(June 30, 2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
8544	Castillo, Abraham	1415 S. 17 <sup>th</sup> St.
8734	Haas, Jeffery A.	2217 N. 20 <sup>th</sup> St.

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. 184 - 10 - 11. By FINANCE. September 7, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 163-10-11 by the City Clerk submitting a communication from Alderperson Hanna being an article from the Wall Street Journal titled "States Shift Hybrid Pensions";
2. Res. No. 182-10-11 by the City Clerk submitting, as a matter of record, the updated City of Sheboygan Information Technology Hardware and Software Policy;
3. Res. No. 62-10-11 by Alderpersons Bowers, Wangemann and Heidemann calling for a referendum on abandoning the City's fire-based ambulance service;
4. Res. No. 76-10-11 by Alderperson Bohren authorizing the appropriate City Officials to enter into a sale/purchase agreement for the City-Owned Two-Family residence located at 628/630 S. 13<sup>th</sup> St.; and
5. R. C. No. 146-10-11 by Committee of the Whole to whom was referred items #2, 4 and 6 in the "Annual Proposals for Action" presented by the Sheboygan County Taxpayers Alliance;

recommends that the documents be placed on file.

**R. C. No. 185 - 10 - 11. By LAW AND LICENSING. September 7, 2010.**

Your Committee to whom was referred, pursuant to R. O. No. 151-10-11 by the City Clerk, various license applications for the period ending June 30, 2011 and June 30, 2012; recommends referral of Beverage Operator's License application #6420 (Crystal Downs) to the full Common Council with no recommendation.

A motion by Alderperson Kath and second by Alderperson Hanna was made to accept the Report of Committee and to make a recommendation.

A motion by Alderperson Hanna and second by Alderperson Versey was made to approve the license.

Before action was taken thereon, a motion by Alderperson Bouck and second by Alderperson Versey was made to open the floor to Crystal Downs passed, all Alderpersons voting "Aye".

A motion was made by Alderperson Bohren and second by Alderperson Hanna to open the floor to the owner of Urbane, Jennifer Radtke, all Alderpersons voting "Aye".

On motion by Alderperson Hanna and second by Alderperson Versey, the Report of Committee was passed and the license was granted on call of the Roll:

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Versey— 11.

Nays: Wangemann — 1.

Abstain: Rindfleisch, VanderWeele — 2.

**R. C. No. 186 - 10 - 11. By LAW AND LICENSING. September 7, 2010.**

Your Committee to whom was referred, pursuant to R. O. No. 151-10-11 by the City Clerk, various license applications for the period ending June 30, 2011 and June 30, 2012; recommends that Beverage Operator's License #6207 be denied based upon her failure to include all relevant convictions on her beverage operator's application and her failure to cooperate with the committee.

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

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

Nays: None.

**R. C. No. 187 - 10 - 11. By LAW AND LICENSING. September 7, 2010.**

Your Committee to whom was referred, pursuant to R. O. No. 151-10-11 by the City Clerk, various license applications for the period ending June 30, 2011 and June 30, 2012; recommends that Beverage Operator's License #8679 be denied based upon his failure to include all relevant convictions on his beverage operator's application, his record as a habitual law violator and his record of violations related to the licensed activity.

A motion by Alderperson VanderWeele and second by Alderperson Montemayor was made to accept and adopt the Report of Committee.

Before action was taken thereon, a motion by Alderperson Kittelson and second by Alderperson Versey was made to open the floor to Juan De La Cruz passed, all Alderpersons voting "Aye".

A motion was made by Alderperson Kittelson and second by Alderperson Versey to open the floor to Joe Bonelli of MOJO's, all Alderpersons voting "Aye".

A motion was made by Alderperson VanderWeele and second by Alderperson Montemayor to accept and adopt the Report of Committee and to deny the license was lost on the call of the roll:

Ayes: Bohren, Bowers, Heidemann, Kath, Wangemann — 5.

Nays: Bouck, Dekker, Hammond, Hanna, Kittelson, Montemayor, VanderWeele, Versey— 8.

Abstain: Rindfleisch — 1.

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

Ayes: Bouck, Bowers, Dekker, Hammond, Hanna, Kittelson, Montemayor, VanderWeele, Versey – 9.

