

COMMON COUNCIL

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

FIFTEENTH REGULAR MEETING

The Council met: Monday, November 1, 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 – 15.

Absent: Wangemann – 1.

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the reading of the minutes of the Fourteenth Regular Meeting held October 18, 2010, and the minutes were approved as entered on the record, all Alderpersons present voting "Aye".

CONFIRMATION OF MAYOR’S APPOINTMENTS

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		

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

Ayes: Bohren, Bouck, Bowers, Dekker, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, Vander Weele, Versey – 13.

Nays: None.

Abstain: Hammond, Hanna – 2.

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

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

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

Nays: None.

PUBLIC FORUM

Jack Wirtz, 47 Winebago Pl., Dennis Tetschlag, 3816 S. 11th St., Dolcye Johnson, 1306 N. 3rd St., Richard Hartmann, 2423 N. 23rd St., Patricia Aaholm, 2602A Camelot Blvd. spoke. Dolcye Johnson was granted one (1) extra minute to speak, all Alderpersons voting "Aye".

A motion by Alderperson Rindfleisch and second by Alderperson Hanna was made to allow Jim Amodeo and Fire Chief Jeff Hermann speak, passed all Alderpersons present voting "Aye".

COMMENTS FROM FIRE CHIEF REGARDING LONG RANGE PLAN

MAYOR’S ANNOUNCEMENTS

CITY CLERK RECOGNIZED STAFF
Linda Long, Sherrill Smith, Barb Olm, Cinda Langhoff

HEARING

Hearing No. 3 - 10 - 11. November 1, 2010.

Pursuant to a notice published by the City Clerk, there will be a public hearing this evening regarding the proposed issuance by the City of revenue bonds in one or more series, pursuant to Sect. 66.1103 of the Wis. Stats., as amended, in a maximum aggregate principal amount not in excess of \$6,000,000 on behalf of RCS Empowers, Inc., a Wisconsin nonstick nonprofit corporation.

All interested persons will now be heard.

No persons appeared regarding this hearing and on motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the foregoing hearing was closed, all Alderpersons present voting "Aye".

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 – 15.

Nays: None.

REPORTS OF OFFICERS

***R. O. No. 261 – 10 –11. By BOARD OF WATER COMMISSIONERS. November 1, 2010.**

We, hereby, submit the Board of Water Commissioners' Report on the Water Utility for the 3rd quarter of 2010. The water pumpage was up approximately 10.5% from the same period in 2009. 1,303,290,000 gallons were pumped in the third quarter, compared to 1,179,073,000 in 2009.

Year to date Operating Revenue at the end of the 3rd quarter increased by \$886,286 compared to year to date 2009; this primarily reflects a delay in large capital projects, a recent rate increase, and an increase in water usage. The net income for the Utility, as of the end of September 30, 2010 is \$799,488. Details are shown on the attached Income Statement and Balance Sheet.

Of the seventy-five class AB water utilities in Wisconsin, Sheboygan's residential rates are much lower than all but two.

Construction-Maintenance:

Water main installation was completed on Center Ave., between N. 6th and N. 7th Streets; and on Wisconsin Ave., between N. 6th and N. 7th Streets; and on Maryland Ave. at S. 13th St. The Utility installed five fire hydrants and 4 street valves during this quarter.

***R. O. No. 262 - 10 - 11. By CITY PLAN COMMISSION. November 1, 2010.**

Your Commission to whom was referred R. O. No. 252-10-11 relative to submitting a communication from Cathy Schnur stating her concerns over the proposed Highland House sign placement on City property next to the bike path; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, October 26, 2010, and after due consideration, recommends the Report of Officer be placed on file.

***R. O. No. 263 - 10 – 11. By DEPUTY FINANCE DIRECTOR/TREASURER. November 1, 2010.**

Submitting the Annual Financial Report of the City of Sheboygan for the year ended December 31, 2009, prepared by Schenck SC.

