

**COMMON COUNCIL**

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

**TWELFTH REGULAR MEETING**

The Council met: Monday, September 19, 2011.

Mayor Bob Ryan in the Chair:

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

Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 14.

Absent and Excused: Rindfleisch, VanderWeele □ 2.

On motion by Alderperson Dekker and second by Alderperson Bohren, the reading of the minutes of the Eleventh Regular Meeting held September 6, 2011, were approved as entered on the record, all Alderpersons present voting "Aye".

**CONFIRMATION OF MAYOR'S APPOINTMENTS**

September 6, 2011

**HONORABLE MEMBERS OF THE COMMON COUNCIL**

I hereby submit the following appointment for your consideration:

Greg Ryan to be considered for appointment to the Sustainable Sheboygan Task Force to fill the unexpired position of Heather Cleveland whose term expires on 4/23/12.

ROBERT RYAN, MAYOR

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 14.

Nays: None.

**MAYOR'S APPOINTMENTS**

September 19, 2011

**HONORABLE MEMBERS OF THE COMMON COUNCIL**

I hereby submit the following appointment for your consideration:

Todd Wolf to be considered for appointment to the City Plan Commission to fill the unexpired position of Steven Hemsing whose term expires on 4/28/14.

ROBERT RYAN, MAYOR

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

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 14.

Nays: None.

**ELECTION OF THE BOARD OF WATER COMMISSIONERS MEMBER**

A motion by Alderperson Dekker and second by Alderperson Versey was made to open the floor for nominations for a member of the Board of Water Commissioners.

A motion by Alderperson Dekker and second by Alderperson Kittelson was made to nominate Ray Haen. The nominations were closed.

Ray Haen spoke and on motion by Alderperson Dekker and second by Alderperson Kittelson, the City Clerk was directed to cast a unanimous ballot for Ray Haen as the new member to the Board of Water Commissioners, all Alderpersons present voting "Aye".

**PUBLIC FORUM**

Pat Gillette, 915 North Ave. spoke with an extra minute granted by Alderpersons Dekker and Versey, Henry Capetillo, 1619 N. 38<sup>th</sup> St. spoke with an extra minute granted by Alderpersons Dekker and Roeseler, Dolyce Johnson, 1306 N. 3<sup>rd</sup> St. spoke with an extra minute granted by Alderpersons Dekker and Roeseler and Milt Storm, 1736 Maryland spoke.

**MAYOR'S ANNOUNCEMENTS**

September 19, 2011

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 14.

Nays: None.

#### REPORTS OF OFFICERS

**R. O. No. 192 - 11 - 12. By BOARD OF PARKS AND FORESTRY COMMISSIONERS. September 19, 2011.**

Your Commission met and discussed R. O. No. 143-11-12 by the City Attorney stating that the Town of Wilson is willing to annex the entire dog park parcel to the City of Sheboygan; recommends that the document be placed on file.

On motion by Alderperson Versey and second by Alderperson Boeldt, the Report of Officer was accepted and placed on file on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 14.

Nays: None.

**\*R. O. No. 193 - 11 - 12. By BOARD OF ELECTRICAL EXAMINERS. September 19, 2011.**

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

<u>APPLICATION #</u>	<u>NAME AND ADDRESS</u>	<u>TYPE OF LICENSE</u>
1428	Ronald Klossner PO Box 3644 Green Bay, WI 54303-0644	Electrical Contractor
1429	Daryl Willing N58 W20809 Menomonee Ave Menomonee Falls, WI 53051	Electrical Contractor
1430	James M Conard 4482 Nicolet Dr Green Bay, WI 54311	Electrical Contractor

**\*R. O. No. 194 - 11 - 12. By BOARD OF WATER COMMISSIONERS. September 19, 2011.**

To the Honorable, the Mayor and Common Council:

The Sheboygan Board of Water Commissioners reports that it has submitted an application to the Wisconsin Public Service Commission to increase water rates effective in early 2012. There was no increase in 2011. The application is in support of the Board's long term plans for significant capital infrastructure investment in the coming years. Major projects include a wash water tank, ultraviolet disinfection, an intake pipeline, a new low lift pumping station with suction well, and major water main replacements. The increase is estimated at 8%. This would not apply to sanitary sewer charges, which are determined separately by Council.

Despite the increase, Sheboygan will continue to have among the lowest water rates in the state. Sheboygan's residential water rates are half of the average residential water rates for class AB utilities. Sheboygan's industrial water rates are also half of the average industrial water rates for class AB utilities.

The Board anticipates the public hearing on the rate case will occur later this fall.

**\*R. O. No. 195 - 11 - 12. By the CITY CLERK. September 19, 2011.**

Submitting a Temporary Class "B" License Application for the Sheboygan Harbor Centre BID for an event on 8<sup>th</sup> St. during the Nations Cup on September 15<sup>th</sup> which has already been issued.

**\*R. O. No. 196 - 11 - 12. By CITY CLERK. September 19, 2011.**

Submitting a communication from Chase Longmiller, on behalf of the Sheboygan Professional Firefighters, thanking the Council for their cooperation in making this year's MDA Fill the Boot so successful as they raised over \$9,700 due to the generosity of the Sheboygan public and the Sheboygan Firefighters.

**R. O. No. 197 - 11 - 12. By DIRECTOR OF PARKING AND TRANSIT. September 19, 2011.**

Submitting a Property Damage Release due to a bus being totaled in an accident.

On motion by Alderperson Dekker and second by Alderperson Versey, the Report of Officer was accepted and placed on file and allow the Mayor to sign the release, all Alderpersons present voting "Aye".

**R. O. No. 198 - 11 - 12. By CITY CLERK. September 19, 2011.**

Submitting various license applications.

TEMPORARY CLASS "B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2862	Friends to the End Benefit	Rehab Bar & Grill 1450 S. 8 <sup>th</sup> St. Brat Fry 10/02/11
1653	Sheboygan Sudzzers	Quarryview Center Hwy 42 N. 10/11/11
2541	Sheboygan Visual Artists	1201 Erie Ave., 2 events, 9/30/11 & 10/28/11.

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

**R. O. No. 199 - 11 - 12. By CITY CLERK. September 19, 2011.**

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.  
Was referred to the Committee on Law and Licensing.

**R. O. No. 200 - 11 - 12. By BUILDING INSPECTION DEPARTMENT. September 19, 2011.**

We hereby submit the report of the Building Inspection Department for the month of August 2011.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 201 - 11 - 12. By CITY CLERK. September 19, 2011.**

Submitting a communication from Robert Nytes requesting a waiver from the Sex Offender Residency restrictions in order to move to 1220 S. 19<sup>th</sup> St.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 202 - 11 - 12. By CITY CLERK. September 19, 2011.**

Submitting a communication from Chris Jolitz requesting a waiver from the Sex Offender Residency restrictions in order to move to 1511 N. 19<sup>th</sup> St.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 203 - 11 - 12. By CITY CLERK. September 19, 2011.**

Submitting a communication from Mai Seng Xiong requesting a waiver from the Sex Offender Residency restrictions in order to live at 1218 St. Clair Ave.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 204 - 11 - 12. By CITY CLERK. September 19, 2011.**

Submitting a communication from Jr. Clark, President of the Sheboygan Softball Association, Inc., requesting that the City rebuild the bathrooms at Wildwood Park.  
Was referred to the Committee on Public Works.

