

COMMON COUNCIL

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

FOURTEENTH REGULAR MEETING

The Council met: Monday, October 18, 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, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 16.

Absent: None.

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the reading of the minutes of the Thirteenth Regular Meeting held October 4, 2010, and the minutes were approved as entered on the record, all Alderpersons voting "Aye".

MAYOR'S APPOINTMENTS

October 18, 2010

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointment for your consideration:

Deputy Chief Chuck Butler to be considered for the Board of Electrical Examiners to fill the unexpired term of Chief Inspector Robert Kocmoud which expires April 23, 2013.

ROBERT RYAN, MAYOR

Lies over under the rules.

October 18, 2010

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointments for your confirmation:

BUSINESS IMPROVEMENT DISTRICT

<u>NAME</u>	<u>APPOINTED</u>	<u>EXPIRES</u>
DAVID HANEMAN	10/18/10	09/13/13
PAUL WEAVER	10/18/10	09/13/13
DAVID GASS	10/18/10	09/13/13
TOM BRICKLEY	10/18/10	09/13/13
EILEEN SIMENZ (REPLACES RANDY SCHWOERER	10/18/10	09/11/11
MIKE MILLER (REPLACES GREG HERING)	10/18/10	09/11/11
MARY CHRISTIAN (REPLACES DAWN SEIFERT)	10/18/10	09/11/11

ROBERT RYAN, MAYOR

Lies over under the rules.

October 18, 2010

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointments for your consideration:

SPECIAL COMMITTEE ON THE REGULATION OF DANGEROUS DOGS

<u>NAME</u>	<u>APPOINTED</u>	<u>EXPIRES</u>
ALD. SCOTT VERSEY	10/18/10	04/18/11
ALD. MARILYN MONTEMAYOR	10/18/10	04/18/11
ALD. KEVIN SAMPSON	10/18/10	04/18/11
REBECCA BARISAS (CITIZEN)	10/18/10	04/18/11
TRACY FIRGENS (CITIZEN)	10/18/10	04/18/11
ROCHELLE DREWS (CITIZEN)	10/18/10	04/18/11
CHRIS DOMAGALSKI (POLICE CHIEF)	10/18/10	04/18/11
EILENE RIBBENS (HUMANE SOCIETY)	10/18/10	04/18/11
JOHN TRAVIS (LOCAL VETERINARIAN)	10/18/10	04/18/11
CHUCK ADAMS (ASST. CITY ATTORNEY)	10/18/10	04/18/11

NOTE: ASSISTANT CITY ATTORNEY SHALL BE NON-VOTING EX-OFFICIO MEMBER OF THE SPECIAL COMMITTEE

ROBERT RYAN, MAYOR

October 18, 2010

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

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

Ayes: Bohren, Bouck, Bowers, Dekker, Gischia, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Radtke, Rindfleisch, VanderWeele, Versey, Wangemann—16.

Nays: None.

PUBLIC FORUM

Dolcye Johnson, 1306 N. 3rd St., Richard Hartmann, 2423 N. 23rd St., Jack Wirtz, 47 Winnebago Pl, Faye Uraynar, 727 N. 37th St. spoke. Dolcye Johnson & Faye Uranay were granted one (1) extra minute to speak, 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:

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 16.

Nays: None.

COMMUNICATIONS AND PETITIONS

Com. No. 44 - 10 - 11. October 18, 2010.

Submitting a communication from Amy Groth regarding the odors coming from the mink farm.

Was referred to the Committee on Public Protection and Safety.

REPORTS OF OFFICERS

***R. O. No. 248 - 10 - 11. By BOARD OF ELECTRICAL EXAMINERS. October 18, 2010.**

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

<u>APPLICATION #</u>	<u>NAME AND ADDRESS</u>	<u>TYPE OF LICENSE</u>
1204	Troy Beyer 3684 Packerland Dr De Pere, WI 54115	Electrical Contractor
1413	Ray Van Den Heuvel II 1585 Silver Maple De Pere, WI 54115	Electrical Contractor
1414	Paul Kampo 50 Pheasant Court Appleton, WI 54915	Electrical Contractor
1415	Jeff Depies 12054 N Ridge Rd Mequon, WI 53092	Electrical Contractor

R. O. No. 249 - 10 - 11. By CITY CLERK. October 18, 2010.

Submitting various license applications.

TEMPORARY CLASS "B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2541	Sheboygan Visual Artist	1201 Erie Ave. – one-day event to be held 10/29/10 at 1229 Erie Ave. main floor Gallery.
1032	Big Brothers/Big Sisters	1201 Erie Ave. – one-day event to be held 11/14/10 at 1201 Erie Ave. stage works area.

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

Before action was taken thereon, a motion by Alderperson Hammond and second by Alderperson Bohren was made to divide the question passed, all Alderpersons voting "Aye".

License #2541 was passed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 16.

Nays: None.

License #1032 was passed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Dekker, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15

Nays: None.

Abstain: Hammond – 1.

***R. O. No. 250 - 10 - 11. By CITY PLAN COMMISSION. October 18, 2010.**

Your Commission to whom was referred Res. No. 108-10-11 relative to authorizing the acquisition of the residential property at 1309 Center Avenue in consideration of satisfaction of two CDBG Housing Rehabilitation loans; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, October 12, 2010, and after due consideration, recommends approval of the Resolution.

R. O. No. 251 - 10 - 11. By CITY CLERK. October 18, 2010.

Submitting a communication from Wisconsin Department of Administration stating that the Saunders annexation was found to be in the public interest and is reasonably shaped and contiguous to the City of Sheboygan.

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the Report of Officer was accepted and filed, all Alderpersons voting "Aye".

R. O. No. 252 - 10 - 11. By CITY CLERK. October 18, 2010.

Submitting a communication from Cathy Schnur stating her concerns over the proposed Highland House sign placement on City property next to the bike path.

Was referred to the City Plan Commission.

R. O. No. 253 - 10 - 11. By CITY CLERK. October 18, 2010.

Submitting various license applications for the period ending June 30, 2011 and June 30, 2012.

Was referred to the Committee on Law and Licensing.

R. O. No. 254 - 10 - 11. By BUILDING INSPECTION DEPARTMENT. October 18, 2010.

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

Was referred to the Committee on Public Protection and Safety.