***R. O. No. 264 - 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.

***R. O. No. 265 - 10 - 11. By SHEBOYGAN TRANSIT COMMISSION. November 1, 2010.**

Your Commission met and discussed Res. No. 116-10-11 by Alderperson Rindfleisch the filing of an application with the United States of America Department of Transportation and authorizing the executing of the contract pertaining to

November 1, 2010

grants for calendar year 2011, under former Section 9 (USC 5307) and Section 3 (USC 5309) of the Federal Transit Act of 1964, as amended; recommends that the Resolution be passed.

R. O. No. 266 - 10 - 11. By BOARD OF WATER COMMISSIONERS. November 1, 2010.

Submitting, as a matter of record, in accordance with the Finance Committee request dated March 1, 1991, the Sheboygan Water Utility's Budget for the year 2011.

Lies over to November 22nd.

R. O. No. 267 - 10 - 11. By Finance Director/Treasurer. November 1, 2010.

As part of the budget process, the attached listing of the Estimated Unreserved Fund Balances at December 31, 2010 and outstanding debt as of December 31, 2010 is submitted for your review.

Lies over to November 22nd.

R. O. No. 268 - 10 - 11. By CITY CLERK. November 1, 2010.

Submitting the LTC certification for the tax levy report that supports the 2010-11 budget for Lakeshore Technical College District.

Lies over to November 22nd.

R. O. No. 269 - 10 - 11. By CITY CLERK. November 1, 2010.

Submitting the Sheboygan Area School District Tax Levy Certification for the 2010-2011 School year.

Lies over to November 22nd.

R. O. No. 270 - 10 - 11. By CITY CLERK. November 1, 2010.

Submitting the Wisconsin Department of Public Instruction Tax Levy Certification from the Kohler School District from the 2010-2011 school year.

Lies over to November 22nd.

R. O. No. 271 - 10 - 11. By CITY CLERK. November 1, 2010.

Submitting a communication from Menhard Sonnemann regarding his opinion on the Finance Director's alleged delay in supplying information to the Greater Sheboygan Committee and Fay Uraynar.

Motion by Alderperson Montemayor and second by Alderperson Hanna, the document was placed on file, all Alderpersons present voting "Aye."

R. O. No. 272 - 10 - 11. By CITY CLERK. November 1, 2010.

Submitting a response from the City Attorney regarding Menhard Sonnemann's e-mails about disciplinary action for the Finance Director relating to open records request.

On motion by Alderperson Montemayor and second by Alderperson Hanna, the Report of Officer was filed, all Alderpersons present voting "Aye".

R. O. No. 273 - 10 - 11. By CITY CLERK. November 1, 2010.

Submitting a communication from Alderperson Bowers being a reorganization of the Sheboygan Fire Department based on Manitowoc's Fire Department.

Was referred to the Committees on Finance, Public Protection and Safety and the Committee of the Whole.

R. O. No. 274 - 10 - 11. By CITY CLERK. November 1, 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. 275 - 10 - 11. By Deputy Finance Director/Treasurer. November 1, 2010.

Submitting the Harbor Centre Marina Balance Sheet from Operations dated September 30, 2010, as submitted by Skipper Marine.

Was referred to the Marina and Harbor Committee.

R. O. No. 276 - 10 - 11. By CITY CLERK. November 1, 2010.

Submitting a communication from James Reinl stating his opinions regarding the whole Fire Department/Ambulance situation.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 277 - 10 - 11. By CITY CLERK. November 1, 2010.

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Submitting a communication from Richard Derus et al. requesting that the 3400 block of S. 12th Place have a "No Parking Zone 7 a.m. to 4 p.m" during school days only as they are having problems with students leaving liter and squealing tires, etc.

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

R. O. No. 278 - 10 - 11. By CITY CLERK. November 1, 2010.

Submitting a request for a waiver of the Sex Offender Residency restrictions from Eric Reineking.

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

R. O. No. 279 - 10 - 11. By CITY CLERK. November 1, 2010.

Submitting a request for a waiver of the Sex Offender Residency restrictions from the State of Wisconsin Department of Corrections on behalf of Michael Sullivan.

