

COMMON COUNCIL

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

SIXTEENTH REGULAR MEETING

The Council met: Monday, November 15, 2010.

Mayor Bob Ryan in the Chair:

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

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

Absent: Bouck – 1.

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the reading of the minutes of the Fifteenth Regular Meeting held November 1, 2010, and the minutes were approved as entered on the record, all Alderpersons present voting "Aye".

RESIGNATION

406 Clement Avenue
Sheboygan, WI 53083

November 11, 2010

The Honorable Bob Ryan, Mayor

City of Sheboygan

828 Center Avenue

Sheboygan, WI 53083

It is with genuine regret that I tender my resignation as Chairperson and citizen member of the Government Structure Committee. I have truly enjoyed the opportunity to participate in evaluating the role of our elected officials and formulating recommendations on how government can be restructured to deliver effective and efficient services.

The diverse nature of this committee presents an ongoing challenge to the timely completion of the tasks established by the Common Council. I encourage all committee members to make the achievement of these goals a primary commitment.

Sincerely,

ELDON BURG

cc: Government Structure Committee members and City Clerk

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

MAYOR'S APPOINTMENTS

November 15, 2010

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointment for your consideration:

Henry Schoen to be considered for appointment to the Mayor's International Committee, term to expire on 4/30/11.

MAYOR ROBERT RYAN

Lies over under the rules.

PUBLIC FORUM

Maeve Quinn, 310 St. Clair Ave.; Dolcye Johnson, 1306 N. 3rd St. and Dick Suscha, 15 N. Point Dr. spoke.

HEARINGS

Hearing No. 4 - 10 - 11. November 15, 2010.

Pursuant to a notice published by the City Clerk, there is a public hearing scheduled for this evening relating to Midwestern disaster area revenue bond financing to benefit Just Kids Dental, S.C. Project.

All interested persons will be heard.

No one appeared regarding the above hearing and on motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the hearing was declared closed, all Alderpersons present voting "Aye."

Hearing No. 5 - 10 - 11. November 15, 2010.

Pursuant to a notice published by the Finance Director/Treasurer there will be a hearing on the proposed budget for use during 2011. All taxpayers and residents of the governmental unit will have the opportunity to be heard on the proposed Budget.

All taxpayers and residents of the governmental unit will be heard.

The following people spoke:

Linda Fickett, 1719 Fox Hill Rd., Sheboygan 53081
Jon Cook, 914 St. James Ct. 53081
Anthony Brandl, 1619 Mehrtens Ave., 53081
Dolcye Johnson, 1306 N. 3rd St., Sheboygan
Henry Nelson, 1926 Settlement Tr.
Beth Carreno, 1229 N. 4th St., Sheboygan 53081
Summer Carreno, 1229 N. 4th St., Sheboygan 53081
Lisa Vihos, 1825 Barrett St., 53081
Jennie Andreasen, 313 Michigan Ave., Sheboygan 53081
Corey Andreasen, 313 Michigan Ave., Sheboygan 53081
Barbara Simmons, 306 Huron Ave., Sheboygan 53081
Karl
Lisa Janairo, 816 Pershing Avenue, Sheboygan 53083
M. Helen Casper, 828 N. 10th St.
Joni Thoresen, 1706 S. 25th St., Sheboygan 53081
Pat Aaholm, 2602A Camelot Blvd., Sheboygan 53081
Marci & Hannah Tousey, 526 Michigan Ave., Sheboygan 53081
Nick Dussault, 2736 N. 30th St., Sheboygan 53083
Sam Gieryn, 187 Maple Dr.
Henry Capetillo, 1619 N. 38th St., Tn. of Sheboygan

On motion by Alderperson Kittelson and second by Alderperson Hanna, the hearing was adjourned to the November 22nd Special Council Meeting to give people that didn't have a chance to appear this evening, a chance to speak on the budget, all Alderpersons present voting "Aye."

The Council recessed at 8:18 p.m. and reconvened at 8:25 p.m.

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, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann – 15.

Nays: None.

COMMUNICATIONS AND PETITIONS

Com. No. 45 - 10 - 11. November 15, 2010.

Submitting a communication from Peter Scheibel of The Vollrath Co. regarding issues with trucks being pulled over on N. 23rd St. between Kohler Memorial Dr. and Superior Ave. and stating that there are no signs posted to not allow truck traffic on this section of road.

Referred to the Committee on Public Protection and Safety.

Com. No. 46 - 10 - 11. November 15, 2010.

Submitting a communication from Tom Turks requesting that a light on the electrical pole be placed in the alley between Kentucky and Alabama Ave. and between S. 7th and 8th Sts. due to gang symbols being painted on the garages.

Was referred to the Committee on Public Protection and Safety.

REPORTS OF OFFICERS

R. O. No. 286 - 10 - 11. By CITY CLERK. November 15, 2010.

Submitting a communication from Marge Mattern requesting that when someone speaks on Public Forum there should not be comments from the Mayor or anyone in response to a citizen's comments.

A motion by Alderperson Montemayor and second by Alderperson Kittelson to file the document was lost on call of the roll:

Ayes: Dekker, Hanna, Kittelson, Montemayor, Roeseler-5

Nays: Bohren, Bowers, Hammond, Heidemann, Kath, Rindfleisch, Sampson, VanderWeele, Versey, Wangemann-10.

On motion, the document was referred to the Committee of the Whole, all Alderpersons present voting "Aye."

R. O. No. 287 - 10 - 11. By CITY CLERK. November 15, 2010.

Submitting a communication from Marge Segalle regarding cell phone usage on the Council floor during Council meetings.

November 15, 2010

A motion by Alderperson Montemayor and second by Alderperson Roeseler to file the document was lost on call of the roll:

Ayes: Hanna, Kittelson, Montemayor, Roeseler-4.

Nays: Bohren, Bowers, Dekker, Hammond, Heidemann, Kath, Rindfleisch, Sampson, VanderWeele, Versey, Wangemann-11.

On motion, the document was referred to the Committee of the Whole, all Alderpersons present voting "Aye."

R. O. No. 288 - 10 - 11. By CITY CLERK. November 15, 2010.

Submitting a communication from Eldon Burg regarding the work that was done at the Government Structure Committee that reviewed the Election Timeline as it relates to Alderpersons and the redistricting.

Was referred to the Committee of the Whole.

***R. O. No. 289 - 10 - 11. By CITY ATTORNEY. November 15, 2010.**

Submitting, as a matter of record, the fully executed Dock Space Agreement by and between the City of Sheboygan and Wisconsin Naval Ship Association, Inc. for berthing of ex-CANON in the Sheboygan River.