R. O. No. 255 - 10 - 11. By CHIEF OF POLICE. October 18, 2010.

Pursuant to Section 54-65 of the Municipal Code, I herewith submit my quarterly report showing the activities of my department for the period commencing July 1, 2010 and ending September 30, 2010.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 256 - 10 - 11. By CITY CLERK. October 18, 2010.

Submitting an application 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. 257 - 10 - 11. By CITY CLERK. October 18, 2010.

Submitting an application for waiver to the Sex Offender Residency Restrictions from the State of Wisconsin Department of Corrections on behalf of parolee Christopher Jolitz.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 258 - 10 - 11. By CITY CLERK. October 18, 2010.

Submitting a communication from the State of Wisconsin Department of Corrections requesting an appeal to the Sex Offender Residency restrictions on behalf of parolee Jesus Ruiz.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 259 - 10 - 11. By CITY CLERK. October 18, 2010.

Submitting a communication from the Harbor Centre BID Manager requesting that they would like to establish a skating rink on South Pier to bring activity to the district during the winter.

Was referred to the Committee on Public Works and to the Redevelopment Authority.

R. O. No. 260 - 10 - 11. By CITY CLERK. October 18, 2010.

Submitting a communication from Mecca Stanley, Owner and President of Mecca's Pit Bull Rescue, stating concerns about large and small dogs allowed to be loose and giving various suggestions on safety for the citizens of Sheboygan

Was referred to the Special Committee on Dangerous Dogs.

RESOLUTIONS INTRODUCED

Res. No. 117 – 10 – 11. By Alderperson Hanna. October 18, 2010.

A RESOLUTION lifting the hiring freeze in order to hire a Part Time Cashier Data Entry Clerk and a Senior Accountant in the Finance Department.

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

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

WHEREAS, the Mayor recently approved the Hiring Audit form to authorize hiring of a Part Time Cashier Data Entry Clerk and a Senior Accountant in the Finance Department.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby authorizes, as an emergency exception to the hiring freeze, the hiring of a Part Time Cashier Data Entry Clerk and a Senior Accountant in the Finance Department.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 16.

Nays: None.

Res. No. 118 – 10 - 11. By Alderperson Hanna. October 18, 2010.

A RESOLUTION lifting the hiring freeze in order to hire a minimum of two (2) Schedule X people in the City Clerk's office.

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

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

WHEREAS, the Mayor recently approved the Hiring Audit form to authorize hiring of two (2) Schedule X people in the City Clerk's office.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby authorizes, as an emergency exception to the hiring freeze, the hiring of two (2) Schedule X people in the City Clerk's office.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 16.

Nays: None.

Res. No. 119 - 10 - 11. By Alderpersons Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann. October 18, 2010.

A RESOLUTION establishing a Special Committee on the Regulation of Dangerous Dogs.

WHEREAS, the Common Council at its regular meeting on October 4, 2010 voted to file proposed Gen. Ord. No. 28-10-11 which would have placed restrictions on dangerous and vicious dogs in general, as well as on certain specific breeds deemed to be dangerous; and

WHEREAS, at said meeting, the Common Council voted to have a special committee formed to develop non-breed specific dangerous dog regulations for presentation to the Common Council.

NOW, THEREFORE, BE IT RESOLVED: That the Special Committee on the Regulation of Dangerous Dogs is hereby established, with the charge of developing non-breed specific dangerous dog regulations for presentation to the Common Council.

BE IT FURTHER RESOLVED: That the Special Committee shall be temporary in nature and shall utilize its best efforts to complete its charge and submit a report to the Common Council by the second Council meeting in November 2010. In any event, said Special Committee shall be automatically dissolved at the conclusion of the 2010-2011 Council year.

BE IT FURTHER RESOLVED: That the membership of the Special Committee on the Regulation of Dangerous Dogs shall consist of the following voting members:

Three (3) Alderpersons, the Chief of Police or designee, the President of the Sheboygan County Humane Society or designee, one (1) local veterinarian, and three (3) City

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resident owners of dogs licensed in the City of Sheboygan, to be appointed by the Mayor and confirmed by the Council.

BE IT FURTHER RESOLVED: That the Assistant City Attorney shall be a non-voting ex-officio member of the Special Committee.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 16.

Nays: None.

Res. No. 120 - 10 - 11. By Alderpersons Hammond, Bouck, Bohren, Rindfleisch and Roeseler. October 18, 2010.

A RESOLUTION to amend Resolution No. 201-09-10 which directs that from this point forward all Resolutions and/or Ordinances introduced to the City Clerk for publication, inclusion or action that requires the expenditure of funds or expansion of work related time must include the attached Fiscal Information Form (FIF).

WHEREAS, it has been determined that all Resolutions and/or Ordinances requiring expenditure of funds or expansion of work related time are discussed by a Standing Committee of the Council; and

WHEREAS, the Standing Committee of the Council discusses expenditures of funds or expansion of work related time and the appropriate funds.

NOW, THEREFORE BE IT RESOLVED: From this point forward, all Resolutions and/or Ordinances approved by the Standing Committee and forwarded to the Common Council with a positive recommendation to require the expenditure of funds or expansion of work related time must include a Fiscal Information Form (FIF).

BE IT FURTHER RESOLVED: That no such document, as described above, will be accepted and adopted by the Common Council without a Fiscal Information Form attached.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 16.

Nays: None.

Res. No. 121 - 10 - 11. By Alderperson Hammond, Rindfleisch, Bohren and Roeseler. October 18, 2010.

A RESOLUTION authorizing entering into an agreement with GRAEF to provide neighborhood revitalization efforts consulting services.

Lies over under the rules.

Res. No. 122- 10 - 11. By Alderpersons Hanna and Kittelson. October 18, 2010.

A RESOLUTION agreeing to match savings from union concessions and a levy increase to be used to retain city personnel for 2011.

Was referred to the Committee of the Whole.

Res. No. 123 - 10 - 11. By Alderperson Hanna. October 18, 2010.

A RESOLUTION revising the travel expense guidelines adopted by Res. No. 64-78-79, as revised,

Was referred to the Committee on Salaries and Grievances.

Res. No. 124 – 10 - 11. By Alderperson Bohren. November 1, 2010.

A RESOLUTION authorizing signing easements 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 easements for a mini-storm sewer for the following properties:

1. Garry M. Schaal, residing at 5417 Long Acre Rd., Sheboygan, WI 53083, owner of property located at 1608-10 Alexander Ct.
2. Gerald A. Scheele, 1614 Alexander Ct.