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

R. O. No. 280 - 10 - 11. By CITY CLERK. November 1, 2010.

Submitting a request for a waiver of the Sex Offender Residency restrictions from Steve Hamilton.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 281 - 10 - 11. By FIRE CHIEF. November 1, 2010.

Submitting a communication from the Fire Chief in response to Res. No. 28-10-11 dated June 7, 2010, directing a presentation to Council of a long term plan for the fire department by November 1, 2010.

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

R. O. No. 282 - 10 - 11. By FIRE CHIEF. November 1, 2010.

Pursuant to Section 50-494 of the Municipal Code, I herewith submit my quarterly report for the period commencing July 1, 2010, and ending September 30, 2010.

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

R. O. No. 283 - 10 - 11. By CITY CLERK. November 1, 2010.

Submitting a communication from Rebecca Ballantine et al., on behalf of a non-profit organization called Good Stock, writing in regards to a music event that they will be holding in Fountain Park on June 18, 2011 and listing the items they will provide and asking for a few things from the City.

Was referred to the Committee on Public Works.

R. O. No. 284 - 10 - 11. By CITY CLERK. November 1, 2010.

Submitting a communication from Shelley Klein stating how upset she is regarding not being able to use the blue grocery bags for the garbage.

Was referred to the Committee on Public Works.

R. O. No. 285 - 10 - 11. By CITY CLERK. November 1, 2010.

Submitting a claim from Tamara Adamson for alleged damages to her door when Police Officers pounded on her door looking for someone.

Was referred to the Special Committee on Risk Management.

RESOLUTIONS INTRODUCED

***Res. No. 126 - 10 - 11. By Alderpersons Kittelson and Kath. November 1, 2010.**

A RESOLUTION directing a public hearing to be held in connection with the City's Official Zoning Map to establish the zoning classification for property located at 3805 Sheridan Ave.

RESOLVED: That the City Clerk is hereby directed to publish the following notice in the official newspaper in accordance with the provisions of §62.23(7)(d) of the Wisconsin Statutes:

**NOTICE OF PUBLIC HEARING ON AMENDMENT TO THE
SHEBOYGAN ZONING ORDINANCE**

Notice is hereby given that a public hearing will be held at 7:00 P.M., December 6, 2010, in the Council Chambers of the City Hall, Sheboygan, Wisconsin, to give persons an opportunity to be heard relative to the proposed amendment to the City of Sheboygan's Official Zoning Ordinance. The purpose of the amendment is to establish the Use District Classification of the following described property to Neighborhood Residential (NR):

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 SECTION 16, T. 15 N., R. 23 E., THENCE N 89° 42' E ALONG THE SOUTH LINE OF SAID SECTION 497.85' TO THE SW CORNER OF KUETHER & BORN SUBD. THENCE N 0° 15' E ALONG THE WEST LINE OF SAID SUBDIVISION 478.0' TO THE SW CORNER OF LOT 1, BLOCK 3 OF SAID 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.

***Res. No. 127 - 10 - 11. By Alderpersons Kittelson and Kath. November 1, 2010.**

A RESOLUTION directing a public hearing to be held in connection with the City's Official Zoning Map to establish the zoning classification for property located at 1232 N. 40th St.

RESOLVED: That the City Clerk is hereby directed to publish the following notice in the official newspaper in accordance with the provisions of §62.23(7)(d) of the Wisconsin Statutes:

NOTICE OF PUBLIC HEARING ON AMENDMENT TO THE
SHEBOYGAN ZONING ORDINANCE

Notice is hereby given that a public hearing will be held at 7:00 P.M., December 6, 2010, in the Council Chambers of the City Hall, Sheboygan, Wisconsin, to give persons an opportunity to be heard relative to the proposed amendment to the City of Sheboygan's Official Zoning Ordinance. The purpose of the amendment is to establish the Use District Classification of the following described property to Suburban Commercial (SC):

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

Res. No. 128 - 10 - 11. By Alderperson Montemayor. November 1, 2010.