**R. O. No. 205 - 11 - 12. By CITY CLERK. September 19, 2011.**

Submitting a communication from Cliff Larsen (Great Grandson of Barney Haynes – crew member of the Lottie Cooper) wanting to donate a plaque with the names of the crew members to be placed in front of the ship so that is the first thing people see when they approach the ship.  
Was referred to the Committee on Public Works.

**R. O. No. 206 - 11 - 12. By CITY CLERK. September 19, 2011.**

Submitting a communication from Mike Vandersteen stating that the request by the Rotary Clubs for the use of Evergreen Park as the site of a Christmas Lights project seriously challenges the continuation of the Ski Trail project.  
Was referred to the Committee on Public Works.

**R. O. No. 207 - 11 - 12. By CITY CLERK. September 19, 2011.**

Submitting a communication from the Sheboygan County Rotary Clubs to utilize Evergreen Park and the Quarry Shelter commencing in 2012 for a Christmas Lights project.  
Was referred to the Committee on Public Works.

**R. O. No. 208 - 11 - 12. By CITY CLERK. September 19, 2011.**

Submitting a communication from Marge Mattern stating her opinion regarding the issues of City Administrator/Mayor/requirements for hiring a City Administrator, etc.  
Was referred to the Committee of the Whole.

**RESOLUTIONS INTRODUCED**

**Res. No. 79 - 11 - 12. By Alderperson Bohren. September 19, 2011.**

**A RESOLUTION** Authorizing the City of Sheboygan and its appropriate City Officials to formally accept the following project: Western Interceptor Cured-In-Place Pipe & Manhole Rehabilitation Contract S0014-980410 Contractor: Visu-Sewer, Inc. as part of the requirements with the Clear Water Fund Loan used to finance the project.

**RESOLVED:** That the City of Sheboygan formally accepts the Western Interceptor Cured-In-Place Pipe & Manhole Rehabilitation Contract S0014-980410 and have the appropriate City Officials sign the Project Acceptance Certification form.

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

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 14.

Nays: None.

**Res. No. 80 - 11 - 12. By Alderperson Bohren. September 19, 2011.**

**A RESOLUTION** approving Memorandum of Understanding with Sheboygan County and the Wisconsin Department of Natural Resources for Sheboygan River Rehabilitation project.

**WHEREAS**, the City has received a Federal Grant in the amount of \$485,000 to fund the design of a habitat restoration project along the Sheboygan River thru an agreement with the Wisconsin Department of Natural Resources, and

**WHEREAS**, the project includes work on river frontage under the jurisdiction of Sheboygan County requiring a cooperative effort.

**RESOLVED:** That the Memorandum of Understanding with Sheboygan County and the Wisconsin DNR is hereby approved.

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

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 14.

Nays: None.

**Res. No. 81 - 11 - 12. By Alderperson Bohren. September 19, 2011.**

**A RESOLUTION** authorizing a professional services agreement with S.E.H. for the design phase of the Sheboygan River Habitat Restoration projects.

**WHEREAS**, the City is acting as the lead agency for a habitat restoration project along the Sheboygan River,

**WHEREAS**, the proposal for services submitted by S.E.H. was considered the most advantages after review of 6 proposals received by a staff team including members from the City Staff, Sheboygan County, and the Wisconsin DNR, and

**WHEREAS**, the work under this contract is funded thru an agreement with the Wisconsin DNR at a not to exceed cost of \$450,000.

**BE IT FURTHER RESOLVED:** That the proposal of S.E.H. for the design phase of the Sheboygan River Habitat Restoration Project is deemed most advantageous, and the appropriate City officials are hereby authorized to enter into a professional service agreement with S.E.H. in an amount not to exceed \$450,000; payment from Account No. 40032100-521900.

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

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 14.

Nays: None.

**Res. No. 82 - 11 - 12. By Alderpersons Rindfleisch, Bohren and Van Akkeren. September 19, 2011.**

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

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

Establishing appropriation for Sheboygan River Habitat Restoration with the WI Dept of Natural Resources:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Capital Projects Fund	Capital Projects Fund	
State Grant	Contractor Services	

40032100-434211

40032100-521900

\$485,000

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

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 14.

Nays: None.

**Res. No. 83 – 11 - 12. By Alderperson Bohren. September 19, 2011.**

**A RESOLUTION** authorizing entering into contract with Sheboygan County Highway Department, Sheboygan, Wisconsin for the ditching and resurfacing of portions of S. 16th St., Pheasant Lane and Maple Lane.

Was referred to the Committee on Public Works.

**REPORTS OF COMMITTEES**

**\*R. C. No. 162 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. September 19, 2011.**

Your Committee to whom was referred R. O. No. 478-10-11 by the City Clerk submitting a Notice from West Bend Insurance Company regarding Workman's Compensation for Calvin Kesweder; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

**\*R. C. No. 163 - 11 - 12. By LAW AND LICENSING. September 19, 2011.**

Your Committee to whom was referred R. O. No. 118-11-12 and pursuant to R. O. No. 146-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:

BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

No.	Name
9266	Alsteen, Megan L.
9277	Kamada, Nicholas R.
9258	Longoria, Jessica M.

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. 164 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. September 19, 2011.**

Your Committee to whom was referred R. O. No. 127-11-12 by the City Clerk submitting a claim from Jessica J. Miller for alleged damages to her vehicle when yellow paint got spattered on her vehicle when the City was repainting the lines; recommends that the claim be denied and to direct the City Attorney be directed to send a Notice of Disallowance.

**R. C. No. 165 - 11 - 12. By PUBLIC WORKS. September 19, 2011.**

Your Committee to whom was referred a copy of R. O. No. 143-11-12 by the City Attorney stating that the Town of Wilson is willing to annex the entire dog park parcel to the City of Sheboygan; recommends that Report of Officer be accepted and placed on file and to approve the recommendation.

A motion by Alderperson Versey and second by Alderperson Boeldt was made to accept and adopt the Report of Committee with a caveat that an agreement is needed.

Before action was taken thereon, a motion by Alderperson Bohren and second by Alderperson Boeldt to cost share with the Town of Wilson for enforcement, lost on call of the roll:

Ayes: Bohren, Heidemann, Kath, Matichek, Sampson  5.

Nays: Boeldt, Carlson, Dekker, Hammen, Hammond, Kittelson, Van Akkeren, Versey  8.

On motion by Alderperson Versey and second by Alderperson Boeldt, the Report of Committee was accepted and adopted with caveat that an agreement needs to be drafted, passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kittelson, Matichek, Sampson, Van Akkeren, Versey - 12.