Was referred to the Committee on Public Works.

Res. No. 125 - 10 – 11. By Alderperson Hanna. October 18, 2010.

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$2,530,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010C.

WHEREAS, the Common Council of the City of Sheboygan, Sheboygan County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of

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paying the cost of refinancing certain outstanding obligations of the City, to wit: General Obligation Development Bonds, Series 2001B, dated March 15, 2001 (the "2001B Bonds") and General Obligation Promissory Notes, dated July 1, 2003 (the "2003 Notes") (collectively, the "Refunded Obligations") (hereinafter the refinancing of the City's Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service cost savings;

WHEREAS, cities are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations;

WHEREAS, the City has directed its financial advisor, Ehlers & Associates, Inc., Brookfield, Wisconsin ("Ehlers") to take the steps necessary to sell the General Obligation Refunding Bonds, Series 2010C (the "Bonds");

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on October 18, 2010;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on October 18, 2010;

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1A. Ratification of the Notice of Sale and Offering Materials. The Common Council of the City hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed, pursuant to Section 67.04, Wisconsin Statutes, through the issuance of the Bonds, the sum of TWO MILLION FIVE HUNDRED THIRTY THOUSAND DOLLARS (\$2,530,000).

Section 1C. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal (as modified on the Bid Tabulation), plus accrued interest to the date of delivery, resulting in a net interest cost and an average true interest rate as set forth on the Proposal (as modified on the Bid Tabulation) is hereby accepted. The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2010C"; shall be issued in the aggregate principal amount of \$2,530,000; shall be dated November 9, 2010; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum; and mature on October 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2011. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on October 1, 2017 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on October 1, 2016 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there

is hereby levied upon all of the taxable property of the City a direct annual irrevocable tax in the years 2010 through 2018 for the payments due in the years 2011 through 2019 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$2,530,000 General Obligation Refunding Bonds, Series 2010C, dated November 9, 2010" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. In order to accomplish the purpose for which the Bonds are issued, proceeds of the Bonds shall be transferred to the Escrow Account, as provided in Section 20 hereof. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and their ownership, management and use will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 13. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 14. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

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Section 16. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of the proceeds of the Bonds allocable to the payment of issuance expenses to KleinBank, Chaska, Minnesota at Closing for further distribution as directed by Ehlers.

Section 17. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 19. Redemption of the 2003 Notes. The 2003 Notes due on and after December 1, 2011 are hereby called for prior payment and redemption on December 1, 2010 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with Ehlers to cause timely notice of redemption, in substantially the form attached hereto as Exhibit F and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. All actions heretofore taken by the officers and agents of the City to effectuate the redemption of the 2003 Notes are hereby ratified and approved.

Section 20. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the City, for the purpose of ensuring the payment of the principal of and interest on the 2001B Bonds (the "Escrow Agent").

The Mayor and City Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit G (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of such agreement by said officers to constitute full approval of the Common Council of any such modifications), with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

The Bond Proceeds allocable to refunding the 2001B Bonds, other than any premium not used for the Refunding and accrued interest which shall be deposited in the Debt Service Fund Account created above, shall be deposited in a refunding escrow account which is hereby created with the Escrow Agent, pursuant to the Escrow Agreement, for the purpose of retaining the required amount of cash, if any, and acquiring the United States obligations provided for in the Escrow Agreement.

Upon transfer of the Bond Proceeds and any other necessary funds allocable to refunding the 2001B Bonds to the Escrow Account, the taxes heretofore levied to pay debt service on the 2001B Bonds shall be abated to the extent such transfer together with investment earnings thereon is sufficient to pay the principal of and interest on the 2001B Bonds, but such abatement shall not affect the City's pledge of its full faith, credit and resources to make such payments. The refunding escrow account created by the Escrow Agreement shall hereinafter serve as the debt service (or sinking) fund account for the 2001B Bonds. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

Section 21. SLGS Subscriptions. The Escrow Agent and Ehlers are authorized to submit subscriptions for United States Treasury Securities - State and Local Government Series and to purchase other U.S. government securities on behalf of the City in such amount as is necessary in order to carry out the Refunding.

Section 22. Redemption of the 2001B Bonds. The 2001B Bonds due on and after October 1, 2012 are hereby called for prior payment and redemption on October 1, 2011 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the Escrow Agent appointed above to cause timely notice of redemption, in substantially the form attached to the Escrow Agreement (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice.

Section 23. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 24. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 25. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

UNITED STATES OF AMERICA		
REGISTERED	STATE OF WISCONSIN	DOLLARS
SHEBOYGAN COUNTY		
NO. R-___	CITY OF SHEBOYGAN	\$_____
GENERAL OBLIGATION REFUNDING BOND, SERIES 2010C		
MATURITY DATE:	ORIGINAL DATE OF ISSUE:	INTEREST RATE: CUSIP:
October 1, _____	November 9, 2010	_____% _____
DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.		
PRINCIPAL AMOUNT:	_____	THOUSAND DOLLARS
	(\$_____)	

FOR VALUE RECEIVED, the City of Sheboygan, Sheboygan County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2011 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by the City Clerk or City Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$2,530,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the purpose of paying the cost of refunding certain outstanding obligations of the City, all as authorized by a resolution of the Common Council duly adopted by said governing body at a meeting held on October 18, 2010. Said resolution is recorded in the official minutes of the Common Council for said date.

The Bonds maturing on October 1, 2017 and thereafter are subject to redemption prior to maturity, at the option of the City, on October 1, 2016 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

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It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrevocable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond has been designated by the Common Council as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon surrender of this Bond together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Sheboygan, Sheboygan County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

Phil Cosson from Ehlers, Inc. spoke.

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 16.

Nays: None.

REPORTS OF COMMITTEES

***R. C. No. 236 - 10 - 11. By MARINA AND HARBOR. October 18, 2010.**

Your Committee to whom was referred R. O. No. 201-10-11 by the Deputy Finance Director/Treasurer submitting the Harbor Centre Marina Balance Sheet from operations dated July 31, 2010, as submitted by Skipper Marine; recommends that the Report of Officer be accepted and placed on file.

***R. C. No. 237 - 10 - 11. By LAW AND LICENSING. October 18, 2010.**

Your Committee to whom was referred R. O. No. 222-10-11 and pursuant to R. O. No. 235-10-11 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:

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
2769	Midnight Rush Liquor Store	1921 N. 8 th St.