A RESOLUTION authorizing entering into an agreement with Vandewalle & Associates Inc. to update the City of Sheboygan's Comprehensive Plan.

Was referred to the Committee on Finance.

Res. No. 129 - 10 - 11. By Alderpersons Hammond, Bouck, Bohren, Rindfleisch and Roeseler. November 1, 2010.

A RESOLUTION ordering the 2011 Budget appropriations and the 2010 Tax Levy for use during the calendar year 2011.

Lies over to November 22, 2010.

Res. No. 130 - 10 - 11. By Alderpersons Hammond, Bouck, Bohren, Rindfleisch and Roeseler. November 1, 2010.

A RESOLUTION ordering the 2011 Budget appropriations for the City of Sheboygan funds.

Lies over to November 22, 2010.

Res. No. 131 - 10 - 11. By Alderpersons Hammond, Bohren and Hanna. November 1, 2010.

A RESOLUTION approving the Capital Improvements Program recommended by the Capital Improvements Commission for the year of 2011 and adopting the 2011 program for implementation;

Was referred to the City Plan Commission.

Res. No. 132 - 10 - 11. By Alderperson Hammond. November 1, 2010.

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

Was referred to the Committee on Finance.

Res. No. 133 – 10 – 11. By Alderperson Hammond. November 1, 2010.

AN INITIAL RESOLUTION REGARDING INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING TO BENEFIT TORGINOL, INC.

Was referred to the Committee on Finance.

Res. No. 134 – 10 – 11. By Alderperson Hammond. November 1, 2010.

A FINAL RESOLUTION REGARDING MIDWESTERN DISASTER AREA REVENUE BOND FINANCING TO BENEFIT JUST KIDS DENTAL, S.C. PROJECT.

Was referred to the Committee on Finance.

Res. No. 135 – 10 – 11. By Alderperson Kittelson. November 1, 2010.

A RESOLUTION authorizing the Mayor to execute the Joint Powers Agreement for Sheboygan County and City of Sheboygan 911 Emergency Systems.

Was referred to the Committee on Public Protection and Safety.

Res. No. 136 - 10 - 11. By Alderperson Hanna. November 1, 2010.

A RESOLUTION authorizing renewing the agreement for Human Resources and Labor Relations consulting services with HR Unlimited, LLC for the period January 1, 2011 through December 31, 2011.

Was referred to the Committee on Salaries and Grievances.

REPORTS OF COMMITTEES

***R. C. No. 259 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. November 1, 2010.**

Your Committee to whom was referred Com. No. 44-10-11 from Amy Groth regarding the odors coming from the mink farm; recommends that the Communication be placed on file.

***R. C. No. 260 - 10 - 11. By FINANCE. November 1, 2010.**

Your Committee to whom was referred R. O. No. 221-10-11 by the City Clerk submitting a communication from the Administrative Assistant of the Wastewater Treatment Plant, along with an article from the Plymouth Review regarding the Federal Early Retirement Reinsurance Program; recommends that the document be placed on file.

***R. C. No. 261 - 10 - 11. By LAW AND LICENSING. November 1, 2010.**

Your Committee to whom was referred R. O. No. 235-10-11 and pursuant to R. O. No. 253-10-11 by the City Clerk, submitting license applications for the period ending June 30, 2011 and June 30, 2012; recommends that the following licenses be granted:

CHANGE OF AGENT

Anthony Zavrl is replacing Robert Brunnbauer as agent for Four of a Kind at 811 Indiana Ave. effective immediately. Patrick Ortlieb is replacing Sherri Robinson as agent for Kwik Trip #361 at 1618 Calumet Dr.

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
2772	Club Michigan I	908 Michigan Ave.