***R. O. No. 290 - 10 - 11. By CITY CLERK. November 15, 2010.**

Submitting various license applications.

COMMERCIAL OPERATOR'S LICENSE (December 31, 2010)

<u>No.</u>	<u>Name</u>
1945	A & M Trees LLC
1059	Castle Pine Land Improv.
2435	Curb It LLC
1843	Dauns ProfessionaI Lawns
2110	Four Seasons Property Care
1154	Harolds Landscaping
2609	Hillcrest Trees & Land.
1173	Jerrys Lawn & Grounds
1200	Lakeside Lawn Service
1721	Larry Sommersberger
2617	Lawn Ranger
1727	Millhome Nursery & Green.
2611	Mullens siding & Roofing
1315	Schmidts Landscaping
1322	Serenity Farm Landscaping
1385	Stevie B's Landscaping
2610	Superior Law & Garden, LLC
1943	T & M Lawn Builders
1967	The Handyman LLC
2132	Top Notch Tree & Stump Rem.
2695	Undercut Tree Service

MASSAGE ESTABLISHMENT LICENSE (December 31, 2010)

<u>No.</u>	<u>Name</u>
2441	Darling Therapies
2689	Integrated Massage Therapy

SECONDHAND ARTICLE LICENSE (December 31, 2010)

<u>No.</u>	<u>Name</u>
2749	British International
1109	Ehrmans Fine Jewelry Outlet
1132	Gibson Girls
1187	Kisiolek Jewelers
1320	Scroggins Jewelers

***R. O. No. 291 - 10 - 11. By CITY CLERK. November 15, 2010.**

Submitting, as a matter of record, a communication from Whyte Hirschboeck Dudek S.C. informing the City of Sheboygan that Office Service Company,LLP will be transferring jobs from the City to its facility located in the Town of Sheboygan, which Facility is being constructed and financed with Midwestern disaster area revenue bonds.

***R. O. No. 292 - 10 - 11. By REDEVELOPMENT AUTHORITY. November 15, 2010.**

November 15, 2010

Your Authority to whom was referred R. O. No. 259-10-11 relative to a communication from the Harbor Centre BID Manager requesting they would like to establish a skating rink on South Pier; recommends approval of the skating rink contingent the execution of a hold harmless agreement.

R. O. No. 293 - 10 - 11. By CITY CLERK. November 15, 2010.

Submitting a communication from Alderperson Cory Bouck stating that he believes that the Alderpersons should vote to approve the resolution to hold the budget vote no earlier than November 29, 2010.

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

R. O. No. 294 - 10 - 11. By CITY CLERK. November 15, 2010.

Submitting a communication from Menhard Sonnemann re-generating his complaint that was filed by the Council on November 1, 2010 regarding the open records request to the Finance Department.

On motion by Alderperson Montemayor and second by Alderperson Kittelson, the Report of Officer was placed on file on call of the roll:

Ayes: Bohren, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele-12.

Nays: Bowers, Versey, Wangemann-3.

R. O. No. 295 - 10 - 11. By CITY CLERK. November 15, 2010.

Submitting the Certification of the Apportionment of State and County Property Taxes and Charges submitted by Sheboygan County.

Lies over to November 22, 2010.

R. O. No. 296 - 10 - 11. By CITY PLAN COMMISSION. November 15, 2010.

Your Commission to whom was referred Res. No. 131-10-11 relative to approving the Capital Improvements Program recommended by the Capital Improvements Commission for the year of 2011 and adopting the 2011 program for implementation; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, November 9, 2010, and after due consideration, recommends approval of the Resolution.

Lies over to November 22, 2010.

R. O. No. 297 - 10 - 11. By CITY PLAN COMMISSION. November 15, 2010.

Your Commission to whom was referred Gen. Ord. No. 38-10-11 relative to 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 SC Suburban Commercial; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, November 9, 2010, and after due consideration, recommends approval of the Ordinance.

Lies over to December 6, 2010.

R. O. No. 298 - 10 - 11. By CITY PLAN COMMISSION. November 15, 2010.

Your Commission to whom was referred Gen. Ord. No. 39-10-11 relative to amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to establish the Use District Classification of property located at 3905 Sheridan Ave. as NR Neighborhood Residential; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, November 9, 2010, and after due consideration, recommends approval of the Ordinance.

Lies over to December 6, 2010.

R. O. No. 299 - 10 - 11. By CITY CLERK. November 15, 2010.

Submitting a communication from the Sheboygan County Home Builders Association regarding a recent formal opinion that was issued by the Wisconsin Attorney General and asks that the City of Sheboygan repeal and/or modify its ordinances consistent with that opinion.

Was referred to the Board of Contractors Examiners and the Committee on Law and Licensing.

R. O. No. 300 - 10 - 11. By PURCHASING AGENT. November 15, 2010.

Submitting a report relative to the City entering into agreement with Kwik-Trip Stores Inc. for the provision of unleaded gasoline and a card based fuel management system for all City of Sheboygan Departments.

Was referred to the Committee on Finance.

R. O. No. 301 - 10 - 11. By CITY ATTORNEY. November 15, 2010.

Submitting a communication from City Attorney Stephen G. McLean to the Building Inspection Department regarding "Aspects of Local Dwelling Contractor Licensing Ordinances Preempted by State Law."

Was referred to the Committee on Law and Licensing.

R. O. No. 302 - 10 - 11. By CITY CLERK. November 15, 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. 303 - 10 - 11. By CITY CLERK. November 15, 2010.

Submitting a communication from Laurie Zen Netzow POA regarding a question and concern of what the connection fees are to hook up to a mini-storm sewer.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 304 - 10 - 11. By CITY CLERK. November 15, 2010.

Submitting a communication from the State of Wisconsin Department of Corrections filing a request for a waiver to the Sex Offender residency restrictions on behalf of Albert Webster.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 305 - 10 - 11. By CITY CLERK. November 15, 2010.

Submitting a communication from the State of Wisconsin Department of Corrections filing a request for a waiver to the Sex Offender residency restrictions on behalf of State inmate Brandon Horzen.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 306 - 10 - 11. By CITY CLERK. November 15, 2010.

Submitting a communication from the State of Wisconsin Department of Corrections filing a request for a waiver to the Sex Offender residency restrictions on behalf of State inmate Bee Her.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 307 - 10 - 11. By CITY ATTORNEY. November 15, 2010.

Mr. David L. Gartman is requesting that the Lease Agreement for the approximate 30 acres of the City-owned Poth property be renewed for calendar year 2011. Mr. Gartman is willing to have the rent increased from \$50 per acre to \$60 per acre for the year for a total of \$1,800. All other terms and conditions would remain the same.

