

## MINUTES

### SHEBOYGAN COMMON COUNCIL

#### COMMITTEE OF THE WHOLE

Wednesday October 20, 2010

The meeting was called to order by Chairman Rindfleisch at 7:03 p.m.

Ald. Present: Bohren, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Rindfleisch, Roeseler, Sampson, Versey, Wangemann.

Ald. Excused: Bouck, Montemayor, VanderWeele.

Pledge of Allegiance

Approval of the minutes of the Oct. 6, 2010 meeting. Hammond/Versey.

Alderman Sampson took the floor at this time to thank Alderman Hanna for his gracious words at the last Common Council meeting directed to those aldermen who served our country in the armed forces and to wish Alderman Hanna's daughter all the best as she begins her service to our country.

Discussion then began regarding documents 8-35 and 11-39 by Alderman Rindfleisch – a resolution establishing a policy that provides greater opportunities for businesses located in the City of Sheboygan to win sealed-bid, lowest-cost city contracts while protecting taxpayers from inflated bids. The thought being that if the lowest bidder is not a Sheboygan-based business then the lowest responsible bid from a Sheboygan-based business that is within 5% of the lowest bid shall be deemed the winner if the bidder agrees to reduce its bid to match the bid of the lowest non-Sheboygan-based bidder.

Further discussion took place by Bernie Rammer, our Purchasing Agent, who expressed his concerns with the document in regards to state law and city ordinance. Buy local has come up a number of times over the years. In response to the Resolution, the unwritten mandate is to procure the best service at the lowest cost. A major concern with this Resolution allows bidders to change their bid, something we have never allowed anyone to do. People lose faith and become suspicious when bids are allowed to be changed. The concern is that local businesses put in a bid and then are approached by the city and then asked to change their bid to come within that 5%. Local businesses do business outside of the city as well and this process could have an opposite effect. Bernie went on to say that we have looked at these Ordinances in the past and have come to the conclusion this would be detrimental to the process. The process we have in place works. We always make sure local businesses are invited to bid on projects. It is then up to them to bid on the project. In conclusion, the County Board and the City look to me to purchase the best product for the lowest price. You have my assurance that I will always do this!

Attorney McLean spoke at this time – as far as legal concerns, if drafted properly, we could do what the Resolution is suggesting. There are exceptions as with the Public Works Department. We cannot circumvent the requirements there. From a legal standpoint, we can do what the Resolution is asking, but from a Policy standpoint, there are some real concerns from a practical standpoint. This type of policy could make local bidders a little less sharp with their pencils. This gets very messy when they are allowed to change their bids. Sealed bidding should be just that a cleaner process and we are much better off with a cleaner process. Although Attorney McLean applauds Ald. Rindfleisch on bringing this forward, we would be much better off if we did not compromise the whole integrity of the bidding process.

Motion was then made and seconded to file the document. Hanna/Dekker.

Under further discussion by the Aldermen it was stated that this idea had come up a few years ago and was not acted on then due to the advice of the City Attorney.

Vote taken – all ayes – Motion passes.

Motion was then made and seconded – Hanna/Hammond to convene in closed session to discuss Document 14-50 by Ald. Hanna and Kittelson – A Resolution agreeing to match savings from union concessions and a levy increase to be used to retain city personnel for 2011.

Vote taken – all ayes – Motion passes.

A motion was made and seconded - Hanna/Hammond to reconvene in open session.

Vote taken – all ayes – Motion passes.

A motion was made and seconded – Hammond/Hanna to accept Resolution 13-41 – A Resolution agreeing to match savings from union concessions and a levy increase to be used to retain city personnel for 2011. Further discussion took place in open session.

Motion to call the question was made by Wangemann/Bowers.

Vote taken: all ayes – Motions passes.

Vote taken on the original motion to accept Resolution 13-41 as written.

Ayes: Dekker, Hammond, Hanna, Kittelson, and Roeseler

Nays: Bohren, Bowers, Heidemann, Kath, Rindfleisch, Sampson, Versey, Wangemann- Motion fails 8-5

A motion was made and seconded by Wangemann/Hammond to adjourn. All ayes – motion passes – we adjourned at 9:50 p.m.

Respectfully submitted,

Jean Kittelson, Common Council President