Nays: Kath  1.

Abstain: Roeseler  1.

**\*R. C. No. 166 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. September 19, 2011.**

Your Committee to whom was referred R. O. No. 156-11-12 by the City Clerk submitting a claim from Debbie Chapman for alleged damages to her vehicle when a City vehicle backed up into the front of her van; recommends approving payment in the amount of \$2,315.33.

**\*R. C. No. 167 - 11 - 12. By WHOLE. September 19, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 158-11-12 by the City Clerk submitting a communication from Milt Storm expressing his concerns regarding the steps being taken to remove the Mayor;
2. R. O. No. 189-11-12 by the City Clerk submitting a communication from Mike and Diane Warner stating that they believe that the recall effort is the correct way to address issues regarding the Mayor;
3. R. O. No. 190-11-12 by the City Clerk submitting a communication from Richard W. Suscha stating his upset with the press conference that that attracted all the media; and
4. R. O. No. 191-11-12 by the City Clerk submitting a communication from 14 past Alderpersons and 1 past Mayor stating that the current Common Council should make the hiring of a full-time City Administrator a priority;

recommends that the documents be placed on file.

**\*R. C. No. 168 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. September 19, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 170-11-12 by the Building Inspection Department submitting a report for the month of June 2011; and
2. R. O. No. 171-11-12 by the Building Inspection Department submitting a report for the month of July 2011;

recommends that the documents be accepted and placed on file.

**\*R. C. No. 169 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. September 19, 2011.**

Your Committee to whom was referred R. O. No. 174-11-12 by the City Clerk submitting a communication from various neighbors near S. 18<sup>th</sup> St. and Camelot Blvd. requesting that stop signs be placed at that junction for safety reasons; recommends that the Report of Officer be accepted and placed on file and to approve the placement of a 4 way stop and direct that the proper documents be drafted.

**\*R. C. No. 170 - 11 - 12. By PUBLIC WORKS. September 19, 2011.**

Your Committee to whom was referred R. O. No. 178-11-12 by the City Clerk submitting a communication from the Race Director of FATKATS requesting the use of Evergreen and Quarryview Parks for the 17<sup>th</sup> Annual Wigwam Mountain Bike Challenge on October 9, 2011; recommends that the Report of Officer be accepted and placed on file and to approve the request.

**\*R. C. No. 171 - 11 - 12. By SALARIES AND GRIEVANCES. September 19, 2011.**

Your Committee to whom was referred R. O. No. 179-11-12 by the City Clerk submitting a communication from Alderperson Bohren being an article from the Milwaukee Journal/Sentinel entitled, "Brookfield Chiefs Cut Own Pay"; recommends that the document be placed on file.

**\*R. C. No. 172 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. September 19, 2011.**

Your Committee to whom was referred R. O. No. 180-11-12 by the City Clerk submitting a claim from Denise Justinger for alleged damages to her vehicle when she went over the yellow paint that was being painted on the street with no warning signs; recommends filing the document and approving payment in the amount of \$619.50.

**\*R. C. No. 173 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. September 19, 2011.**

Your Committee to whom was referred R. O. No. 182-11-12 by the City Clerk submitting a claim from Todd Randall for alleged damages to his vehicle when a loose tire on Hwy. 42 during the road work came up from a vehicle in front of him and sent it under Mr. Randall's car; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

**\*R. C. No. 174 - 11 - 12. By LAW AND LICENSING. September 19, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 167-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:

CHANGE OF AGENT

Candice Boldt is taking the place of Dawn Hill as agent for QMart #211 effective immediately.

BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>
7505	Allen, Marla J.
9290	Bray, Jonelle M.
9302	Dellemann, Hiedi L.

1312 Felsing, Mary Beth  
7966 Ferguson, Amber L.  
9299 Fischer, Kathy L.  
9297 Howell, David P.  
8385 Kurtovic, Deana  
2704 Lehmann, Ryan J.  
6595 Leraaen, Michele L.  
8076 Meinolf, David K.  
9303 Molley, Amy L.  
9297 Rautmann, Jacob A.  
9286 Rodriguez, Brian C.  
9283 Roe, Alissa M.  
2075 Schaefer, Curt R.  
9282 Schoemer, Kathie L.  
9285 Segovia, April M.  
9304 Theune, Michael J.  
9296 VanDerPuy, Nicole A.  
8489 Weber, Kendall A.  
9289 Xiong, Xo

TAXICAB DRIVER LICENSE APPLICATION (June 30, 2012)

No.	Name
9280	Alvarez, Juan M.
9305	Leistekow, Keith A.
9288	Nunn, Norman B.
9301	Rodriguez, Luis M.

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. 175 - 11 - 12. By LAW AND LICENSING. September 19, 2011.**

Your Committee scheduled a Quasi-Judicial Hearing to determine whether the Beverage Alcohol Beverage License #9130 held by Mike Grunow should be suspended or revoked.

At the time scheduled for the hearing, Michael Grunow appeared before the committee. The committee heard testimony from witnesses for both the City in its prosecutorial function and Grunow.

The committee found the following facts: On July 4, 2011, Mike Grunow, while intoxicated, recklessly endanger the safety of another (in violation of §941.30(2), Wis. Stats.) and batter another (in violation of §940.19(1), Wis. Stats.) Said criminal activity, in conjunction with his prior criminal record (a 1997 felony conviction for Eluding Officer, a 2001 misdemeanor conviction for Contempt of Court, six Disorderly Conduct convictions from the time period between 2002 and 2006, and a 2008 misdemeanor conviction for Trespass) makes him a habitual law offender pursuant to §125.04(5)(b), Wis. Stats.

Based on those findings of fact, your committee recommends the following:

1. That, based on the licensee's right to object to this committee's finding under §125.12(2)(b)3, Wis. Stats., the licensee's written objections, if any, be provided to the common council and considered, in conjunction with the committee's finding and the prosecution's arguments, but that neither the licensee nor the City in its prosecution function shall be permitted to make oral argument;

2. That the license be revoked immediately upon the common council's acceptance of these findings of facts and imposition of penalty.

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 14.

Nays: None.

**R. C. No. 176 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. September 19, 2011.**

Your Committee to whom was referred Gen. Ord. No. 20-11-12 by Alderpersons Van Akkeren, Heidemann and Dekker repealing and recreating Section of the Municipal Code so as to require notice to neighbors of an appeal pursuant to Section 7-265 of the Code; recommends that the Ordinance be placed on file.

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

**September 19, 2011**

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 13.

Nays: Heidemann □ 1.

**R. C. No. 177 - 11 - 12. By WHOLE. September 19, 2011.**

Your Committee who met and discussed the 2012 Benefits Proposal makes a favorable recommendation to the Common Council.

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

Before action was taken thereon, a motion by Alderperson Roeseler and second by Alderperson Van Akkeren was made to refer the Report of Committee to the Committee on Salaries and Grievances, passed on call of the roll:

Ayes: Boeldt, Dekker, Hammen, Hammond, Kittelson, Matichek, Roeseler, Van Akkeren, Versey □ 9.