BEVERAGE OPERATOR'S LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>
8010	Alvarez, Sebastian J.
8387	Brey, Ronald J.
8853	Dufresne, Kellie L.
8857	Frauenfeld, David A.
8866	Marzahl, Nicolus J.
8854	Mueller, Tara L.
8862	Roelse, Julie L.
8858	Rost, Dennis A.
6371	Vatland, Astor
6531	Yelle, Nicholas J.

TAXICAB OPERATOR LICENSE(June 30, 2011)

No.	Name
8863	Castillo, Ivan V.
8429	Escobar, Panfilo
8830	Marks, Paul S.
8861	Perez, Hector
8860	Santana, Susan 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. 238 - 10 - 11. By FINANCE. October 18, 2010.**

Your Committee to whom was referred R. O. No. 232-10-11 by the City Clerk submitting the Harbor Centre Business Improvement District (BID) operating plan and budget for fiscal year 2011; recommends that the Report of Officer be accepted and placed on file and to approve the operating plan and budget for fiscal year 2011.

***R. C. No. 239 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. October 18, 2010.**

Your Committee to whom was referred the following:

1. Com. No. 37-10-11 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. 3rd to N. 13th St.;
2. Com. No. 42-10-11 from Vicki McDermott stating that nothing has been done at 1010 N. 9th St. regarding cutting the grass, old garbage and house in disrepair;
3. Com. No. 43-10-11 from Steve Maruszewski regarding the concerns of the condition of the public areas in the vicinity of Riversedge Condos on N. Water St.;
4. R. O. No. 239-10-11 by the City Clerk submitting a communication from Sandy Halvorsen expressing her concerns about the "Vicious Dog" Municipal ordinance; and
5. R. O. No. 241-10-11 by the City Clerk submitting a communication from Alderperson Bouck being an article from The New Yorker entitled "Annals of Public Policy – Troublemakers – What Pit Bulls Can Teach Us About Profiling";

recommends that the documents be placed on file.

***R. C. No. 240 - 10 - 11. By PUBLIC WORKS. October 18, 2010.**

Your Committee to whom was referred R. O. No. 243-10-11 by the City Clerk submitting a communication from Mark Cramer requesting that the City accept the donation of the wooden stock anchor from the shipwreck Hetty Taylor which sank 3 ½ miles southeast of Sheboygan in 1880; recommends that the Report of Officer be accepted and placed on file and to accept the donation.

***R. C. No. 241 - 10 - 11. By PUBLIC WORKS. October 18, 2010.**

Your Committee to whom was referred the following:

1. A copy of Com. No. 43-10-11 from Steve Maruszewski regarding the concerns of the condition of the public area in the vicinity of Riversedge Condos on N. Water St.;
2. R. O. No. 244-10-11 by the City Clerk submitting a communication from Mary Petrie regarding the condition of the railroad tracks on Geele Ave. near the Calumet Dr. Pick 'N Save; and
3. R. O. No. 245-10-11 by the City Clerk submitting a communication from Bay Environmental Strategies, Inc., regarding a Notification of Residual Groundwater Contamination within Right-Of-Way at the former Holtz Service Station, 2206 N. 15th St.;

recommends that the documents be placed on file.

R. C. No. 242 - 10 - 11. By PUBLIC WORKS. October 18, 2010.

Your Committee to whom was referred R. O. No. 223-10-11 by the City Plan Commission to whom was referred Res. No. 89-10-11 relative to 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; recommends that the Report of Officer be accepted and placed on file and approve the Resolution and the agreement.

Lies over under the rules.

R. C. No. 243 - 10 - 11. By SALARIES AND GRIEVANCES. October 18, 2010.

Your Committee met and reviewed the Human Resources Department Budget for 2011.

Was referred to the Committee on Finance.

R. C. No. 244 - 10 - 11. By PUBLIC WORKS. October 18, 2010.

Your Committee met and reviewed the Public Works Department Budget for 2011.
Was referred to the Committee on Finance.

R. C. No. 245 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. October 18, 2010.

Your Committee met and reviewed the Police Department, Fire Department and Building Inspection Department Budgets for 2011.
Was referred to the Committee on Finance.

R. C. No. 246 - 10 - 11. By LAW AND LICENSING. October 18, 2010.

Your Committee met on October 12, 2010 and reviewed the Mayor's Executive Budget for 2011 for the City Attorney's Office. The Committee approved same without any changes.
Was referred to the Committee on Finance.

R. C. No. 247 - 10 - 11. By WHOLE. October 18, 2010.

Your Committee to whom was referred the following:

1. A copy of Res. No. 115-10-11 by Alderperson Rindfleisch and Heidemann establishing the position of City Administrator for the City of Sheboygan; and
2. R. C. No. 127-10-11 by the Government Structure Committee reporting on their recommendations relating to a City Administrator;

recommends that the documents be referred to the Committee on Finance and the Committee on Salaries and Grievances with a favorable recommendation and to have both committees forward back to Council within 30 days.

Was referred to the Committee on Finance and to the Committee on Salaries and Grievances.

***R. C. No. 248 - 10 - 11. By FINANCE. October 18, 2010.**

Your Committee to whom was referred Res. No. 109-10-11 by Alderperson Hammond authorizing the Finance Director/Treasurer of the City of Sheboygan to establish and maintain one or more accounts with Multi-Bank Securities, Inc. (herein called the "Brokers") and Pershing LLC, its successors or assigns, and for the purpose of purchasing, investing in, or otherwise acquiring, selling, possessing, transferring, exchanging, pledging, or otherwise disposing of or realizing upon, and generally dealing in and with any and all forms of securities including, but not by way of limitation, shares, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bonds, debentures, notes, scrip, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, chooses in action, evidence of indebtedness, commercial paper, certificates of indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise; and margin transactions, including short sales; recommends that the Resolution be passed.

***R. C. No. 249 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. October 18, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 240-10-11 by the City Clerk submitting a communication from the YMCA requesting permission to hold a 10K run and 2-mile walk/run on November 25th; and
2. Res. No. 110-10-11 by Alderpersons Bouck and Sampson granting the YMCA permission to hold their Thanksgiving Day Run on the streets of the City of Sheboygan;

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

***R. C. No. 250 - 10 - 11. By PUBLIC WORKS. October 18, 2010.**

Your Committee to whom was referred Res. No. 111-10-11 by Alderperson Bohren authorizing amending the agreement for Professional Engineering Services and Construction Oversight with Robert E. Lee & Associates, Inc., (consultant) for the reconstruction of Center Ave., New York Ave., Wisconsin Ave. and N. 6th St. (Part A); and the reconstruction of Wisconsin Ave., Washington Ct. and N. 5th St. (Part B); recommends that the Resolution be passed.