Was referred to the Committee on Public Works.

R. O. No. 308 - 10 - 11. By CITY CLERK. November 15, 2010.

Submitting a Summons and Complaint in the matter of BAC Home Loans Servicing, LP vs. Senka Jakupovic et al.

Was referred to the Special Committee on Risk Management.

RESOLUTIONS INTRODUCED

***Res. No. 137 - 10 - 11. By Alderperson Hammond. November 15, 2010.**

A RESOLUTION expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2010 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 2.

RESOLVED: That the 2010 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 2 is hereby proposed to be assessed against all benefited property within the Parking Assessment District No. 2, which is that area of the City bounded by a line described as commencing at the SW corner of Virginia Ave. and Riverfront Dr., also described as the NE corner of Lot 1, Blk. 205 of the Original Plat of the City of Sheboygan, thence W. 240' along the S.L. of Virginia Ave. to the NW corner of Lot 4, Blk. 205, Original Plat (O.P.), thence S. 273' along the W. lot line of Lots 4 and 9, Blk. 205, O.P., thence E. 50' at a right angle to the W. lot line of Lot 9, Blk. 205, O.P., thence S. 125', parallel with said lot line to the S.L. of New Jersey Ave., thence W. 50' along said S.L. to the W. lot line of Lot 4, Blk. 211, O.P., thence S. 90' along said lot line, thence E. 103.12' at a right angle to said lot line to the Wly line of Riverfront Dr., thence SWly 246.89' along said Wly line to an intersection with the W. lot line of Lot 9, Blk. 211, O.P., and the N.L. of Maryland Ave., as originally platted, thence 60' S. to the S.L. of Maryland Ave., thence 60' E. along the said S.L. to the W. lot line of Lot 3, Blk. 234, O.P., thence S. 145', more or less, along said lot line to the NWly shore of the Sheboygan River, thence NEly downstream along said shore to the N.L. of Virginia Ave., thence W. 245', more or less, along said N.L. to the E.L. of Riverfront Dr., thence 80' S. along extension of said E.L. to the S.L. of Virginia Ave., thence 66' W. along said S.L. to the point of beginning, being a part of the NE 1/4 of the NW 1/4 of Sec. 26, T15N, R23E

BE IT FURTHER RESOLVED: That all special assessments levied hereunder shall be collected and paid on or before May 1, 2011. Any payments received after May 1, 2011, shall be charged interest at the rate of one percent (1%) per month or fraction thereof.

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BE IT FURTHER RESOLVED: That the City Department of Finance shall prepare a report in accordance with §66.60(2) and §66.60(3), Wis. Stats., and that such report shall contain the following information:

- a. Preliminary or final plans and specifications
- b. An estimate of the entire cost of the proposed work or improvement
- c. A schedule of the proposed assessment
- d. A statement that the work or improvement constitutes an exercise of the municipality's police power
- e. A statement that the property against which the assessments are proposed is benefited

BE IT FURTHER RESOLVED: That the Finance Department prepare the schedule of the proposed assessments governing this matter under the provisions of Section 106-54 of the Municipal Code, and after completion of the schedule, submit copies to the City Clerk for the purpose of public hearing and public notice.

BE IT FURTHER RESOLVED: That the report described above need not be prepared by December 31, 2010, as is set forth in Section 106-54(a) of the Municipal Code.

***Res. No. 138 - 10 – 11. By Alderperson Hammond. November 15, 2010.**

A RESOLUTION expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2010 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 1.

RESOLVED: That the 2010 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 1 is hereby proposed to be assessed against all benefited property within the Parking Assessment District No. 1, which is that area of the City generally bounded by N. 7th St. on the east, N. 9th St. on the west, Ontario Ave. on the north, and Center Ave. on the south, and more particularly described as Blocks 105, 106, 127, 129, 130, 152 and the north one-half of Block 151, all in the Original Plat of the City of Sheboygan.

BE IT FURTHER RESOLVED: That all special assessments levied hereunder shall be collected and paid on or before May 1, 2011. Any payments received after May 1, 2011, shall be charged interest at the rate of one percent (1%) per month or fraction thereof.

BE IT FURTHER RESOLVED: That the City Department of Finance shall prepare a report in accordance with §66.60(2) and §66.60(3), Wis. Stats., and that such report shall contain the following information:

- a. Preliminary or final plans and specifications
- b. An estimate of the entire cost of the proposed work or improvement
- c. A schedule of the proposed assessments
- d. A statement that the work or improvement constitutes an exercise of the municipality's police powers
- e. A statement that the property against which the assessments are proposed is benefited

BE IT FURTHER RESOLVED: That the Finance Department prepare the schedule of the proposed assessments governing this matter under the provisions of Section 106-54 of the Municipal Code, and after completion of the schedule, submit copies to the City Clerk for the purpose of public hearing and public notice.

BE IT FURTHER RESOLVED: That the report described above need not be prepared by December 31, 2010, as is set forth in Section 106-54(a) of the Municipal Code.

***Res. No. 139 - 10 - 11. By Alderperson Hammond. November 15, 2010.**

A RESOLUTION expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2010 cost of operating and maintaining, and the prorated acquisition costs of the off-street parking facilities within the Parking Assessment District No. 4.

RESOLVED: That the 2010 cost of operating and maintaining, and prorated acquisition costs of the off-street parking facilities within the Parking Assessment District No. 4 is hereby proposed to be assessed against all benefited property within the Parking Assessment District No. 4, which is that area of the City bounded by a line described as commencing at the intersection of the centerline of S. 12th St. with the S. r.o.w. of Clara Ave., thence W. to the NW corner of Lot 1, Blk. 6, Assessment Subd. No. 19, thence S. to the SW corner of Lot 48, Blk. 6, Assessment Subd. No. 19, thence E. to the SE corner of Lot 46, Blk. 6, Assessment Subd. No. 19, thence W. to the SW corner of said Lot 46, thence S. to the SW corner of Lot 43, Blk. 6, Assessment Subd. No. 19, thence W. to the NW corner of Lot 40, Blk. 6, Assessment Subd. No. 19, thence S. to the SW corner of said lot, thence E. to the NE corner of Lot 39, Blk. 6, Assessment Subd. No. 19, thence S. to the SE corner of Lot 35, Blk. 6, Assessment Subd. No. 19, thence E. to the SE corner of Lot 2, Blk. 7, Assessment Subd. No. 19, thence N. to the NE corner of said Lot 2, thence E. to the NE corner of Lot 1, Blk. 7, Assessment Subd. No. 19, thence S. along the E.L. of said Lot 1 to a point in said E.L. opposite the Wly extension of the S.L. of Lot 17, Blk. 8, Assessment Subd. No. 19, thence E. to the SE corner of said Lot 17, thence N. to the NE corner of Lot 15, Blk. 8, Assessment Subd. No. 19, thence W. along the N.L. of said Lot 15 to the centerline of S. 12th St., thence N. along said centerline to point of beginning.