Nays: Bohren, Carlson, Heidemann, Kath, Sampson □ 5.

**\*R. C. No. 178 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. September 19, 2011.**

Your Committee to whom was referred Res. No. 62-11-12 by Alderperson Kittelson accepting a donation for, and naming the Fire Department's Survive Alive House; recommends that the Resolution be passed.

**\*R. C. No. 179 - 11 - 12. By FINANCE. September 19, 2011.**

Your Committee to whom was referred Res. No. 76-11-12 by Alderperson Hammond amending Res. No. 189-11-12 authorizing entering into an agreement with Vandewalle & Associates to provide planning services to implement the key recommendations and economic initiative of the Indiana Ave. District Redevelopment Plan; recommends that the Resolution was passed.

**R. C. No. 180 - 11 - 12. By WHOLE. September 19, 2011.**

Your Committee to whom was referred Res. No. 77-11-12 by Alderperson Rindfleisch authorizing the Common Council to engage the services of special outside legal counsel to represent the Council with regard to a quasi-judicial hearing and authorizing payment for said services; recommends that the Resolution be passed.

Was accepted and adopted.

**R. C. No. 181 - 11 - 12. By WHOLE. September 19, 2011.**

Your Committee to whom was referred Res. No. 78-11-12 by Alderperson Rindfleisch authorizing the Common Council to engage the services of special outside legal counsel to represent the City of Sheboygan in the role of special prosecutor with regard to a quasi-judicial hearing; recommends that the Resolution be passed.

Was accepted and adopted.

**R. C. No. 182 - 11 - 12. By FINANCE. September 19, 2011.**

Your Committee to whom was referred Res. No. 75-11-12 by Alderperson Hammond setting the rates for the provision of dedicated fire and medical services stand-bys provided to the public by the Sheboygan Fire Department; recommends that the attached Substitute Resolution be passed.

Was accepted and adopted.

**R. C. No. 183 - 11 - 12. By WHOLE. September 19, 2011.**

Your Committee to whom was referred Gen. Ord. No. 24-11-12 by Alderpersons Hammond and Roeseler creating Division 5 of Article III of Chapter 2 of the Municipal Code relating to the position of Chief Administrative Officer; recommends that the Ordinance be passed.

Lies over under the rules.

**R. C. No. 184 - 11 - 12. By WHOLE. September 19, 2011.**

Your Committee to whom was referred Gen. Ord. No. 25-11-12 by Alderpersons Hammond and Roeseler amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to add/delete positions in the Mayor's Office and the Finance Department Table of Organization; recommends that the Ordinance be passed and the Job Description for the Chief Administrative Officer be amended as follows: "under Reports to: Mayor and Common Council and throughout the body of the document", be replaced with "Reports to: Common Council with input from the Mayor."

Lies over under the rules.

**RESOLUTIONS ON SECOND READING**

**\*Res. No. 62 - 11 - 12. By Alderperson Kittelson. August 15, 2011.**

**A RESOLUTION** accepting a donation for, and naming the Fire Department's Survive Alive House.

September 19, 2011

**WHEREAS**, the Fire Department's "Survive Alive" house is approximately 20 years old and in need of reconstruction; and

**WHEREAS**, through a generous donation by Sheboygan Chevrolet, Chrysler, there are funds available to reconstruct the Survive Alive house.

**NOW, THEREFORE, BE IT RESOLVED:** That the City of Sheboygan graciously accepts the donation from Sheboygan Chevrolet, Chrysler.

**BE IT FURTHER RESOLVED:** In recognition of the support, the City hereby agrees to name the reconstructed Survive Alive House the "Sheboygan Chevrolet, Chrysler Survive Alive House."

**\*Res. No. 76 - 11 - 12. By Alderperson Hammond. September 6, 2011.**

**A RESOLUTION** amending Res. No. 189-10-11 authorizing entering into an agreement with Vandewalle & Associates to provide planning services to implement the key recommendations and economic initiatives of the Indiana Avenue District Redevelopment Plan.

**WHEREAS**, a marketing brochure promoting the former Pentair property and the Schuchardt property is necessary to detail the long-term vision of these two properties; and

**WHEREAS**, the Fresh Tech Marketing brochure will assist the City in marketing the two properties to businesses, brokers and developers.

**RESOLVED:** That the appropriate City officials are hereby authorized and directed to enter into Work Order Number 0001 – Fresh Tech Marketing with Vandewalle & Associates not to exceed \$25,428.23 (former Pentair Site \$15,526.93 and Schuchardt Property \$10,171.30).

**BE IT FURTHER RESOLVED:** That the Finance Director/Treasurer is authorized to following account in payment thereof Account No. 40761100-611100.

**Res. No. 77 - 11 - 12. By Alderperson Rindfleisch. September 6, 2011.**

**A RESOLUTION** authorizing the Common Council to engage the services of special outside legal counsel to represent the Council with regard to a quasi-judicial hearing and authorizing payment for said services.

**RESOLVED:** That the Common Council hereby authorizes the hiring of Attorney Joseph J. Voelkner of Olsen, Kloet, Gunderson & Conway as outside legal counsel to represent the Common Council with regard to a quasi-judicial hearing regarding removal of the Mayor, and authorizing payment for said services from the account set forth herein.

**BE IT FURTHER RESOLVED:** That the Finance Director/Treasurer is hereby authorized and directed to draw on the Council/Legal Services Account No. 10110100-521200 in payment of same.

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

Ayes: Boeldt, Bohren, Dekker, Heidemann, Kath, Kittelson, Roeseler, Sampson, Van Akkeren, Versey □ 10.

Nays: Carlson, Hammen, Hammond, Matichek □ 4.

**Res. No. 78 - 11 - 12. By Alderperson Rindfleisch. September 6, 2011.**

**A RESOLUTION** authorizing the Common Council to engage the services of special outside legal counsel to represent the City of Sheboygan in the role of special prosecutor with regard to a quasi-judicial hearing.

**RESOLVED:** That the Common Council hereby authorizes the hiring of Attorney Steven M. Biskupic of Michael Best & Friedrich LLP as outside legal counsel to represent the City of Sheboygan in the role of special prosecutor with regard to a quasi-judicial hearing regarding removal of the Mayor, pursuant to the terms of the retainer letter and waiver of conflict of interest received from Michael Best & Friedrich LLP, copies of which are attached hereto.

**BE IT FURTHER RESOLVED:** That the appropriate City officials are hereby authorized to execute the retainer letter and waiver of conflict of interest documents.

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

Ayes: Boeldt, Bohren, Dekker, Heidemann, Kath, Kittelson, Sampson, Van Akkeren, Versey □ 9.

Nays: Carlson, Hammen, Hammond, Matichek, Roeseler □ 5.

**Subs. of Res. No. 75 - 11 - 12. By Alderperson Hammond. September 19, 2011.**

**A RESOLUTION** setting the rates for the provision of dedicated fire and medical services stand-bys provided to the public by the Sheboygan Fire Department.