***R. C. No. 251 - 10 - 11. By PUBLIC WORKS. October 18, 2010.**

Your Committee to whom was referred Res. No. 112-10-11 by Alderperson Bohren authorizing entering into agreement for Planning Services with Bay-Lakes Regional Planning Commission, (consultant) for the City of Sheboygan Multi-Hazard Mitigation Plan Update (2015) that will continue the City's eligibility for Federal Emergency Management Agency (FEMA) mitigation grant programs and disaster assistance; recommends that the Resolution be passed.

***R. C. No. 252 - 10 - 11. By PUBLIC WORKS. October 18, 2010.**

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Your Committee to whom was referred Res. No. 113-10-11 by Alderperson Bohren authorizing entering into agreement and waiving the competitive bid process for Professional Engineering Services and Construction Oversight with Robert E. Lee & Associates, Inc., (consultant) for the S. 18th St. reconstruction from Washington Ave. to Fox Hill Rd.; recommends that the Resolution be passed.

***R. C. No. 253 - 10 - 11. By PUBLIC WORKS. October 18, 2010.**

Your Committee to whom was referred Res. No. 114-10-11 by Alderperson Bohren authorizing amending the agreement for Professional Engineering Services to include Construction Oversight with Robert E. Lee & Associates, Inc., (consultant) for the reconstruction of Huron Ave. from N. 10th St. to N. 14th St.; recommends that the Resolution be passed.

R. C. No. 254 - 10 - 11. By PUBLIC WORKS. October 18, 2010.

Your Committee to whom was referred R. C. No. 209-10-11 by Finance to whom was referred a copy of Res. No. 89-10-11 by Alderperson Montemayor authorizing executing the Dock Space Agreement between the City and WINSA for berthing of the ex-CANON in the Sheboygan River; recommends that the Report of Committee be accepted and adopted and to approve the Resolution and agreement.

Lies over under the rules.

***R. C. No. 255 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. October 18, 2010.**

Your Committee to whom was referred Gen. Ord. No. 27-10-11 by Alderperson Kittelson relating to loading zone so as to add a loading zone on the south side of Michigan Ave.; recommends that the Ordinance be passed.

***R. C. No. 256 - 10 - 11. By FINANCE. October 18, 2010.**

Your Committee to whom was referred Gen. Ord. No. 30-10-11 by Alderperson Hammond amending a portion of Subsection 2 of Section 110-37 of the Municipal Code relating to special assessments for street improvements, so as to provide for calculating the credits under the respective concrete paving warranty periods using the current proposed repaving or resurfacing assessment costs rather than the initial paving assessment; recommends that the Ordinance be passed.

***R. C. No. 257 - 10 - 11. By LAW AND LICENSING. October 18, 2010.**

Your Committee to whom was referred Gen. Ord. No. 31-10-11 by Alderperson Montemayor repealing and recreating Section 2-412 of the Sheboygan Municipal Code, entitled "Contempt of Court" so as to bring the City's municipal court procedure in alignment with §800.12(2), Wis. Stats, effective January 1, 2011; recommends that the Ordinance be passed.

***R. C. No. 258 - 10 - 11. By SALARIES AND GRIEVANCES. October 18, 2010.**

Your Committee to whom was referred Gen. Ord. No. 32-10-11 by Alderperson Bohren repealing and recreating Division I of Article III of Chapter 86 of the Sheboygan Municipal code relating to the planning and development department so as to remove the City engineering functions and the tourism promotion and development functions from the planning and development department; recommends that the Ordinance be passed.

RESOLUTIONS ON SECOND READING

***Res. No. 108 - 10 - 11. By Alderperson Montemayor October 4, 2010.**

A RESOLUTION authorizing the acquisition of the residential property at 1309 Center Avenue in consideration of satisfaction of two CDBG Housing Rehabilitation loans.

WHEREAS, the current owner of the single-family residential property located at 1309 Center Avenue, Tax Parcel No.59281-501760 has asked the City to take title to the property in satisfaction of the existing Community Development Block Grant Housing Rehabilitation loans on the property totaling \$24,410.33;and

WHEREAS, the City of Sheboygan Building Inspection Division has inspected the property and found it to be in satisfactory condition; and

WHEREAS, the Department of Planning and Development is in favor of acquiring ownership of the property under the proposed terms, and proposes to work with Habitat for Humanity or by other similar means to put the property back on the tax roll upon acquisition ,with the condition that the new owners need to be owner-occupants; and

WHEREAS, the Department of Planning and Development also proposes to purchase certain of the appliances in the residence totaling \$400 as part of the sale and re-sell or donate the appliances at a later date.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council authorizes the Mayor and City Clerk to act on behalf of the City to acquire the property at 1309 Center Avenue in consideration of satisfaction of the currently existing

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CDBG Housing Rehabilitation loans on the property and to purchase certain appliances in the residence for \$400, and sign all appropriate documents related to the transfer of said real estate and personal property.

BE IT FURTHER RESOLVED: That the Finance Director/Treasurer is authorized to draw upon Account No.22298100-52400 in payment for the appliances and any necessary closing costs.

***Res. No. 109 - 10 - 11. By Alderperson Hammond. October 4, 2010.**

A RESOLUTION authorizing the Finance Director/Treasurer of the City of Sheboygan to establish and maintain one or more accounts with Multi-Bank Securities, Inc. (herein called the "Brokers") and Pershing LLC, its successors or assigns, and for the purpose of purchasing, investing in, or otherwise acquiring, selling, possessing, transferring, exchanging, pledging, or otherwise disposing of or realizing upon, and generally dealing in and with any and all forms of securities including, but not by way of limitation, shares, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bonds, debentures, notes, scrip, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, chooses in action, evidence of indebtedness, commercial paper, certificates of indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise; and margin transactions, including short sales.