BE IT FURTHER RESOLVED: That all special assessments levied hereunder shall be collected and paid on or before May 1, 2011. Any payments received after May 1, 2011, shall be charged interest at the rate of one percent (1%) per month or fraction thereof.

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BE IT FURTHER RESOLVED: That the City Department of Finance shall prepare a report in accordance with §66.60(2) and §66.60(3), Wis. Stats., and that such report shall contain the following information:

- a. Preliminary or final plans and specifications
- b. An estimate of the entire cost of the proposed work or improvement
- c. A schedule of the proposed assessments
- d. A statement that the work or improvement constitutes an exercise of the municipality's police powers
- e. A statement that the property against which the assessments are proposed is benefited

BE IT FURTHER RESOLVED: That the Finance Department prepare the schedule of the proposed assessments governing this matter under the pro-visions of Section 106-54 of the Municipal Code, and after completion of the schedule, submit copies to the City Clerk for the purpose of public hearing and public notice.

BE IT FURTHER RESOLVED: That the report described above need not be prepared by December 31, 2010, as is set forth in Section 106-54(a) of the Municipal Code.

***Res. No. 140 - 10 - 11. By Alderperson Hammond. November 15, 2010.**

A RESOLUTION expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2010 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 5.

RESOLVED: That the 2010 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 5 is hereby proposed to be assessed against all benefited property within the Parking Assessment District No. 5, which is that area of Lots 1 through 9 and Lot 11, South Pier Subdivision, of the City of Sheboygan.

BE IT FURTHER RESOLVED: That all special assessments levied hereunder shall be collected and paid on or before May 1, 2011. Any payments received after May 1, 2011, shall be charged interest at the rate of one percent (1%) per month or fraction thereof.

BE IT FURTHER RESOLVED: That the City Department of Finance shall prepare a report in accordance with §66.60(2) and §66.60(3), Wis. Stats., and that such report shall contain the following information:

- a. Preliminary or final plans and specifications
- b. An estimate of the entire cost of the proposed work or improvement
- c. A schedule of the proposed assessments
- d. A statement that the work or improvement constitutes an exercise of the municipality's police powers
- e. A statement that the property against which the assessments are proposed is benefited

BE IT FURTHER RESOLVED: That the Finance Department prepare the schedule of the proposed assessments governing this matter under the pro-visions of Section 106-54 of the Municipal Code, and after completion of the schedule, submit copies to the City Clerk for the purpose of public hearing and public notice.

BE IT FURTHER RESOLVED: That the report described above need not be prepared by December 31, 2010, as is set forth in Section 106-54(a) of the Municipal Code.

Res. No. 141 - 10 - 11. By Alderperson Hammond. November 15, 2010.

A Final Resolution Authorizing the Sale and Issuance of Up to \$5,000,000 Development Revenue Bonds, Series 2010 (RCS Empowers, Inc. Project)

WHEREAS, the City of Sheboygan, Wisconsin (the "**Municipality**"), is a municipal corporation organized and existing under and pursuant to the laws of the State of Wisconsin and is authorized by Section 66.1103, Wisconsin Statutes, as amended (the "**Act**");

- (a) to issue industrial development revenue bonds to finance all or any part of the costs of the construction, equipping, reequipping, acquisition, purchase, installation, reconstruction, rebuilding, rehabilitation, improving, supplementing, replacing, maintaining, repairing, enlarging, extending or remodeling of a project which qualifies under the Act and the improvement of the site therefor; and
- (b) to enter into a revenue agreement with an eligible participant pursuant to which the eligible participant agrees to cause said project to be constructed and to pay the Municipality an amount of funds sufficient to provide for the prompt payment when due of the principal of and interest on said industrial development revenue bonds; and

WHEREAS, RCS Empowers, Inc., a Wisconsin nonstock nonprofit corporation (the "**Borrower**"), has heretofore requested the Municipality to issue industrial development revenue bonds to finance a project on behalf of the Borrower as an eligible participant under the Act; and

WHEREAS, the Common Council of the Municipality (the "**Governing Body**") has heretofore found and determined that said project consisting of the construction and equipping of an approximate 39,925 square foot two-story building addition, located at 1607 Geele Avenue in the Municipality, containing office space and space to accommodate various programs and individuals for the purpose of providing skills, counseling, advocacy, job placement, and support to

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individuals with mental and physical disabilities, alcohol and drug abuse, and traumatic brain injuries (the “**Project**”) is a qualified “project” within the meaning of the Act and that the Borrower is an “eligible participant” within the meaning of the Act; and

WHEREAS, at least 30 days prior to entering into the revenue agreement, the Borrower shall have given notice of intent to enter into the revenue agreement, and has provided information on the number of jobs the Borrower expects to be eliminated, created or maintained on the project site and elsewhere in this state by the Project, to the Department of Development of the State of Wisconsin and to any collective bargaining agent in the State of Wisconsin with whom the Borrower has a collective bargaining agreement; and

WHEREAS, the Municipality has received from the Department of Development of the State of Wisconsin an estimate of the net number of jobs expected to be eliminated, created or maintained as a result of the Project; and

WHEREAS, on August 16, 2010, the Governing Body adopted an initial resolution (the “**Initial Resolution**”) pursuant to the Act wherein it was resolved that the Municipality would issue revenue bonds to finance the Project, subject however, to the satisfaction of certain conditions including the approval by this body of the terms of the bonds and the revenue agreement described in said initial resolution; and

WHEREAS, on August 16, 2010, the Governing Body adopted a resolution relating to waiver of Section (11)(b)1. of the Act; and

WHEREAS, on August 20, 2010, notice of the adoption of the initial resolution was published in accordance with Section (10)(b) of the Act, and notice of adoption of the waiver resolution was published in accordance with Section (11)(b)2. of the Act, and no sufficient petition has been filed with the Clerk requesting a referendum on the question of the issuance of said industrial development revenue bonds; and

WHEREAS, on November 1, 2010, a public hearing was held at the City Hall and conducted in a manner that provided a reasonable opportunity to be heard for persons with differing views on both issuance of revenue bonds and the location and nature of the proposed facility to be financed with revenue bonds; and

WHEREAS, notice of the public hearing, substantially in the form attached hereto as Exhibit A and incorporated herein, was published by one insertion in the official newspaper of the Municipality for the publication of notices pursuant to Chapter 985 of the Wisconsin Statutes no less than 14 days before the scheduled date of the hearing; and