**WHEREAS**, the Sheboygan Fire Department provides emergency and non-emergency medical and public safety responses; and

**WHEREAS**, it is the goal of the Fire Department to provide the most comprehensive levels of service, at the highest level, to the people we serve; and

**WHEREAS**, the Sheboygan Fire Department has been receiving an ever increasing number of requests for both fire and medical services dedicated stand-bys; and

September 19, 2011

**WHEREAS**, a recent comprehensive survey of other fire departments performed by the Fire Chief has identified the need for the city to establish rates for dedicated stand-bys.

**NOW, THEREFORE, BE IT RESOLVED:** That the following rates are hereby established for the provision of dedicated fire and medical services stand-bys provided to the public by the Sheboygan Fire Department:

**Fire apparatus stand-by**

Engine with 3 fire fighters	\$150.00 per hour
Ladder with 3 fire fighters	\$150.00 per hour
Mobile Command Post	\$100.00 first hour, \$50.00 each additional hour
Fire Boat with 3 fire fighters	\$150.00 per hour

**Ambulance stand-by**

Ambulance with 2 fire fighter/paramedics \$100.00 per hour

**Personnel stand-by**

Fire fighter/paramedic stand-by \$40.00 per hour per person

or in all cases actual employee costs plus expenses.

**BE IT FURTHER RESOLVED:** That the rates and policies established by this Resolution shall remain in force and effect until changed by way of ordinance or resolution of the Common Council.

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren - 13.

Nays: Versey □ 1.

**ORDINANCES INTRODUCED**

**Gen. Ord. No. 26 - 11 - 12. By Alderperson Bohren. September 19, 2011.**

**AN ORDINANCE** amending Gen. Ord. No. 16-11-12, passed by Council on July 18, 2011, in order to update the number of wards and the legal descriptions relating to Section 38-3 of the Municipal Code regarding wards and aldermanic districts.

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

Section 1. Section 38-3 of the Municipal Code entitled, "Wards and Voting Polls", is hereby repealed and recreated to read as follows:

"Section 38-3. Wards and Voting Polls.

The City is hereby divided into twenty-six (26) wards, and boundaries of which are described as follows. All divisions shall be the center of streets unless otherwise prescribed. The voting poll for each ward will be designated in the future.

(1) FIRST WARD – DISTRICT 1

Commencing at the intersection of North Avenue and N. 13<sup>th</sup> Street, thence north on N. 13<sup>th</sup> Street to Eisner Avenue, thence west on Eisner Avenue 180' +/- to the City limits, thence following along said City limits to the north, west and south to a point on the center line of North Avenue 134' west of the west line of North Taylor Drive, thence east on North Avenue to its intersection with N. 13<sup>th</sup> Street.

Voting Poll: To be designated

(2) SECOND WARD – DISTRICT 1

Commencing at the intersection of the shore of Lake Michigan and center line of Grand Avenue, thence west on Grand Avenue to N. 6<sup>th</sup> Street, thence south on N. 6<sup>th</sup> Street to North Avenue, thence west on North Avenue to N. 13<sup>th</sup> Street, thence north on N. 13<sup>th</sup> Street to Eisner Avenue, thence west on Eisner Avenue to N. 13<sup>th</sup> Street and a point on the north City limits, thence northerly, easterly and thence southeasterly along the north City limits to its intersection with the shore of Lake Michigan, thence southeasterly along the shore of Lake Michigan to Columbus Avenue.

Voting Poll: To be designated

(3) THIRD WARD – DISTRICT 1

Commencing at the intersection of the shore of Lake Michigan and the center line of Grand Avenue, thence west on Grand Avenue to N. 6<sup>th</sup> Street, thence south on N. 6<sup>th</sup> Street to North Avenue, thence west on North Avenue to N. 15<sup>th</sup> Street, thence south on N. 15<sup>th</sup> Street to Annie Court thence east on Annie Court to N. 13<sup>th</sup> Street, thence south on N. 13<sup>th</sup> Street to Bell Avenue, thence east on Bell Avenue to N. 3<sup>rd</sup> Street, thence, south on N. 3<sup>rd</sup> Street to Vollrath Boulevard, thence east on Vollrath Boulevard to the shore of Lake Michigan, thence north/northwest along the shore of Lake Michigan to Columbus Avenue.

Voting Poll: To be designated

(4) FOURTH WARD – DISTRICT 2

Commencing at the intersection at N. 15<sup>th</sup> St. and North Ave., west on North Ave. to N. 25<sup>th</sup> St., south on N. 25<sup>th</sup> St. to Geele, west on Geele to the east centerline of the Union Pacific Railroad, south on the

centerline of the Union Pacific Railroad to Saemann Ave., east on Saemann Ave. to Calumet Dr., north on Calumet Dr. to N. 15<sup>th</sup> St., north on N. 15<sup>th</sup> St. to Heermann Ct., east on Heermann Ct. to N. 13<sup>th</sup> St., north on N. 13<sup>th</sup> St. to Annie Ct., west on Annie Ct. to N. 15<sup>th</sup> St., north on N. 15<sup>th</sup> St. to North Ave.

Voting Poll: To be designated

(5) FIFTH WARD – DISTRICT 2

Commencing at the intersection of North Avenue and N. 25<sup>th</sup> Street, thence south on N. 25<sup>th</sup> Street to Geele Avenue, thence west on Geele Avenue to N. 36<sup>th</sup> Street and south on N. 26<sup>th</sup> St. to the City limits, thence north along the west City limits to the north City limits, thence east, south and east along the north City limits to a point on the center line of North Avenue 134' west of the west line of North Taylor Drive, thence east on North Avenue to N. 25<sup>th</sup> Street.

Voting Poll: To be designated

(6) SIXTH WARD – DISTRICT 2

Commencing at the intersection of N. 25<sup>th</sup> St. and Geele Ave., west on Geele to N. 36<sup>th</sup> St., south on N. 36<sup>th</sup> St. to Saemann Ave., north on N. 25<sup>th</sup> St. to Geele Ave.

Voting Poll: To be designated

(7) SEVENTH WARD – DISTRICT 2

Commencing at the intersection of the west centerline of the Union Pacific Railroad and Geele Ave., west on Geele Ave. to N. 25<sup>th</sup> St., south on N. 25<sup>th</sup> St. to Cleveland Ave., east on Cleveland Ave. to N. 18<sup>th</sup> St., south on N. 18<sup>th</sup> St. to Saemann Ave., east on Saemann Ave. to the west centerline of the Union Pacific Railroad, then north to Geele Ave.

Voting Poll: To Be designated

(8) EIGHTH WARD - DISTRICT 2

Commencing at the intersection of the west of the Union Pacific Railroad and Saemann Avenue, thence east on Saemann Avenue to North 15<sup>th</sup>. Street, thence south on North 15<sup>th</sup> Street to Superior Avenue, thence west on Superior Avenue to the west centerline of the Union Pacific Railroad, thence north along said west centerline to Saemann Avenue.