WHEREAS, the fullest authority at all times with respect to any such commitment or with respect to any transaction deemed by any of the said Finance Director/Treasurer and/or agents to be proper in connection therewith is hereby conferred, including authority (without limiting the generality of the foregoing) to give written or oral instructions to the Brokers with respect to said transactions; to bind and obligate the Organization to and for the carrying out of any contract, arrangement, or transaction, which shall be entered into by any such Authorized Persons and/or drafts drawn upon the funds of the City of Sheboygan such sums as may be necessary in connection with any of the said accounts to deposit funds with the Brokers; to deliver securities and/or contracts to the Brokers; to order the transfer or delivery thereof of any other person whatsoever, and/or to order the transfer record of any securities, or contracts, or titles, to any name selected by any of the said Authorized Persons or agents; to affix the City of Sheboygan's seal to any documents or agreements, or otherwise; to endorse any securities and/or contracts in order to pass title thereto; to direct the sale or exercise of any rights with respect to any securities; to sign for the Organization all releases, powers of attorney and/or other documents in connection with any such account, and to agree to any terms or conditions to control any such account; to direct the Brokers to surrender any securities to the proper agent or party for the purpose of effecting any exchange or conversion, or for the purpose of deposit with any protective or similar committee, or otherwise; to accept delivery of any securities, to borrow money and securities, if applicable, and to secure repayment thereof with the property of the City of Sheboygan; to appoint any other person or persons to do any and all things which any of the said Authorized Persons and/or agents is hereby empowered to do, and generally to do and take all action necessary in connection with the account, or considered desirable by such Authorized Persons and/or agents with respect thereto;

RESOLVED: That the Brokers may deal with any and all of the persons directly or indirectly by the foregoing resolution empowered, as though they are dealing with the City of Sheboygan directly.

RESOLVED: That the person signing this Non-corporate Resolution on behalf of the City of Sheboygan be and hereby is authorized, empowered and directed to certify to the Brokers:

- a. A true copy of these resolutions;
- b. Specimen signatures of each and every person by these resolutions empowered;
- c. A certificate (which, if required by brokers, shall be supported by an opinion of the general counsel of the City of Sheboygan, or other counsel satisfactory to the Brokers) that the City of Sheboygan is duly organized and existing, that its governing rules empower it to transact the business by these resolutions defined, and that no limitation has been imposed upon such powers by the governing rules of the City of Sheboygan or otherwise.

RESOLVED: That the brokers may rely upon the certified copy of the resolutions, specimen signatures, and certificate, as continuing fully effective unless and until the Brokers shall receive due written notice of change or rescission, and the dispatch or receipt of any other form of notice shall not constitute a waiver of this provision, nor shall the fact that any person hereby empowered ceased to be an Authorized Person of the City of Sheboygan or becomes an Authorized Person under some title, in any way affect the powers hereby conferred, but the failure to supply any specimen signature shall not invalidate any transaction where the party authorizing the same has been actually empowered thereto by or in conformity with these resolutions.

RESOLVED: That in the event of any change in the office of powers or persons hereby empowered, an Authorized Person shall certify such changes to the Brokers in writing in the manner herein above provided, which notification, when received, shall be adequate both to terminate the powers of the persons therefore authorized, and the empower the persons thereby substituted.

RESOLVED: That the Authorized Persons of the City of Sheboygan be, and hereby is, authorized and empowered to countersign items as aforesaid.

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NOW, THEREFORE, BE IT RESOLVED: That the foregoing resolutions and the certificates actually furnished to the Brokers by the Authorized Person of pursuant thereof, be and they hereby are made irrevocable until written notice of the revocation thereof shall have been received by the Brokers.

***Res. No. 110 – 10 - 11. By Alderpersons Bouck and Sampson. October 4, 2010.**

A RESOLUTION granting the YMCA permission to hold their Thanksgiving Day Run on the streets of the City of Sheboygan.

RESOLVED: That permission is hereby granted to the Sheboygan YMCA to hold their annual Thanksgiving Day 10-kilometer and 2-mile walk/run on the streets of the City of Sheboygan on Thursday, November 25, 2010.

BE IT FURTHER RESOLVED: That the routes for the Thanksgiving Run will be as follows:

Two-mile - Start at the YMCA, run north on Broughton Dr. to base of North Point Hill (fire box), turn around and finish at YMCA.

Ten-kilometer - Start at YMCA, run north on Broughton Dr. to North Point, up North Point Hill, follow the curve to Park Ave. and N. 3rd St., turn right on N. 3rd St., proceed north to N. 6th St., north to Eisner Ave., west to N. 8th St., north to Oak Tree Rd. to turnaround point, and return the same route.

BE IT FURTHER RESOLVED: That there will be checkers located along the routes to assist the runners when necessary in crossing streets and giving directions for the route of travel as specified on the attached map of this resolution. A Hold Harmless and proper insurance will be provided to the City Clerk prior to the event.

***Res. No. 111 - 10 - 11. By Alderperson Bohren. October 4, 2010.**

A RESOLUTION authorizing amending the agreement for Professional Engineering Services and Construction Oversight with Robert E. Lee & Associates, Inc (consultant) for the reconstruction of Center Avenue, New York Avenue, Wisconsin Avenue and North 6th Street (Part A); and the reconstruction of Wisconsin Avenue, Washington Court and North 5th Street (Part B).

WHEREAS, Robert E. Lee, Inc. (consultant) is already performing professional engineering services on projects in the area, and it is advantageous to include these projects in one complete contract bid to leverage the scale of combined work, and

WHEREAS, it is critical in the timing to complete the design and bid documents in early 2011 for optimal bidding from contractors.

RESOLVED: That the appropriate City Officials are hereby authorized and directed to enter into amendment to the agreement with Robert E. Lee & Associates, Inc. (consultant) to provide professional engineering services with construction oversight for the reconstruction of Center Avenue, New York Avenue, Wisconsin Avenue and North 6th Street for an estimated amount of \$35,000 on a time and material basis (Part A); and the reconstruction of Wisconsin Avenue, Washington Court and North 5th Street \$15,100 for design and an estimated amount of \$35,000 for construction oversight on a time and material basis (Part B), in payment of same from 21061100-631100 and 40033150-631500.

***Res. No. 112 - 10 - 11. By Alderperson Bohren. October 4, 2010.**

A RESOLUTION authorizing entering into agreement for Planning Services with Bay-Lakes Regional Planning Commission, (consultant) for the City of Sheboygan Multi-Hazard Mitigation Plan Update (2015) that will continue the City's eligibility for Federal Emergency Management Agency (FEMA) mitigation grant programs and disaster assistance.