WHEREAS, the official newspaper is a newspaper of general circulation in the locality of the Project; and

WHEREAS, the Governing Body is an elected legislative body of the Municipality; and

WHEREAS, the Borrower has now requested that the Municipality provide for the issuance of up to \$5,000,000 principal amount of development revenue bonds upon the terms set forth in this Resolution (as herein described, the “**Bonds**”); and

WHEREAS, in connection therewith the Borrower has presented the Municipality with proposed documentation for the Bonds, as follows:

- (a) a Financing Agreement, to be dated as of the date of issuance of the Bonds (the “**Financing Agreement**”), to be entered into by and among the Municipality, the Borrower, and Bank First National (the “**Purchaser**”), setting forth the terms and conditions on which the Municipality will sell and the Purchaser will purchase the Bonds; providing for the creation of the Bonds, the terms thereof and the security therefor; and providing for a loan of the Bond proceeds to the Borrower on repayment terms scheduled to provide the Municipality with revenues sufficient to retire the Bonds in accordance with their terms; and
- (b) a Promissory Note, to be dated the date of issuance of the Bonds (the “**Promissory Note**”), to be issued by the Borrower payable to the order of the Municipality in the principal amount of up to \$5,000,000 as evidence of the borrowing provided for in the Financing Agreement and to be assigned by the Municipality to the Purchaser; and
- (c) a Tax Agreement, to be dated as of the date of issuance of the Bonds (the “**Tax Agreement**”) to be entered into between the Municipality, the Borrower, and the Purchaser; and

WHEREAS, in accordance with the Act, this Resolution, and the aforesaid instruments and documents, the Bonds and interest thereon shall never constitute an indebtedness of the Municipality within the meaning of any State constitutional provision or statutory limitation, shall not constitute or give rise to a pecuniary liability of the Municipality or a charge against its general credit or taxing powers, and shall not constitute or give rise to any personal liability of any member of the Governing Body or of any officers or employees of the Municipality on the Bonds or for any act or omission related to the authorization or issuance of the Bonds; and

WHEREAS, it is in the public interest of the Municipality to encourage and promote the development of projects such as the Project in order to realize public benefits such as, but not limited to, the provision and retention of gainful employment opportunities for the citizens of the Municipality; the stimulation of the flow of investment capital into the Municipality with resultant beneficial effects on the economy in the Municipality; and the preservation and enhancement of the Municipality’s tax base; and

WHEREAS, the development of the Project and the issuance of Bonds to finance the Project as herein recited will, in the judgment of the Governing Body, serve the intended accomplishments of public purpose and in all respects conform

to the provisions and requirements of the Act;

NOW, THEREFORE, BE IT RESOLVED:

Findings and Determinations.

Based on representations of the Borrower, it has been found and determined and is hereby declared:

that the Project is a qualified "project" under and for the purposes of the Act;

that the Borrower is a qualified "eligible participant" under and for purposes of the Act;

that the Financing Agreement meets the requirements of a "revenue agreement" under and for purposes of the Act;

that the estimated aggregate cost of providing the Project and paying the costs incident to the financing is not less than \$5,000,000;

that the payments required to be made by the Borrower under the Financing Agreement are sufficient in amount to pay when due the principal of, premium, if any, and interest on the Bonds; and

that all conditions set forth in the Initial Resolution have been satisfactorily met.

Authorization to Borrow and to Lend.

The Municipality shall borrow, but only in the manner herein recited, the sum of up to \$5,000,000 for the purpose of (i) financing the costs of providing the Project, (ii) paying the costs of issuing and selling the Bonds, and (iii) paying such other costs related thereto as are permitted to be paid with bond proceeds under the Act. Said borrowing shall be accomplished through the sale of the Bonds issued pursuant to the Act. The Municipality shall lend the sum of up to \$5,000,000 to the Borrower pursuant to the terms of the Financing Agreement, which borrowing shall be evidenced by the Promissory Note and secured as provided in the Financing Agreement.

Designation, Denomination, Tenor and Maturity of Bonds Created for Issuance.

The Bonds shall be issued in the principal amount of up to \$5,000,000 and shall be designated:

CITY OF SHEBOYGAN, WISCONSIN
DEVELOPMENT REVENUE BOND, SERIES 2010
(RCS EMPOWERS, INC. PROJECT)

The principal of the Bonds shall be payable in monthly installments commencing on January 1, 2012, in such amounts determined from time to time as shall provide for amortization of the remaining principal amount of the Bonds in equal monthly installments of principal and interest, based on the interest rates then in effect, all as provided in the Financing Agreement, with a final maturity on December 1, 2030.

Capitalized terms used and not otherwise defined herein shall have the meaning set forth below:

"LIBOR Swap Rate" means the "interest rate swaps" rate, as published in Federal Reserve Statistical Release H.15 (currently shown at www.federalreserve.gov/releases/h15/update) two business days before the commencement of the Flex Period, for the number of years that corresponds to the duration of the Flex Period (or, if the number of years equal to the duration of the Flex Period is not listed on such release, the next larger number of years that is listed); provided, however, that if such rate is not available on Statistical Release H.15 then such rate shall be otherwise independently determined by the Purchaser based upon the International Swaps and Derivatives Association mid-market par interest rate swap rates, if available, or from an alternate, substantially similar independent source or shall be calculated by a substantially similar methodology as that theretofore used to determine such rate.

"Credit Spread" means (a) 2.65% per annum or (b) upon receipt of an opinion of bond counsel that using such other credit spread will not adversely affect the status of the Bonds as "qualified tax-exempt obligations", such other credit spread as determined by the Purchaser for a borrower similarly situated to the Borrower, based on the Purchaser's then-current underwriting standards, and with credit committee oversight, including without limitation, factors such as the current credit profile and current and historical operating performance.

"Default Rate" means at any time, the interest rate otherwise applicable to the Bonds, plus 3% per annum.

"Flex Rate" means, for any Flex Period, a rate per annum equal to the product of the Multiplier multiplied by the sum of (a) the Credit Spread plus (b) the Liquidity Premium, plus (c) the applicable LIBOR Swap Rate.

"Flex Conversion Date" means the date on which the interest rate on the Bonds is converted from the Floating Rate to the Flex Rate as provided in the Financing Agreement

"Flex Period" means, if selected by the Borrower pursuant to the Financing Agreement, the period from the Reset Date to December 1 of the year selected by the Borrower and thereafter each period from the end of the preceding Flex Period or a Flex Conversion Date to December 1 of the year selected by the Borrower.