Voting Poll: To Be designated

(9) NINTH WARD - DISTRICT 2

Commencing at the intersection of North 25<sup>th</sup> Street and Cleveland Avenue, thence east along Cleveland Avenue to North 18<sup>th</sup> Street, thence south on North 18<sup>th</sup> Street to Saemann Avenue, thence east on Saemann Avenue to the west centerline of the Union Pacific Railroad, thence South on said west centerline to Superior Avenue, thence west on Superior Avenue to North 22nd Street, thence North on North 22nd Street to Saemann Avenue, thence west on Saemann Avenue to North 25<sup>th</sup> Street, thence north on North 25<sup>th</sup> Street to Cleveland Avenue.

Voting Poll: To Be designated

(10) TENTH WARD – DISTRICT 3

Commencing at the intersection of Superior Avenue and N. 10<sup>th</sup> Street, thence west on Superior Avenue to N. 15<sup>th</sup> Street, thence north on N. 15<sup>th</sup> Street to Saemann Avenue, thence east on Saemann Avenue to Calumet Drive, thence northwest on Calumet Drive to N. 15<sup>th</sup> Street, thence north on N. 15<sup>th</sup> Street to Heermann Court, thence east on Heermann Court to N. 13<sup>th</sup> Street, thence north on N. 13<sup>th</sup> Street to Bell Avenue, thence east on Bell Avenue to N. 9<sup>th</sup> Street, thence south on N. 9<sup>th</sup> Street to Bluff Avenue, thence west on Bluff Avenue to N. 10<sup>th</sup> Street, thence south on N. 10<sup>th</sup> Street to Superior Avenue.

Voting Poll: To be designated

(11) ELEVENTH WARD – DISTRICT 3

Commencing at the intersection of Superior Avenue and N. 10<sup>th</sup> Street, thence north on N. 10<sup>th</sup> Street to Bluff Avenue, thence east on Bluff Avenue to N. 9<sup>th</sup> Street, thence north on N. 9<sup>th</sup> Street to Geele Avenue, thence east on Geele Avenue to N. 7<sup>th</sup> Street, thence south on N. 7<sup>th</sup> Street to Bluff Avenue, thence east on Bluff Avenue to N. 5<sup>th</sup> Street, thence south on N. 5<sup>th</sup> Street to Lincoln Avenue, thence east on Lincoln Avenue to N. 3<sup>rd</sup> Street, thence south on N. 3<sup>rd</sup> Street to Prospect Avenue, thence east on Prospect Avenue to N. 2<sup>nd</sup> Street, thence south on N. 2<sup>nd</sup> Street to Superior Avenue, thence west on Superior Avenue to N. 10<sup>th</sup> Street.

Voting Poll: To be designated

(12) TWELFTH WARD – DISTRICT 3

Commencing at the intersection of the shore of Lake Michigan and the centerline of Superior Avenue extended, thence west along Superior Avenue to N. 2<sup>nd</sup> street, thence north on N. 2<sup>nd</sup> Street to Prospect Avenue, thence west on Prospect Avenue to N. 3<sup>rd</sup> Street, thence north on N. 3<sup>rd</sup> Street to Lincoln Avenue, thence west on Lincoln Avenue to N. 5<sup>th</sup> Street, thence north on N. 5<sup>th</sup> Street to Bluff Avenue, thence west on Bluff Avenue to N. 7<sup>th</sup> Street, thence north on N. 7<sup>th</sup> Street to Geele Avenue, thence west on Geele Avenue to N. 9<sup>th</sup> Street, thence north on N. 9<sup>th</sup> Street to Bell Avenue, thence east on Bell

Avenue to N. 3<sup>rd</sup> Street, thence south on N. 3<sup>rd</sup> Street to Vollrath Boulevard, thence east on Vollrath Boulevard to the shore of Lake Michigan, thence southeasterly and southwesterly along the shore of Lake Michigan to Superior Avenue.

Voting Poll: To be designated

(13) THIRTEENTH WARD – DISTRICT 4

Commencing at the intersection of the shore of Lake Michigan and the center line of Superior Avenue extended, thence west along Superior Avenue to N. 11<sup>th</sup> Street, thence south on N. 11<sup>th</sup> Street to Michigan Avenue, thence east on Michigan Avenue to N. 10<sup>th</sup> Street, thence south on N. 10<sup>th</sup> Street to Niagara Avenue, thence east on Niagara Avenue to N. 8<sup>th</sup> Street, thence south on N. 8<sup>th</sup> Street to Pennsylvania Avenue, thence east on Pennsylvania Avenue to the shore of Lake Michigan, thence north along the shore of Lake Michigan to Superior Avenue.

Voting Poll: To be designated

(14) FOURTEENTH WARD – DISTRICT 4

Commencing at the intersection of Indiana Avenue and S. 8<sup>th</sup> Street, thence west on Indiana Avenue to S. 13<sup>th</sup> Street, thence north on S. 13<sup>th</sup> Street to New Jersey Avenue, thence west on New Jersey Avenue to S. 14<sup>th</sup> Street, thence north on S. 14<sup>th</sup> Street to Superior Avenue, thence east on Superior Avenue to N. 11<sup>th</sup> Street, thence south on N. 11<sup>th</sup> Street to Michigan Avenue, thence east on Michigan Avenue to N. 10<sup>th</sup> Street, thence south on N. 10<sup>th</sup> Street to Niagara Avenue, thence east on Niagara Avenue to N. 8<sup>th</sup> Street, thence south on N. 8<sup>th</sup> Street to Indiana Avenue.

Voting Poll: To be designated

(15) FIFTEENTH WARD – DISTRICT 4

Commencing at the intersection of the shore of Lake Michigan and the center line of Georgia Avenue extended, thence west on Georgia Avenue to S. 14<sup>th</sup> Street, thence north on S. 14<sup>th</sup> Street to New Jersey Avenue, thence east on New Jersey Avenue to S. 13<sup>th</sup> Street, thence south on S. 13<sup>th</sup> Street to Indiana Avenue, thence east on Indiana Avenue to S. 8<sup>th</sup> Street, thence north on S. 8<sup>th</sup> Street to Pennsylvania Avenue, thence east on Pennsylvania Avenue to the shore of Lake Michigan, thence south/southwesterly along the shore of Lake Michigan to Georgia Avenue.

Voting Poll: To be designated

(16) SIXTEENTH WARD – DISTRICT 5

Commencing at the intersection of Saemann Avenue and N. 22<sup>nd</sup> Street, thence south on N. 22<sup>nd</sup> Street to Superior Avenue, thence east on Superior Avenue to N. 17<sup>th</sup> Street, thence south on N. 17<sup>th</sup> Street to Erie Avenue, thence west on Erie Avenue to N. 19<sup>th</sup> Street, thence continuing west on Kohler Memorial Drive to the west City limits, thence northerly along the west City limits to Saemann Avenue, thence east on Saemann Avenue to N. 22<sup>nd</sup> Street.