Nays: Bohren, Heidemann, Kath, Wangemann – 4.

Abstain: Rindfleisch – 1.

**R. C. No. 188 - 10 - 11. By LAW AND LICENSING. September 7, 2010.**

Your Committee to whom was referred, pursuant to R. O. No. 164-10-11 by the City Clerk, various license applications for the period ending June 30, 2011 and June 30, 2012; recommends that Beverage Operator's License #8712 be denied based upon his failure to include all relevant convictions on his beverage operator's application and his record of violations related to the licensed activity.

A motion by Alderperson Rindfleisch and second by Alderperson VanderWeele was made to accept and adopt the Report of Committee.

Before action was taken thereon, the floor was opened to Marcial Dionicio to speak, all Alderpersons voting "Aye".

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

Ayes: Bouck, Bowers, Dekker, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, VanderWeele, Versey, Wangemann – 12.

Nays: Bohren, Hammond – 2.

**R. C. No. 189 - 10 - 11. By LAW AND LICENSING. September 7, 2010.**

Your Committee to whom was referred, pursuant to R. O. No. 151-10-11 by the City Clerk, various license applications for the period ending June 30, 2011 and June 30, 2012; recommends that Beverage Operator's License #7982 be denied based upon her failure to include all relevant convictions on her beverage operator's application and her failure to cooperate with the committee.

A motion by Alderperson Rindfleisch and second by Alderperson Kittelson was made to accept and adopt the Report of Committee.

Before action was taken thereon, a motion by Alderperson Kittelson and second by Alderperson Versey was made to open the floor to Amber Leonhardt.

On motion by Alderperson Montemayor and second by Alderperson Heidemann, the Report of Committee was referred to the Committee on Law and Licensing on call of the roll:

Ayes: Bouck, Bowers, Hammond, Heidemann, Kittelson, Montemayor, Rindfleisch, Wangemann – 8.

Nays: Bohren, Dekker, Hanna, Kath, VanderWeele, Versey – 6.

**R. C. No. 190 - 10 - 11. By FINANCE. September 7, 2010.**

Your Committee to whom was referred Res. No. 61-10-11 by Alderperson Rindfleisch 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; recommends that the document be referred to the Committee of the Whole with a positive recommendation from the Finance Committee.

Was referred to the Committee of the Whole.

**\*R. C. No. 191 - 10 - 11. By FINANCE. September 7, 2010.**

Your Committee to whom was referred the following:

1. A copy of R. O. No. 181-10-11 by the Purchasing Agent submitting a report relative to the sale/purchase of a City-Owned two-family residence located at 628/630 S. 13<sup>th</sup> St.;
2. A copy of Res. No. 82-10-11 by Alderperson Bouck authorizing the appropriate City Officials to enter into a sale/purchase agreement for the City-Owned Two-Family residence located at 628/630 S. 13<sup>th</sup> St.;

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

**\*R. C. No. 192 - 10 - 11. By PUBLIC WORKS. September 7, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 189-10-11 by the Purchasing Agent submitting a report relative to the design and installation of a new vehicle fueling facility at the Municipal Service Building; and
2. Res. No. 83-10-11 by Alderperson Bohren 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;

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

**\*R. C. No. 193 - 10 - 11. By PUBLIC WORKS. September 7, 2010.**

Your Committee to whom was referred Res. No. 84-10-11 by Alderperson Bohren authorizing signing easement(s) for a mini-storm sewer to be constructed in portions of property located at 3413 N. 12<sup>th</sup> St.; recommends that the Resolution be passed.

**\*R. C. No. 194 - 10 - 11. By PUBLIC WORKS. September 7, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 188-10-11 by the Deputy Director of Public Works submitting bids for the MSB roof replacement project; and
2. Res. No. 85-10-11 by Alderperson Bohren authorizing the appropriate City Officials to enter into contract for the reroofing of the MSB service garage roof with improved insulation for energy efficiencies;

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

**R. C. No. 195 - 10 - 11. By FINANCE. September 7, 2010.**

Your Committee to whom was referred Res. No. 77-10-11 by Alderperson Bohren authorizing a transfer of appropriations in the 2010 Budget (establish estimated revenue and appropriations for CDBG Grant – Emergency Assistance Program for Center Ave., New York Ave. and Wisconsin Ave. storm water management); recommends that the Resolution be passed.