"Floating Rate" means a rate per annum equal, at any time, to the product of the Multiplier multiplied by the greater of the Prime Rate in effect at such time or 4.79% per annum.

"Interest Payment Date" means the first Business Day of each month.

"Liquidity Premium" means, at the time of determination, the then-current internally published funding cost component determined by the Purchaser based on the current costs of term funding by the Purchaser for a period of time equal to the duration of the applicable Flex Period that would be quoted by the Purchaser on that date for the Borrower and all other customers of the Purchaser that are similarly situated.

"Multiplier" means, at the time of determination, the Purchaser's multiplier for "qualified tax-exempt obligations" as that term is defined in Section 265(b) of the Code, which shall be the same multiplier for other "qualified tax-exempt obligations" quoted to customers of the Purchaser for such obligations or, if applicable, the Purchaser's multiplier for tax exempt obligations which are not "qualified tax-exempt obligations," which shall be the same multiplier for tax exempt obligations which are not "qualified tax-exempt obligations" quoted to customers of the Purchaser for such obligations. The Multiplier shall be determined by the Purchaser on the commencement date of each Flex Period and on any date on which the Floating Rate becomes effective.

"Original Issue Date" means the date of original issuance of the Bonds.

"Prime Rate" means, for each month, the rate per annum most recently announced prior to the first day of such month by the Purchaser as its "prime rate" for lending purposes. The Prime Rate is not necessary the lowest rate charged by the Purchaser to its borrowers.

"Reset Date" means December 1, 2017.

"Taxable Rate" means (i) prior to the Reset Date, 5.76% per annum and (ii) on or after the Reset Date, a rate per annum equal, at any time, to the interest rate that would otherwise be in effect if the Multiplier were equal to 1.0.

The outstanding amount of the Bonds shall bear interest from and including the Original Issue Date until payment of the entire principal amount thereof shall have been made as provided in the Financing Agreement, payable on each Interest Payment Date, at a rate equal to (i) during the period from the Original Issue Date to the Reset Date, 4.03% per annum, (ii) during any Flex Period, the Flex Rate for such Flex Period, and (iii) at any other time, the Floating Rate in effect from time to time; *provided, however*, that (a) upon a Taxable Event, as defined in the Financing Agreement, the interest rate shall be adjusted, retroactively to the date on which the interest on the Bonds became includable in gross income for federal income tax purposes, to a rate equal to the Taxable Rate, and (b) upon an Event of Default, as defined in the Financing Agreement, the interest rate shall be adjusted to a rate equal to the Default Rate. Interest shall be computed on the basis of a 360-day year for the actual number of days elapsed.

The Bonds shall be issuable as a single fully registered bond in the denomination of the entire principal amount thereof, and when issued will be registered in the name of the Purchaser. The Bonds and the interest thereon shall be transferable by and shall be payable to the registered owner thereof in the manner and with the effect provided in the Financing Agreement. The principal of, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America at the designated office of the Purchaser.

The Bonds shall be dated as of the Original Issue Date and issued in the form set forth in the Financing Agreement, with such insertions therein as shall be necessary to comply with the terms of this Resolution and with such corrections therein, if any, as bond counsel may require for conformity with the terms of this Resolution, the Financing Agreement, and the Act.

Execution of Bonds.

The Bonds shall be executed on behalf of the Municipality by the Mayor under the official seal of the Municipality attested by its Clerk. The signatures of the Mayor and the Clerk may be manual or facsimile. The official seal may be actually impressed or imprinted or may be reproduced thereon by facsimile.

Bonds as Limited Obligations.

The Bonds and interest thereon shall never be or be considered a general obligation of the Municipality or an indebtedness of the Municipality within the meaning of any State constitutional provision or statutory limitation and shall not constitute or give rise to a pecuniary liability of the Municipality or a charge against its general credit or taxing powers.

Source of Payment; Pledge of Revenues.

The Bonds shall be limited obligations of the Municipality payable by it solely from revenues and income derived by or for the account of the Municipality from or for the account of the Borrower pursuant to the terms of the Promissory Note and the Financing Agreement; including, without limitation, (i) all payments by the Borrower on the Promissory Note or pursuant to the terms in the Financing Agreement, and (ii) all amounts derived by recourse to the collateral as described in the Financing Agreement; but excluding any amounts derived by the Municipality for its own account pursuant to the terms in the Financing Agreement.

As security for the payment of the principal of, premium, if any, and interest on the Bonds, the Municipality shall pledge and assign to the Purchaser all of its right, title and interest in and to the Promissory Note and the Financing Agreement (except for its rights to receive and enforce payment of certain taxes, expenses and indemnity payments from the Borrower as set forth in the Financing Agreement).

Redemption of Bonds Prior to Maturity.

The Bonds shall be subject to optional and mandatory redemption prior to maturity as provided in the Financing Agreement. Notice of any redemption of the Bonds prior to stated maturity shall be given in the manner provided in the Financing Agreement.

Determination of Revenue Payment.

The amount necessary in each year to pay the principal of, premium, if any, and interest on the Bonds is the sum of (i) the amount of principal installments due in such year in accordance with the Financing Agreement (as reduced from time to time by reason of prior redemptions); plus (ii) the principal amount of the Bond to be redeemed in such year in accordance

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with a call for redemption made in accordance with the Financing Agreement, plus the premium, if any, payable with respect thereto; plus (iii) the amount of interest on the Bonds becoming due in such year in accordance with paragraph 3 of this Resolution and the Financing Agreement.

In expressing the Borrower's obligation to make the necessary revenue payments, it shall suffice herein and in the Financing Agreement to state that the Borrower shall be obligated to pay the Municipality (or the Purchaser for the account of the Municipality) amounts sufficient to pay when due the principal of, premium, if any, and interest on the Bonds.

The Financing Agreement contains provisions, adequate in the judgment of this body, requiring the Borrower to provide for the maintenance of the Project and the carrying of all proper insurance with respect thereto. Consequently, the Borrower need not be required to pay amounts into any reserve funds for the retirement of the Bonds or for the maintenance of the Project.

Award of Bonds; Execution and Delivery of the Financing Agreement.

The Borrower has negotiated for the sale of the Bonds to the Purchaser in installments from time to time as provided in the Financing Agreement at a price of 100% of the principal amount thereof. Given the purposes of the financing and the involvement of the Municipality therewith, it is the determination of the Governing Body that the Bonds shall be hereby awarded to the Purchaser at the price aforesaid with delivery to follow in the manner, at the time and subject to the conditions set forth in the Financing Agreement. As evidence thereof, the Mayor and the Clerk are hereby authorized and directed for and in the name of the Municipality to execute, affix with the official seal of the Municipality and deliver the Financing Agreement in the form presented herewith, or with such insertions therein or corrections thereto as shall be approved by the Mayor and Clerk consistent with this Resolution and the terms of the Act, their execution thereof to constitute conclusive evidence of their approval of any such insertions and corrections.