BEVERAGE OPERATOR'S LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
8879	Brockner, Stephanie A.	1416 Illinois Ave.
8871	Burch, Ryan M.	2011 N. 38 th St.
5027	DePagter, Jeffrey J.	115 Eastfield Dr., Oostburg
8853	DuFresne, Kellie L.	1617 N. 28 th St.
8870	Felde, Connie G.	N2498 Sauk Trl. Rd., Oostburg
8867	Kaeiser, Christopher E.	2736 N. 26 th St.
5826	Kailing, Lyndsey J.	1808 S. 17 th St.
8881	Knight, Nicole M.	1329 N. 12 th St.
8875	Kramer, Renee A.	2526 Mandy Circle
1708	Kunert, Bennett C.	1427 N. 10 th St.
8882	Levchuk, Iuliia	426 Audobon Rd., Kohler
8874	O'Neil, Patrick R.	1925 Ohio Ave.
8869	Richards, Theresa M.	741 Killdeer Ln., Plymouth
8880	Schulz, Curtiss J.	3422 N. 11 th St., #5
7843	Wensauer, Stacy L.	4337 Liberty Ct.
8868	Yankunas, Barbara J.	629 E. Jefferson Ave., Cleveland

November 1, 2010

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. 262 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. November 1, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 254-10-11 by the Building Inspection Department submitting the report of the Department for the month of September 2010; and
2. R. O. No. 255-10-11 by the Chief of Police submitting his quarterly report showing the activities of his department for the period commencing July 1, 2010 and ending September 30, 2010;

recommends that the documents be accepted and placed on file.

***R. C. No. 263 - 10 - 11. By PUBLIC WORKS. November 1, 2010.**

Your Committee to whom was referred a copy of R. O. No. 259-10-11 by the City Clerk 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; recommends that the Report of Officer be accepted and placed on file.

R. C. No. 264 - 10 - 11. By FINANCE. November 1, 2010.

Your Committee to whom was referred the following:

1. R. O. No. 233-10-11 by the Finance Director/Treasurer submitting the attached summary of the 2011 Budget Requests for the Enterprise Funds, the Internal Service Funds, and the Trust Funds;

Lies over to November 22nd, 2010.

R. C. No. 265 - 10 - 11. By SALARIES AND GRIEVANCES. November 1, 2010.

Your Committee to whom was referred the following:

1. Res. No. 115-10-11 by Alderpersons Rindfleisch and Heidemann establishing the position of City Administrator for the City of Sheboygan; and
2. A copy of R. C. No. 247-10-11 by Committee of the Whole to whom was referred the following:
 1. A copy of Res. No. 115-10-11 by Alderpersons 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 placed on file.

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

Ayes: Bohren, Dekker, Hanna, Kittelson, Montemayor, Roeseler, Sampson, Versey— 8.

Nays: Bouck, Bowers, Hammond, Heidemann, Kath, Rindfleisch, VanderWeele — 7.

R. C. No. 266 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. November 1, 2010.

Your Committee voted to recommend approval of the Fire Department's 2011 budget request as submitted by the Fire Chief to the Finance Department.

Lies over to November 22nd, 2010.

R. C. No. 267 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. November 1, 2010.

Your Committee voted unanimously to recommend approval of the Building Inspection Department's 2011 budget request as presented to the Committee.

Your Committee voted unanimously to recommend approval of the Emergency Operations Center's 2011 budget request as presented to the Committee.

Lies over to November 22, 2010.

***R. C. No. 268 - 10 - 11. By SALARIES AND GRIEVANCES. November 1, 2010.**

Your Committee to whom was referred Res. No. 123-10-11 by Alderperson Hanna revising the travel expense guidelines adopted by Res. No. 64-78-79, as revised; recommends that the Resolution be passed.

***R. C. No. 269 - 10 - 11. By PUBLIC WORKS. November 1, 2010.**

Your Committee to whom was referred Res. No. 124-10-11 by Alderperson Bohren authorizing signing easements for a mini-storm sewer to be constructed in portions of their property; recommends that the Resolution be passed.

***R. C. No. 270 - 10 - 11. By FINANCE. November 1, 2010.**

Your Committee to whom was referred Gen. Ord. No. 35-10-11 by Alderperson Hammond 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; recommends that the Ordinance be passed.