WHEREAS, this plan update will be developed as an addendum to the Sheboygan County All-Hazards Mitigation Plan to enable the city plan update to rolled into the next update of the county plan;

WHEREAS, the City applied for and was awarded a grant to assist in the costs of the plan update from FEMA for 75% of the cost of the plan update with the City funded the remaining 25%; and

WHEREAS, Bay-Lakes Regional Planning Commission was the consultant on the original Multi-Hazard Mitigation Plan for the City and has successfully completed similar plans.

RESOLVED: That the appropriate City Officials are hereby authorized and directed to enter into agreement with Bay-Lakes Regional Planning Commission for the City of Sheboygan Multi-Hazard Mitigation Plan Update (2015)for \$7,943 in payment of same from 46833150-631400.

***Res. No. 113 - 10 - 11. By Alderperson Bohren. October 4, 2010.**

A RESOLUTION authorizing entering into agreement and waving the competitive bid process for Professional Engineering Services and Construction Oversight with Robert E. Lee & Associates, Inc (consultant) for the South 18th Street Reconstruction from Washington Avenue to Fox Hill Road.

WHEREAS, Robert E. Lee, Inc. (consultant) is already performing professional engineering services on other projects for the engineering division based on a formal competitive selection process, and it is advantageous to include this project in one contract bid package to leverage the scale of combined work.

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WHEREAS, it is critical in the timing to complete the design and bid documents in early 2011 for optimal bidding from contractors.

WHEREAS, Robert E. Lee, Inc. (consultant) will be the engineer for the total capital improvements program for street reconstruction which includes work carried over from 2010 as well as the planned 2011 projects which is imperative to managing the contractor and construction oversight.

RESOLVED: That the appropriate City Officials are hereby authorized and directed to enter into agreement with Robert E. Lee & Associates, Inc. (consultant) to provide professional engineering services with construction oversight for the South 18th Street Reconstruction from Washington Avenue to Fox Hill Road for a total of \$20,400 for design services and an estimated \$54,000 for construction oversight in payment of same from 47033140-631200.

***Res. No. 114 - 10 - 11. By Alderperson Bohren. October 4, 2010.**

A RESOLUTION authorizing amending the agreement for Professional Engineering Services to include Construction Oversight with Robert E. Lee & Associates, Inc (consultant) for the reconstruction of Huron Avenue from North 10th Street to North 14th Street.

WHEREAS, Robert E. Lee, Inc. (consultant) is already performing professional design services on this project based on a formal selection process, and

WHEREAS, the City intends to utilize contracted services for the construction oversight of the CIP.

RESOLVED: That the appropriate City Officials are hereby authorized and directed to enter into amendment to the agreement with Robert E. Lee & Associates, Inc. (consultant) to provide professional engineering services with construction oversight for the reconstruction of Huron Avenue from North 10th Street to North 14th Street for an estimated amount of \$35,000 on a time and material basis, in payment of same from 21061100-631100.

ORDINANCES ON SECOND READING

***Gen. Ord. No. 27 – 10 - 11. By Alderperson Kittelson. September 20, 2010.**

AN ORDINANCE relating to loading zone so as to add a loading zone on the south side of Michigan Ave.

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

Section 1. Pursuant to Section 118-126 of the Municipal Code entitled, "Prohibitions and Restrictions Authorized", the south side of Michigan Ave. from the east curb line of N. 12th St. to 60' east of the east curb line of N. 12th St., from 7:30 p.m. to 2:30 a.m. Thursday through Saturday, is hereby designated a loading zone, pursuant to §346.53(1), Wis. Stats.

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

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

***Gen. Ord. No. 30 – 10 - 11. By Alderperson Hammond. October 4, 2010.**

AN ORDINANCE amending a portion of Subsection 2 of Section 110-37 of the Municipal Code relating to special assessments for street improvements, so as to provide for calculating the credits under the respective concrete paving warranty periods using the current proposed repaving or resurfacing assessment costs rather than the initial paving assessment.

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

Section 1. The fourth and fifth sentences of subsection (2) of Section 110-37 entitled "Assessments" of the Sheboygan Municipal Code are hereby amended to read as follows:
Sec. 110-37. Assessments.

...
(2) . . .

"A warranty period of 30 years is established for concrete paving installed after January 1, 1997, and a credit of 1/30th of the pre-credit current proposed repaving or resurfacing assessment for each year of unused warranty shall be applied to the current proposed assessment for repaving or resurfacing costs. A warranty period of 40 years applies to concrete paving installed prior to January 1, 1997, and a credit of 1/40th of the pre-credit current proposed repaving or resurfacing assessment for each year of unused warranty shall be applied to the current proposed assessment for repaving or resurfacing costs."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

***Gen. Ord. No. 31 - 10 - 11. By Alderperson Kittelson. October 4, 2010.**

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AN ORDINANCE repealing and recreating Section 2-412 of the Sheboygan Municipal Code, entitled "Contempt of Court" so as to bring the City's municipal court procedure in alignment with §800.12(2), Wis. Stats, effective January 1, 2011.

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

Section 1. Section 2-412 of the Municipal Code is hereby repealed and recreated to read as follows:

"Sec. 2-412. Contempt of court.

- (1) In this section, "contempt of court" means any of the following intentional acts:
 - (a) Misconduct in the presence of the court that interferes with the court proceeding or with the administration of justice, or that impairs the respect due the court.
 - (b) Refusal of a witness to appear without reasonable excuse.
- (2) A judge may impose a forfeiture in an amount not to exceed \$200 for a contempt of court.
- (3) For a contempt of court described in sub. (1) (a), the judge may impose imprisonment in the county jail for not more than 7 days and impose a forfeiture. These penalties shall be imposed immediately after the contempt of court has occurred and only under the following conditions:
 - (a) For the purpose of preserving order in the court and protecting the authority and dignity of the court.
 - (b) After allowing the person who committed the contempt of court an opportunity to address the court.
- (4) For a contempt of court described in sub. (1) (b), the judge may do any of the following:
 - (a) Issue a warrant to bring the witness before the court for the contempt and to testify.
 - (b) In addition to ordering the witness to pay a forfeiture under sub. (2), the judge may order the witness to pay all costs of the witness's apprehension."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed as of January 1, 2011 to the extent of such conflict, and this ordinance shall be in effect beginning on January 1, 2011.