Voting Poll: To be designated

(17) SEVENTEENTH WARD – DISTRICT 5

Commencing at the intersection of N. 18<sup>th</sup> Street and Kohler Memorial Drive, thence west on Kohler Memorial Drive to N. 36<sup>th</sup> Street and the west City limits, thence south and east along the City limits to its intersection with South Taylor Drive, thence north on South Taylor Drive to New Jersey Avenue, thence east northeast on New Jersey Avenue to Wildwood Avenue, thence northeast on Wildwood Avenue to N. 18<sup>th</sup> Street, thence north on N. 18<sup>th</sup> Street to Kohler Memorial Drive.

Voting Poll: To be designated

(18) EIGHTEENTH WARD – DISTRICT 5

Commencing at the intersection on N. 18<sup>th</sup> Street and Erie Avenue, thence east on Erie Avenue to N. 17<sup>th</sup> Street, thence north on N. 17<sup>th</sup> Street to Superior Avenue, thence east on Superior Avenue to N. 14<sup>th</sup> Street, thence south on 14<sup>th</sup> Street to Georgia Avenue, thence west on Georgia Avenue to S. 19<sup>th</sup> Street, thence north on S. 19<sup>th</sup> Street to Indiana Avenue, thence west on Indiana Avenue to the City limits, thence west on the City limits to South Taylor Drive, thence north on South Taylor Drive to New Jersey Avenue, thence east northeast on New Jersey Avenue to Wildwood Avenue, thence northeast on Wildwood Avenue to N. 18<sup>th</sup> Street, thence north on N. 18<sup>th</sup> Street to Erie Avenue.

Voting Poll: To be designated

(19) NINETEENTH WARD – DISTRICT 6

Commencing at the intersection on Indiana Avenue and S. 19<sup>th</sup> Street, thence south on S. 19<sup>th</sup> Street to Georgia Avenue, thence east on Georgia Avenue to its intersection with the center line of the Union Pacific Railroad, thence southwest along said center line to its intersection with Union Avenue, thence west on Union Avenue to its intersection with the west City limits, thence north and east along said west City limits to a point on the center line on Indiana Avenue 150' +/- west of S. 24<sup>th</sup> Street, thence east on Indiana Avenue to S. 19<sup>th</sup> Street.

Voting Poll: To be designated

(20) TWENTIETH WARD – DISTRICT 6

Commencing at the intersection of the shore of Lake Michigan and the center line of Union Avenue extended, thence west on Union Avenue to the centerline of the Union Pacific Railroad, thence northeasterly along said center line to Georgia Avenue, thence east on Georgia Avenue to S. 14<sup>th</sup> Street, thence south on S. 14<sup>th</sup> Street to Broadway, thence east on Broadway to S. 12<sup>th</sup> Street, thence south on S. 12<sup>th</sup> Street to High Avenue, thence east on High Avenue to S. 9<sup>th</sup> Street, thence north on S. 9<sup>th</sup> Street to Broadway, thence east on Broadway and its extension to the shore of Lake Michigan, thence south along the shore of Lake Michigan to the center line of Union Avenue extended.

Voting Poll: To be designated

(21) TWENTY-FIRST WARD – DISTRICT 6

Commencing at the intersection of the shore of Lake Michigan and the center line of Georgia Avenue extended, thence west on Georgia Avenue to S. 14<sup>th</sup> Street, thence south on S. 14<sup>th</sup> Street to Broadway, thence east on Broadway to S. 12<sup>th</sup> Street, thence south on S. 12<sup>th</sup> Street to High Avenue, thence east on High Avenue to S. 9<sup>th</sup> Street, thence north on S. 9<sup>th</sup> Street to Broadway, thence east on Broadway to the shore of Lake Michigan, thence north along the shore of Lake Michigan to Georgia Avenue.

Voting Poll: To be designated

(22) TWENTY-SECOND WARD – DISTRICT 7

Commencing at the intersection of the east right-of-way line of Interstate “43” and the center line of Washington Avenue/S.T.H. “28”, said intersection also being a point on the west City limits, thence north and east along the west City limits towards Union Avenue, thence east on Union Avenue to Henry Street, thence south on Henry Street to Wilson Avenue, thence west on Wilson Avenue to S. 18<sup>th</sup> Street, thence south on S. 18<sup>th</sup> Street to Washington Avenue, thence west on Washington Avenue to the east right-of-way line of Interstate “43”.

Voting Poll: To be designated

(23) TWENTY-THIRD WARD – DISTRICT 7

Commencing at the intersection of the east right-of-way for Interstate “43” and the center line of Washington Avenue. Said intersection also being a point on the west City limits, thence east on Washington Avenue to a point on the east right-of-way for S. 18<sup>th</sup> Street, thence south along said east right-of-way to Marvery Road, thence east on Marvery Road to the east line of Pheasant Lane, thence south along said east right-of-way extended, south of Weeden Creek Road following the existing City limits boundary, thence west along said City limits boundary, thence north along said City limits boundary to the south right-of-way of Weeden Creek Road, thence west along said south right-of-way line also being the City limits boundary, thence south along the City limits boundary, thence west along the City limits boundary to the east right-of-way line for Moening Road, also being the City limits boundary, thence south along the City limits boundary, thence west along the City limits boundary to the west line of South Business Drive, thence northeasterly along said west right-of-way, thence west along the City limits boundary, thence north along the City limits boundary, thence east along the City limits boundary to South Business Drive, thence northeast along South Business Drive, thence west along the City limits boundary to the east right-of-way line of Interstate “43”, thence north along said east right-of-way to the point of beginning, except all land within the above described description not under the jurisdiction of the City of Sheboygan.

Voting Poll: To be designated

(24) TWENTY-FOURTH WARD – DISTRICT 8

Commencing at the intersection of the shore of Lake Michigan and the center line of Union Avenue extended, thence west of Union Avenue to Henry Street, thence south on Henry Street to Wilson Avenue, thence east on Wilson Avenue to S. 10<sup>th</sup> Street, thence south on S. 10<sup>th</sup> Street to Washington Avenue, thence east on Washington Avenue to S. 9<sup>th</sup> Street, thence south on S. 9<sup>th</sup> Street to Greenfield Avenue, thence southeast on Greenfield Avenue 525' +/- to the south City limits, thence south and east along the south City limits to the shore of Lake Michigan, thence north along the shore of Lake Michigan to the centerline of Union Avenue, extended.

Voting Poll: To be designated

(25) TWENTY-FIFTH WARD – DISTRICT 8

Commencing at the intersection of Wilson Avenue and S. 18<sup>th</sup> Street, thence east on Wilson Avenue to S. 10<sup>th</sup> Street, thence south on S. 10<sup>th</sup> Street to Washington Avenue, thence east on Washington Avenue to S. 9<sup>th</sup> Street, thence south on S. 9<sup>th</sup> Street to Greenfield Avenue, thence west on Greenfield Avenue to S. 12<sup>th</sup> Street, thence south on S. 12<sup>th</sup> Street to Carmen Avenue, thence west on Carmen Avenue to S. 18<sup>th</sup> Street, thence north on S. 18<sup>th</sup> Street to Washington Avenue, thence east on Washington Avenue to S. 17<sup>th</sup> Street, thence north on S. 18<sup>th</sup> Street to Wilson Avenue.