***R. C. No. 271 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. November 1, 2010.**

Your Committee to whom was referred Gen. Ord. No. 36-10-11 by Alderperson Kittelson 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.; recommends that the Ordinance be passed.

***R. C. No. 272 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. November 1, 2010.**

Your Committee to whom was referred Gen. Ord. No. 37-10-11 by Alderperson Kittelson relating to 2-hr. parking limits so as to remove the 2-hr. parking limit on the north side of St. Clair Ave. east of the curb line of N. 9th St.; recommends that the Ordinance be passed.

R. C. No. 273 - 10 - 11. By PUBLIC WORKS. November 1, 2010.

Your Committee to whom was referred a copy of R. C. No. 231-10-11 by Public Protection and Safety who was referred Gen. Ord. No. 29-10-11 by Alderpersons Kittelson and Montemayor repealing and recreating Section 74-63 of the Sheboygan Municipal Code, entitled "Fire Control" so as to allow, with restrictions, fires within designated fire rings in city parks and city-owned property in the City; recommends that the Report of Committee be accepted and adopted and the Ordinance be passed.

RESOLUTIONS ON SECOND READING

***Res. No. 116 - 10 - 11. By Alderperson Kittelson. October 4, 2010.**

A RESOLUTION authorizing the filing of an application with the United States of America Department of Transportation and authorizing the executing of the contract pertaining to grants for calendar year 2011, under former Section 9 (USC 5307) and Section 3 (USC 5309) of the Federal Transit Act of 1964, as amended.

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects, and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the projects costs in the program, and

WHEREAS, it is required by the United States Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964 that in connection with the filing of an application for assistance under the Federal Transit Act of 1964, as amended, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the United States Department of Transportation requirements thereunder, and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent possible in connection with these projects, and definite procedures shall be established and administered to ensure that disadvantaged businesses shall have the opportunity to participate in construction contracts, supplies, equipment contracts, or consultants and other services,

NOW, THEREFORE, BE IT RESOLVED: That the Director of Parking and Transit is authorized to execute and file an application on behalf of the City of Sheboygan with the United States Department of Transportation to aid in financing of capital and operating assistance projects for calendar year 2011, pursuant to former Section 9 (USC 5307) and Section 3 (USC 5309) of the Federal Transit Act of 1964, as amended.

BE IT FURTHER RESOLVED: That the Director of Parking and Transit of the City of Sheboygan is authorized to execute the contract pertaining to the City of Sheboygan's application for 2011 operating and capital assistance grants under former Section 9 (USC 5307) and Section 3 (USC 5309) of the Federal Transit Act of 1964, as amended.

BE IT FURTHER RESOLVED: That the Director of Parking and Transit is authorized to execute and file with such applications all assurances or any other documents required by the United States Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964 and other legally mandated requirements of the United States Department of Transportation.

BE IT FURTHER RESOLVED: That the Director of Parking and Transit is authorized to furnish such additional information as the United States Department of Transportation may require in connection with the application for the program of projects.

BE IT FURTHER RESOLVED: That the Director of Parking and Transit Utility is authorized to execute grant agreements on behalf of the City of Sheboygan with the United States Department of Transportation for aid in the financing of the capital and operating assistance program of projects.

***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,
RESOLVED: That Section II, III and IV are hereby amended as follows:

Section II. Meals

- A. The allowance for meals should represent actual and reasonable cost expended for your own meals. *ADD: In no case will employees be reimbursed for meals when they are within 15 minutes of their home base of operations.*
- B. Amounts permitted for meals:
Including taxes and tips – *ADD: 15% tip*
- C. Reimbursement for meals will be allowed on trips which do not necessitate an overnight stay only on the following conditions and if a reasonable travel time is required:
 - 1. *(Remove) Breakfast, provided the employee leaves his home before 7 am*
 - 2. Lunch, provided the employee leaves his headquarters before 10:30 a.m. and returns after 2 pm
 - 3. *(Remove) Dinner, provided the employee returns to his home after 7 pm*
 - 4. Otherwise as approved by Department Head.