***Gen. Ord. No. 32 - 10 - 11. By Alderperson Montemayor. October 4, 2010.**

AN ORDINANCE repealing and recreating Division I of Article III of Chapter 86 of the Sheboygan Municipal Code relating to the planning and development department so as to remove the city engineering functions and the tourism promotion and development functions from the planning and development department.

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

Section 1. Division I of Article III of Chapter 86 of the Sheboygan Municipal Code is hereby repealed and recreated to read as follows:

"CHAPTER 86. PLANNING AND ZONING

...

ARTICLE III. PLANNING AND DEVELOPMENT DEPARTMENT

DIVISION I. GENERALLY

Sec. 86-66. *Establishment; composition.*

A department of planning and development is established which shall consist of a director of planning and development and shall be responsible for city planning and zoning, city development, and city building inspection, and shall have the authority and powers as prescribed by the council and state statutes.

Sec. 86-67. *Personnel.*

The director of planning and development shall have general control of city planning and zoning, city development, and city building inspection."

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.

ORDINANCES INTRODUCED

Gen. Ord. No. 33 - 10 - 11. By Alderperson Dekker. October 18, 2010.

AN ORDINANCE amending Gen. Ord. No. 22-10-11 adopted October 7, 2010 so as to assign the annexed territory to an existing ward.

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

Section 1. General Ordinance No. 22-10-11 adopted October 7, 2010 (the "DHP LLC Annexation") is hereby amended so as to add the following:

The territory described in Section 1 of said ordinance, being:

Tract "A," Volume 1 of Certified Survey Maps, Page 259, Document #936892, being part of the NE 1/4 of the NE 1/4 of Section 20, T. 15 N., R. 23 E. in the Town of Sheboygan, Sheboygan County, State of Wisconsin

is hereby made a part of the 27th Ward, 3rd Aldermanic District, 18th Supervisory District, 26th Assembly District and 9th Senatorial District.

Section 2. This ordinance shall take effect upon passage and publication as provided by law.

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

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

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 16.

Absent: None.

Gen. Ord. No. 34 – 10 – 11. By Alderpersons Hanna, Kittelson, Roeseler, VanDerWeele and Versey. October 18, 2010.

AN ORDINANCE amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete and add various positions to the Table of Organization in the Finance Department for the City of Sheboygan.

Lies over under the rules.

Gen. Ord. No. 35 - 10 - 11. By Alderperson Hammond. October 18, 2010.

AN ORDINANCE repealing and recreating Subsections 2-874 (b) and 110-210(b) of the Municipal Code relating to special assessment installment payments, so as to adjust the interest rate determination.

Was referred to the Committee on Finance.

Gen. Ord. No. 36 – 10 - 11. By Alderperson Kittelson. October 18, 2010.

AN ORDINANCE relating to 3-hr. parking limits so as to remove the 3-hr. parking limit located on the south side of St. Clair Ave. east of the curb line of N. 9th St.

Was referred to the Committee on Public Protection and Safety.

Gen. Ord. No. 37 – 10 - 11. By Alderperson Kittelson. October 18, 2010.

AN ORDINANCE relating to 2-hr. parking limits so as to remove the two-hour parking limit on the north side of St. Clair Avenue east of the curb line of N. 9th Street.

Was referred to the Committee on Public Protection and Safety.

MATTERS LAID OVER

R. O. No. 231 - 10 - 11. By CITY PLAN COMMISSION. October 4, 2010.

Your Commission to whom was referred Gen. Ord. No. 25-10-11 and R. O. No. 220-10-11 relative to annexing property located at 3805 Sheridan Avenue to the City of Sheboygan; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, September 28, 2010, and after due consideration, recommends approval of the Ordinance and the Report of Officer be accepted and placed on file.

Gen. Ord. No. 25 – 10 - 11. By Alderpersons Wangemann and Dekker. September 20, 2010.

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

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

Section 1. In accordance with sec. 66.0217 of the Wisconsin Statutes and the petition for direct annexation by unanimous approval filed with the city clerk on the 13th day of September, 2010, signed by all the electors residing in the territory and the owners of all the real property in the territory, together with a scale map and a legal description of the property to be annexed, the following described territory in the Town of Sheboygan, Sheboygan County, Wisconsin, is hereby annexed to the City of Sheboygan, Wisconsin:

LOT 1, BLOCK 3 OF KUETHER & BORN SUBDIVISION AND PART OF SHERIDAN AVENUE ADJACENT TO SAID LOT 1, LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 16, T. 15 N., R. 23 E., SHEBOYGAN COUNTY, STATE OF WISCONSIN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SW CORNER OF LOT 1, BLOCK 3 OF KUETHER & BORN SUBDIVISION, THAT ALSO BEING THE POINT OF BEGINNING, THENCE N 0°15' E 60.0' TO THE NW CORNER OF SAID LOT, SAID CORNER BEING A POINT ON THE SOUTH R/W LINE OF SHERIDAN AVENUE, THENCE CONTINUING N 0°15' E 60.0 TO THE SW CORNER OF LOT 11, BLOCK 2 OF KUETHER & BORN SUBDIVISION, SAID CORNER BEING A POINT ON THE NORTH R/W LINE OF SHERIDAN AVENUE, THENCE N 89°42' E ALONG SAID NORTH R/W LINE 132.8' TO THE SE CORNER OF SAID LOT 11, BLOCK 2, SAID CORNER ALSO BEING A POINT ON THE WEST R/W LINE OF N. 38TH STREET, THENCE S 0°15' W ALONG SAID WEST R/W LINE AND ITS EXTENSION 120.0' TO THE SE CORNER OF LOT 1, BLOCK 3 OF SAID SUBDIVISION, THENCE S 89°42' W ALONG THE SOUTH LINE OF SAID LOT 1 132.8' TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 15,936.0 SQ. FT.

October 18, 2010

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

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

Section 4. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

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

A motion by Alderperson Kittelson and second by Alderperson Dekker was made to accept and file the Report of Officer and pass the Ordinance.

Before action was taken thereon, a motion by Alderperson Kittelson and second by Alderperson Montemayor to amend the ordinance to add as follows: "Section 6. The territory described in Section 1 of this ordinance is hereby made a part of the 27th Ward, 3rd Aldermanic District, 28th Supervisory District, 26th Assembly District and 9th Senatorial District" was passed, all Alderpersons voting "Aye."

On motion by Alderperson Kittelson and second by Alderperson Hanna, the Ordinance, as amended, was passed on call of the roll:

Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 16.

Absent: None.

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

Mayor

City Clerk