Was accepted and adopted.

**RESOLUTIONS ON SECOND READING**

**\*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 13<sup>th</sup> Street, Sheboygan, WI.

**WHEREAS**, in May of 2010, the City of Sheboygan offered the above property for sale to the general public conditional upon the acceptance by the buyer of several conditions;

**WHEREAS**, two party(s) did in fact make an offer but have since been allowed to retract that offer due to the inability to comply with all of the terms and conditions, specifically that regarding owner occupancy for a minimum of five years;

**WHEREAS**, the City began making arrangements for determining the cost of demolition and disposal of the structure when an additional party made it known to the City that they were interested in the possible purchase and rehabilitation of the home and were able to comply with all of the stipulated terms and conditions as set forth;

**WHEREAS**, the party has made an offer of \$1,000 Cash, thus eliminating the necessity and expense for the City to contract for demolition and instead returning the property to the tax rolls following a complete renovation by the buyer.

**RESOLVED:** That the appropriate city officials are hereby authorized to enter into a sale/purchase agreement with Mr. Don LaPlant et. al, for the purchase of this property including all required renovations to be performed within six months of closing as well as the assumption of all responsibility related to the future abatement of asbestos containing materials in the structure.

**BE IT FURTHER RESOLVED:** That the sale/purchase price of \$1,000.00 (One Thousand Dollars) is conditional upon the satisfactory completion of needed renovations and owner occupancy of the home for not less than 5 Years (Five Years) following completion of all necessary renovations and return of the property to the tax rolls. Any revenues from the sale will be used to off-set previous expenditures related to the transfer of the property to the City from its previous owner.

**\*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.

**WHEREAS**, it has been determined that replacement of the existing vehicle fueling facilities at the Municipal Service Building is required due primarily to age related deterioration and their inability to comply with current environmental regulations;

**WHEREAS**, the City engaged the services of Miller Engineers and Scientists to develop detailed specifications for replacement of these systems with environmentally compliant equipment;

**WHEREAS**, the City issued a Request For Proposals to companies engaged in the provision and installation of modern, environmentally compliant fueling systems as well as removal and demolition of existing systems;

**WHEREAS**, The City received three proposals and has determined that the lowest cost proposal completely meets all of the specifications and requirements.

**BE IT RESOLVED:** That the appropriate City officials are directed to enter into contract with U.S. Petroleum Equipment of Kimberly in the amount of \$319,046 for the provision and installation of the new equipment and removal/disposal of the current equipment in payment of same from the Motor Vehicle Account – Other Operating Equipment No. 70136100-641700

**\*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.

**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. Rebecca M. Gersmehl, 3413 N. 12<sup>th</sup> St.

**\*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,

**WHEREAS**, it has been determined that the lowest responsive bid meeting all the specifications and based upon the wishes of the City is Precision Roofing of Sheboygan, Wisconsin.

**RESOLVED:** That the appropriate City officials are directed to enter into contract with Precision Roofing of Sheboygan, Wisconsin for \$63,700 for the MSB Roof Replacement Project in payment of same from the 10111220-621200-23230.

**Res. No. 77 - 10 - 11. By Alderperson Bouck. August 2, 2010.**

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

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

Establishing estimated revenue and appropriation for Community Development Block Grant – Emergency Assistance Program for Center Avenue, New York Avenue and WI Avenue storm water improvements:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Capital Projects Fund Grant 40033150-434211	Capital Projects Fund Storm water Improvements 40033150-631500	\$654,000

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

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

Nays: None.

**ORDINANCES INTRODUCED**

**Gen. Ord. No. 19 - 10 - 11. By Alderperson Bohren. September 7, 2010.**

**AN ORDINANCE** amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to remove the city engineering and tourism functions from the department of planning and development and reestablish the city engineering division in the department of public works.

Was referred to the Committee on Salaries and Grievances.

**Charter Ord. No. 20 - 10 - 11. By Alderperson Bohren. September 7, 2010.**

**A CHARTER ORDINANCE** providing for the appointment of the City Engineer by the Director of Public Works.

Was referred to the Committee on Salaries and Grievances.