Section III. Transportation

- C. Travel in City owned vehicle
 - 4. The operator of a city owned vehicle must drive carefully and courteously and observe all traffic laws and regulations. *Add – Under no circumstances will an employee operate any city owned vehicle after he/she has consumed any alcoholic beverage.*

Section IV. Other Expenses

B. Miscellaneous Expenses

- 1. Necessary gratuities to hotel employees are reimbursable. These may not exceed \$2.50 *(remove)\$5.00 (add)* for each day at a hotel. Valet and laundry service shall be considered personal service and is not reimbursable.

Section VI. Out of Town meetings requiring early departure and/or late home arrival. *(Remove section)*

***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.

ORDINANCES ON SECOND READING

***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.

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

Section 1. Subsection (b) of Section 2-874 of the Sheboygan Municipal Code entitled "Special assessments – Payments in installments" is hereby repealed and recreated to read as follows:
"Sec. 2-874. *Special assessments – Payment in installments.*

...
(b) The first installment shall include a proportionate part of the principal of the special assessment, determined by the number of installments, together with interest on the whole assessment at the rate in effect at the time the assessment is levied. The interest rate shall be determined by the Finance Director/Treasurer at the beginning of each calendar year using the percentage rate of the City's most recent general obligation borrowing. Said interest shall be computed from a date, not before the date of the installment assessment notice under Sec. 66.0715(3)(e), Wis. Stats., and to that date, not later than December 31, in the year in which the installment is to be collected. Each subsequent installment shall include the same proportion of the principal and one year's interest on the unpaid portion of the assessment at the same rate as the first installment."

Section 2. Subsection (b) of Section 110-210 of the Sheboygan Municipal Code entitled "Assessment of Costs" is hereby repealed and recreated to read as follows:
"Sec. 110-210. *Assessment of costs.*

...
(b) The expenses so incurred in excess of \$100.00 may be paid in five annual installments, ten annual installments if the expenses exceed \$5,000.00 for a single parcel of property, under W.S.A. § 66.0715(3), plus interest on

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the unpaid balance at the rate determined by the Finance Director/Treasurer at the beginning of each calendar year using the percentage rate of the City's most recent general obligation borrowing. Upon said determination, the Finance Director/Treasurer shall prepare the expense statement as required in this subsection in such manner and with such frequency as the improvement installment payment schedule allows. The city clerk shall charge the amount of the installment to each lot or parcel of land and enter it on the tax roll as a special assessment against such lot or parcel each year until all installments have been entered, and the assessment shall be collected in all respects as other taxes upon real estate."

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. 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.

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 St. Clair Ave. from the east curb line of N. 9th St. to 98' east of the east curb line of N. 9th St. is hereby deleted from the 3-hr. parking limit parking regulations.

Section 2. The Department of Public Works and the Police Department are hereby authorized and directed to remove the sign(s) giving notification of the deleted parking restriction.

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

***Gen. Ord. No. 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.

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

Section 1. Pursuant to Section 118-126 of the Municipal Code entitled, "Prohibitions and Restrictions Authorized", the north side of St. Clair Ave. from the east curb line of N. 9th Street to 219' east of the east curb line of N. 9th St. is hereby deleted from the 2-hr. parking limits parking regulations.

Section 2. The Department of Public Works and the Police Department are hereby authorized and directed to remove any sign giving notification of the deleted parking restriction.

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

Gen. Ord. No. 29 - 10 - 11. By Alderpersons Kittelson and Montemayor. September 20, 2010.

AN ORDINANCE repealing and recreating Section 74-63 of the Sheboygan Municipal Code, entitled "Fire Control" so as to allow, with restrictions, fires within designated fire rings in city parks and city-owned property in the City.

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

Section 1. Section 74-63 of the Municipal Code is hereby repealed and recreated to read as follows:
"74-63 Fire Control.