Voting Poll: To be designated

(26) TWENTY-SIX WARD – DISTRICT 8

Commencing at the intersection of S. 9<sup>th</sup> Street and Greenfield Avenue, thence west on Greenfield Avenue to S. 12<sup>th</sup> Street, thence south on S. 12<sup>th</sup> Street to Carmen Avenue, thence west on Carmen Avenue to S. 18<sup>th</sup> Street, thence south on S. 18<sup>th</sup> Street to the south City limits, thence south, east and north along the south City limits to Greenfield Avenue, thence northwest to the intersection of Greenfield Avenue and S. 9<sup>th</sup> Street, and that portion of land being south of Panther Avenue and west of S. 9<sup>th</sup> Street knows as Indian Mound Park.

Voting Poll: To be designated

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 for the purpose of local elections beginning January 1, 2012, and thereafter.

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

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 14.

Nays: None.

**Gen. Ord. No. 27 – 11 - 12. By Alderpersons Kath and Kittelson. September 19, 2011.**

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

Was referred to the City Plan Commission.

**MATTERS LAID OVER**

**R. O. No. 166 - 11 - 12. By CITY CLERK. September 6, 2011.**

Submitting a citizen complaint from Patrick Gillette regarding the conduct of the Mayor during the August 15, 2011 Council meeting.

A motion by Alderperson Bohren and second by Alderperson Versey was made to forward to the Special Prosecutor (Biskupic).

A motion by Alderperson Versey and second by Alderperson Bohren was made to open the floor to Patrick Gillette was passed, all Alderpersons present voting "Aye".

On motion by Alderperson Bohren and second by Alderperson Versey, the Report of Officer was forwarded to the prosecutor, on call of the roll:

Ayes: Boeldt, Bohren, Dekker, Heidemann, Kath, Sampson, Van Akkeren, Versey □ 8.

Nays: Carlson, Hammen, Hammond, Kittelson, Matichek, Roeseler □ 6.

**Res. No. 74 - 11 – 12. By Alderpersons Rindfleisch, Bohren, Matichek and Van Akkeren. September 6, 2011.**

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

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

Establishing estimated revenue and appropriation for 2011 Community Development Block Grant Entitlement Program:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Community Block Grant Fund Entitlement 21161100-431901-0	Community Block Grant Fund NSRA No. 1 Officers 21196100-540100	\$80,000
	Homeless Facility 21198100-590100	\$38,000
	Family Connections 21198100-590100	\$1,500
	Partners for Community Development 21198100-590100	\$22,500
	Hmong Mutual Assistance Association 21198100-590100-10260	\$11,974
	Sheboygan Transit 21193200-590100	\$42,493
	Sheboygan County Interfaith 21198100-590100-10268	\$4,921
	Safe Harbor 21198100-590100	\$7,385

Salvation Army	
21198100-590100	\$10,500
Mental Health Association	
21198100-590100	\$1,875
Sheboygan Housing Assistance Center	
21198100-590100	\$24,424
Rebuilding Together	
21198100-591000	\$30,000
Family Service Association	
21198100-590100	\$4,921
Home Inc	
21161100-590100-10274	\$9,750
Administration	
21198100-521500-10400	\$196,310
Street Improvements	
21161100-631100	\$495,000

**BE IT FURTHER RESOLVED:** That the City Clerk publish this budget change according to §65.90(5) of the Wisconsin Statutes.

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

Ayes: Ayes: Boeldt, Bohren, Dekker, Hammen, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 12.

Nays: None.

Abstain: Carlson, Hammond □ 2.

**Gen. Ord. No. 23 - 11 – 12. By Alderpersons VanderWeele, Kath and Rindfleisch. September 6, 2011.**

**AN ORDINANCE** amending various sections of Section 94-131 of the Municipal Code so as make changes to reporting, documentation, and other requirements of pawn shops in the City of Sheboygan.

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

Section 1. Section 94-131 of the Municipal Code is hereby repealed and recreated in subsection (c)(1) thereof to read as follows:

"94-131. Requirements.

...  
(c)  
...

- (1) A complete and accurate description of each item, including, but not limited to any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item. Additionally, every pawnbroker must keep photographs of sufficient quality to identify the item of every item that does not contain a specific serial number that would identify the item.

Section 2. Section 94-131 of the Municipal Code is hereby repealed and recreated in subsections (g)(1) thereof to read as follows:

"94-131. Requirements.

...  
(g) Daily reports to police.

- (1) Pawnbrokers must submit every reportable transaction to the police department daily in the following manner. Pawnbrokers must provide to the police department all required information required in subsection (c) and other required information by transferring it from their computer to the web server via modem designated by the Sheboygan Police Department. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the police department using procedures that address security concerns of the pawnbroker and the police department. The pawnbroker must display a sign of sufficient size in a conspicuous place on the premises, which informs all patrons that all transactions are reported daily to the police department.

Section 3. Section 94-131 of the Municipal Code is hereby repealed and recreated in subsections (g)(2) thereof to read as follows:

"94-131. Requirements.

...

(g) Daily reports to police.

...

(2) Billable transaction fees. Pawnbrokers will be charged for each billable transaction reported to the police department. These fees are intended to pay for the cost of participation in the reporting system. No fees will be charged if the police department incurs no cost for said participation.

...

Section 4. Subsection (i) of Section 94-131 of the Municipal Code is hereby created to read as follows:

"94-131. Requirements.

...

(i) Business at only one place. A license under this chapter authorizes the pawnbroker to carry on its business only at the permanent place of business designated in the License. However, upon written request, the Chief of Police, or the Chief's designee, may approve an off-site locked and secured storage facility. The Licensee shall permit an inspection of the facility in accordance with this Chapter. All provisions of this Chapter regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the city code. The Licensee must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premises that extends for more than six (6) months.

Section 5. Subsection (j) of Section 94-131 of the Municipal Code is hereby created to read as follows:

"94-131. Requirements.

...

(j) Payment. All payments made by a pawnbroker who lends money on the deposit or pledge of any article or jewelry or who purchases any article or jewelry shall be made by check or automated clearing house."

Section 6. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 14.

Nays: None.

**A motion by Alderperson Dekker and second by Alderperson Versey was made TO CONVENE INTO CLOSED SESSION** under the exemption provided in Sec. 19.85 (1) (e), Wis. Stats. For the purpose of discussion, deliberation or formulation of negotiation strategies relative to possible collective bargaining agreements, where competitive and bargaining reasons require a closed session, on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, Versey - 14.

Nays: None.

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

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Mayor

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City Clerk