Execution and Delivery of the Tax Agreement and the Assignment of the Promissory Note.

The terms and provisions of the Tax Agreement and the Promissory Note are hereby approved. The Mayor and the Clerk are hereby authorized for and in the name of the Municipality to execute, affix with the official seal of the Municipality and deliver the Tax Agreement and the assignment of the Promissory Note in the respective forms thereof, or with such insertions therein or corrections thereto as shall be approved by the Mayor and Clerk consistent with this Resolution and the terms of the Act, their execution thereof to constitute conclusive evidence of their approval of any such insertions and corrections.

Execution and Delivery of the Bond.

The Mayor and the Clerk are hereby authorized for and in the name of the Municipality to execute the Bond in the manner authorized by paragraph 4 of this Resolution. Subject to the terms and conditions of the Financing Agreement, the Municipality shall deliver the Bond to the Purchaser against the initial payment of the purchase price therefor.

Designation of Registrar, Authenticating Agent and Determination Agent.

The Municipality hereby designates and appoints Bank First National to perform the functions of the bond registrar and authenticating agent under the Financing Agreement and to perform the interest rate determination functions under the Financing Agreement with respect to the Floating Rate and the Flex Rate. The Authority hereby finds that the Purchaser is qualified to act as such agent.

General Authorizations.

The Mayor and the Clerk and the appropriate deputies and officials of the Municipality in accordance with their assigned responsibilities are hereby each authorized to execute, publish, file and record such other documents, instruments, notices (including Internal Revenue Service Form 8038) and records and to take such other actions as shall be necessary or desirable to accomplish the purposes of this Resolution and to comply with and perform the obligations of the Municipality under the Bond and the Financing Agreement.

In the event that the Mayor or the Clerk shall be unable by reason of death, disability, absence or vacancy of office to perform in timely fashion any of the duties specified herein (such as the execution of Bond, the Financing Agreement, the Tax Agreement, or the assignment of the Promissory Note), such duties shall be performed by the officer or official succeeding to such duties in accordance with law and the ordinances of the Municipality.

Publication of Notice.

Notice of the sale of the Bonds, in the form attached hereto as Exhibit B, shall be published forthwith in the Municipality's official newspaper (for the publication of notices under Chapter 985 of the Wisconsin Statutes) as a class 1 notice under Chapter 985 of the Wisconsin Statutes. The Clerk shall obtain proof, in affidavit form, of such publication, and shall compare the Notice as printed with the form attached hereto as Exhibit B to ascertain that no mistake has been made therein.

Public Approval.

The Governing Body, on behalf of the Municipality, hereby approves of the issue of Bonds for the purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended.

Effective Date; Conformity.

This Resolution shall be effective immediately upon its passage and approval. To the extent that any prior resolutions of this body are inconsistent with the provisions hereof, this Resolution shall control and such prior resolutions shall be

deemed amended to such extent as may be necessary to bring them in conformity with this Resolution.

On motion by Alderperson Hammond and second by Alderperson *, the Resolution was passed on call of the roll:
Ayes: Bohren, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann-15.
Nays: None.

Res. No. 142 - 10 - 11. By Alderperson Hammond. November 15, 2010.

A RESOLUTION directing the City Attorney to seek a new opinion by the State Attorney General to specifically clarify the portion of the statute indicated as to whether “unspent funds for library services for a prior year” are to “NOT be included as funding for the purposes of computing the 3-year average”.

WHEREAS, State Statute 43.15 titled “Libraries” governs the financial calculation necessary to meet Maintenance of Effort;

WHEREAS, the method of calculation regarding the Maintenance of Effort provision, 43.15(4)(c)5, details, in plain language the items that shall and shall NOT be included in the financial calculation. The statute specifically states the following”:

43.15(4)(c)5 – “The following are NOT be included as funding for purposes of computing the 3-year average”, and WHEREAS, 43.15(4)(c)5(b) then states the following:

(b) “Unspent funding appropriated by a municipality or county for library services for a prior year”.

NOW, THEREFORE BE IT RESOLVED: That due to the discrepancy between past actions and the plain language of the statute, the Common Council directs the City Attorney, to seek a new opinion by the State Attorney General to specifically clarify the portion of the statute indicated as to whether “unspent funds for library services for a prior year” are to “NOT be included as funding for the purposes of computing the 3-year average”. This request is to specifically ask for the Attorney General to determine, based on the statute noted, if by not including “unspent funds” in calculating Maintenance of Effort is the statute met.

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

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

Ayes: Bohren, Bowers, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey, Wangemann-15.
Nays: None.

Res. No. 143 – 10 - 11. By Alderperson Kittelson. November 15, 2010.

A RESOLUTION authorizing acceptance of 2011 Wisconsin Bureau of Transportation Safety, Speed Enforcement Grant.

WHEREAS, the City of Sheboygan Police Department has the opportunity to obtain a grant in the total amount of \$35,000 from the Wisconsin Department of Transportation, Bureau of Transportation Safety, to assist in developing the city’s capacity to provide additional patrols engaging in high visibility enforcement of speeding and seat belt enforcement .

WHEREAS, during 2009 speed-related crashes were listed as a contributing factor in 21.8% of all crashes and almost 34% of all fatal crashes. In the State of Wisconsin 182 people died in these crashes. Excessive speed is often associated with other high-risk behaviors that increase the likelihood of a crash with significant injury or death occurring; these include following too closely and failure to wear safety belts.

WHEREAS, in order to obtain the grant in the amount of \$35,000, it was necessary for the Police Chief to submit an application through the Wisconsin Department of Transportation, Bureau of Transportation Safety; and

WHEREAS, the funding received would be \$35,000 from Federal sources with a local match of 25% required;

WHEREAS, the 25% match would be met within the current Police Department Budget.

NOW, THEREFORE, BE IT RESOLVED: that the City of Sheboygan Common Council authorizes the Chief of Police to sign all documents necessary for the grant application and the administration thereof.

Res. No. 144 – 10 - 11. By Alderperson Kittelson. November 15, 2010.

A RESOLUTION authorizing acceptance of 2011 Wisconsin Bureau of Transportation Safety, Alcohol Enforcement Grant.

WHEREAS, the City of Sheboygan Police Department has the opportunity to obtain a grant in the total amount of \$35,000 from the Wisconsin Department of Transportation, Bureau of Transportation Safety, to assist in developing the city’s capacity to provide additional patrols engaging in high visibility enforcement of impaired driving, speeding and seat belt enforcement .