Fires shall be permitted in city parks and on city-owned property only under the following circumstances:

- (1) In metal grills in picnic areas;
- (2) In stove or fire rings no greater than sixty inches in diameter designated and placed in parks or beach areas by the department of engineering and public works between the hours of 10:00 a.m. and 11:00 p.m., except no fires shall be permitted in a park or beach area when said park or beach area is closed pursuant to §74-41 of this code;
- (3) Along the Lake Michigan Shore between the hours of 6:00 p.m. and 10:00 p.m. on the day of the Fourth of July celebration and as part of the officially sponsored activities of high schools within the city as set forth in section 50-182(10);
- (4) As otherwise permitted by the council; and
- (5) Except as specifically set forth above, all fires permitted in this section are further subject to the limitations on recreational bonfires set forth in section 50-182(6)."

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.

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

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

Nays: None.

ORDINANCES INTRODUCED

Gen. Ord. No. 38 - 10 - 11. By Alderpersons Kittelson and Kath. November 1, 2010.

AN ORDINANCE amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to establish the Use District Classification of property located at 1232 N. 40th St. as Suburban Commercial (SC).
Was referred to the City Plan Commission.

Gen. Ord. No. 39 - 10 - 11. By Alderpersons Kittelson and Kath. November 1, 2010.

AN ORDINANCE amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to establish the Use District Classification of property located at 3805 Sheridan Ave. to Neighborhood Residential (NR).
Was referred to the City Plan Commission.

MATTERS LAID OVER

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.

WHEREAS, that the consultant shall provide neighborhood planning services in conjunction with the activities already underway in the Department of Planning and Development and the Sheboygan Police Department;

WHEREAS, the purpose of the consulting services is to create neighborhoods capable of sustaining civic life, reducing crime and fear, and increase the level of community governing, increasing property values and private investment;

WHEREAS, the Consultant will be providing on-site individuals to assist the city in neighborhood revitalization efforts; and

WHEREAS, the individual(s) will report to the City's Economic Development Manager and can be provided office space during the working hours in the City Hall. Further direction will be provided by the Chief of Police of the Sheboygan Police Department and the Community Policing Officers assigned to specific neighborhoods.

RESOLVED: That the appropriate City officials are hereby authorized and directed to enter into contract with GRAEF for \$80,000 to perform certain neighborhood revitalization consultant services.

BE IT FURTHER RESOLVED: That the Finance Director/Treasurer is authorized to draw on Block Grant Acct. No. 21098100-521500-10400 in payment thereof.

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

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

Nays: None.

Abstain: Versey – 1.

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.

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

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

RESOLVED: That the Mayor and City Clerk are hereby authorized to execute the Dock Space Agreement Between City of Sheboygan and Wisconsin Naval Ship Association, Inc. for berthing of the ex-CANON in the Sheboygan River, a copy of which is attached hereto and incorporated herein by this reference.

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

Before action was taken thereon, a motion by Alderperson Bohren and second by Alderperson Hanna to open the floor to Char Pachniak from WINSA, all Alderpersons present voting "Aye".

On motion by Alderperson Bohren and second by Alderperson Kittelson, the Report of Committee was accepted and adopted and 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 – 15.

Nays: None.

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

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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.

On motion by Alderperson Bohren and second by Alderperson Kittelson, the Report of Committee was filed on call of the roll:

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

Nays: 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.

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

Section 1. Section 29-75 of the 1975 Sheboygan Municipal Code entitled, "List of Classes and Class Specifications," is hereby amended in Section 1 Finance Department as follows:

DELETE:

5. FINANCE DEPARTMENT

	Job Code	Class Grade	NO. of Employees
Cashier Data Entry Clerk	B06130A	08	1.0

ADD:

Part-Time Cashier Data Entry Clerk (average up to 20 hours/week)	B06130A	02	1.0
Senior Accountant	B06050B	18	1.0

Section 2. The new job description for the Part-Time Cashier Data Entry Clerk and Senior Accountant in the Finance Department are attached, and copies of which shall be on file in the offices of the City Clerk, City Finance Director/Treasurer and Human Resources Department.

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

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

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

Nays: None.

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

Mayor

City Clerk