**Gen. Ord. No. 21 - 10 - 11. By Alderperson Bohren. September 7, 2010.**

**AN ORDINANCE** amending Section 2-396 and Subsection 2-397(c)(2) of the Municipal Code so as to reestablish the city engineering functions back into the Department of Public Works.

Was referred to the Committee on Salaries and Grievances.

**MATTERS LAID OVER**

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

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

Section 1. Gen. Ord. No. 61-09-10, adopted April 19, 2010, is hereby amended so as to correct an error in the legal description set forth therein for the privilege of encroaching upon described portions of Weeden Creek Rd. located at 1211 Weeden Creek Rd. in the City of Sheboygan for the purpose of maintaining a sign, so as to read as follows (the correction is underlined):

That part of the road r.o.w. for S. 12<sup>th</sup> St. adjacent to Tract 3 of a certified survey map recorded in Volume 8 page 230 of CMS's, located in the NE ¼ of the NE ¼ of Section 10, T15N, R23E, City of Sheboygan, Sheboygan County, Wisconsin, described as follows:

Commencing at the SE corner of said Tract 3, thence N.00°08'46"E. along the east line of said Tract 3 197.00 feet to the point of beginning, thence S.89°51'14"E. 8.60', thence N.00°08'46"E. 2.00', thence N.89°51'14"W. 8.6', thence S.00°08'46"W. 2.00' to the point of beginning, said Tract contains 17.2 square feet.

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 upon passage and publication.

September 7, 2010

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

Ayes: Bohren, Bouck, Bowers, Dekker, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, VanderWeele, Versey, Wangemann – 12.

Nays: None.

Abstain: Hammond, Hanna – 2.

**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.

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 as follows:

**DELETE:**

**9. INFORMATION TECHNOLOGY**

	Job Code	Class Grade	NO. of Employees
Information Technology Director	A17416D	13	1.0
Programmer Analyst I	A17440A	25	1.0
Programmer, Micro Specialist	A17450A	22	1.0
Network Specialist	A17455A	21	1.0
Programmer	A17465A	15	1.0

(Gen. Ord. 148-98-99 states Prog/Analyst I and Programmer can be filled in any combination within budget constraints not to exceed 2 positions)

Operator/PC Technician	A17485A	15	1.0
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**ADD:**

**5. DEPARTMENT OF FINANCE**

**C. Information Technology Division**

Information Technology Manager	A17416D	13	1.0
Programmer Analyst I	A17440A	25	1.0
Programmer, Micro Specialist	A17450A	22	1.0
Network Specialist	A17455A	21	1.0
Programmer	A17465A	15	1.0

(Gen. Ord. 148-98-99 states Prog/Analyst I and Programmer can be filled in any combination within budget constraints not to exceed 2 positions)

Operator/PC Technician	A17485A	15	1.0
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Section 2. The new job description for the Information Technology Manager in the Finance Department 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. The current incumbents in the Information Technology Department shall remain in their said positions under the Department of Finance.

Section 4. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance and attached job descriptions shall be in effect from and after its passage and publication.

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

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

Nays: None.

**CONVENE IN CLOSED SESSION**

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch to **convene in closed session** under the exemption provided in Section 19.85(1)(e) of the Wisconsin State Statutes for the purpose of deliberating the purchasing of public property where competitive and bargaining reasons require a closed session was passed on call of the roll:

**September 7, 2010**

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

Nays: None.

A motion by Alderperson Hanna and second by Alderperson Bouck to allow the two newly elected Alderpersons to stay to observe the closed session was passed, all Alderpersons voting "Aye."

A motion by Alderperson Hanna and second by Alderperson Montemayor to take a 10 minute recess was passed, all Alderpersons voting "Aye."

Roll call was taken after the recess:

Present: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, VanderWeele, Versey, Wangemann-14.

Absent/excused: None.

**RECONVENE IN OPEN SESSION**

A motion by Alderperson Hanna and second by Alderperson Kittelson to reconvene in open session was passed, all Alderpersons voting "Aye."

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

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Mayor

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City Clerk