WHEREAS, during 2009 alcohol was listed as a contributing factor in 5.8% of all crashes and 41% of all vehicle crash fatalities in 2009 were alcohol related, resulting in 223 deaths in the State of Wisconsin. Alcohol related driving is

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also associated with other high-risk behaviors that increase the likelihood of a crash with significant injury or death occurring; these include speeding and failure to wear safety belts.

WHEREAS, in order to obtain the grant in the amount of \$35,000, it was necessary for the Police Chief to submit an application through the Wisconsin Department of Transportation, Bureau of Transportation Safety; and

WHEREAS, the funding received would be \$35,000 from Federal sources with a local match of 25% required;

WHEREAS, the 25% match would be met within the current Police Department Budget.

NOW, THEREFORE, BE IT RESOLVED: That the City of Sheboygan Common Council authorizes the Chief of Police to sign all documents necessary for the grant application and the administration thereof.

Res. No. 145 – 10 – 11. By Alderperson Kittelson. November 15, 2010.

A RESOLUTION authorizing acceptance of 2011 Wisconsin Bureau of Transportation Safety, Wisconsin TRACS/ Citation Tracking Implementation Grant.

WHEREAS, the City of Sheboygan Police Department has the opportunity to obtain a grant in the total amount of \$70,968.89 from the Wisconsin Department of Transportation, Bureau of Transportation Safety, to assist in developing the city's capacity to enter and transmit the greatest possible number of electronic records to the State of Wisconsin.

WHEREAS, this increase in the number of electronic citations and crash reports will expand its ability to use and share the electronic data for problem identification, program development and resource allocation and will assist the Sheboygan Police Department with complying with 2009 Wisconsin ACT 28 relating to Traffic Stop Data Collection .

WHEREAS, in order to obtain the grant in the amount of \$70,968.89, it was necessary for the Police Chief to submit an application through the Wisconsin Department of Transportation, Bureau of Transportation Safety; and

WHEREAS, the funding received would be \$70,968.89 from Federal sources with a local match of 25% required;

WHEREAS, the 25% match would be met within the current Police Department Budget.

NOW, THEREFORE, BE IT RESOLVED: That the City of Sheboygan Common Council authorizes the Chief of Police to sign all documents necessary for the grant application and the administration thereof.

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

Chief Domagalski spoke.

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the three (3) foregoing Resolutions were passed on call of the roll:

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

Nays: None.

Res. No. 146 - 10 - 11. By Alderperson Montemayor. November 15, 2010.

A RESOLUTION extending the deadline for the Special Committee on the Regulation of Dangerous Dogs to complete its charge and submit a report to the Common Council.

WHEREAS, Resolution No. 119-10-11 establishing a Special Committee on the Regulation of Dangerous Dogs, adopted October 18, 2010, called for the Special Committee to "utilize its best efforts to complete its charge and submit a report to the Common Council by the second Council meeting in November 2010;" and

WHEREAS, the Special Committee has met on two occasions and is making good progress toward developing non-breed specific dangerous dog regulations, but requires more time to complete its charge.

NOW, THEREFORE, BE IT RESOLVED: That the Special Committee on the Regulation of Dangerous Dogs utilize its best efforts to complete its charge and submit a report to the Common Council by the second regular Council meeting in December 2010.

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

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

Nays: None.

Res. No. 147 - 10 - 11. By Alderpersons Bohren, Bouck, Hammond and Versey. November 15, 2010.

A RESOLUTION to conduct the Council vote on the 2011 Budget no earlier than November 29, 2010.

WHEREAS, the proposed dates in the budget process for the Common Council to vote on the 2011 Budget were "22 or 29 November, 2010",

WHEREAS, there has been a recent, significant change to the 2011 Budget Proposal,

WHEREAS, it benefits the taxpayers of Sheboygan for the Alderpersons to take additional time for thoughtful consideration and individual constituent input.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council shall hold its vote on the 2011 Budget no earlier than November 29, 2010.

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A motion by Alderperson Bohren and second by Alderperson Versey was made to pass the Resolution.

Before action was taken thereon, a motion by Alderperson Hammond and second by Alderperson Hanna to amend to "hold its final vote on the 2011 Budget no earlier than the 24th of November" was passed, the majority of Alderpersons present voting "Aye" and Alderperson Heidemann voting "Nay."

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

Ayes: Dekker, Hammond, Hanna, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, Sampson, VanderWeele, Wangemann-11.

Nays: Bohren, Bowers, Heidemann, Versey-4.

Res. No. 148 - 10 - 11. By Alderpersons Hammond, Bouck, Bohren and Rindfleisch. November 15, 2010.

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

Lies over under the rules.

Res. No. 149 - 10 - 11. By Alderpersons Hammond, Bouck, Bohren and Rindfleisch. November 15, 2010.

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

Lies over under the rules.

Res. No. 150 - 10 - 11. By Alderpersons Versey, Bohren, Heidemann, Bouck, Bowers and Sampson. November 15, 2010.

A RESOLUTION authorizing the City of Sheboygan Fire Department to only conduct "Emergency Long Distance Transfers" as a last resort.

On motion by Alderperson Roeseler and second by Alderperson Kittelson, the Resolution was placed on file on call of the roll:

Ayes: Dekker, Hammond, Hanna, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele-9.

Nays: Bohren, Bowers, Heidemann, Sampson, Versey, Wangemann-6.

Res. No. 151 - 10 - 11. By Alderperson Hammond. November 15, 2010.

AN INITIAL RESOLUTION REGARDING EXEMPT FACILITY BOND FINANCING FOR GREEN ENVIROTECH HOLDINGS CORP.

Was referred to the Committee on Finance.

Res. No. 152 - 10 - 11. By Alderperson Hammond. November 15, 2010.

A RESOLUTION authorizing the Purchasing Agent to enter into contract with Kwik-Trip Stores Inc. of La Crosse WI for the provision of a fuel card program for all City of Sheboygan departments using unleaded gasoline.

Was referred to the Committee on Finance.

Res. No. 153 - 10 - 11. By Alderperson Kittelson. November 15, 2010 .

A RESOLUTION amending the city's bond schedule.

Was referred to the Committee on Public Protection and Safety.

Res. No. 154 - 10 - 11. By Alderperson Kittelson. November 15, 2010.

A RESOLUTION authorizing application for 2011 Wisconsin Department of Transportation, Bureau of Transportation Safety, Data Driven Approaches To Crime and Traffic Safety Grant Solicitation.

Was referred to the Committee on Public Protection and Safety.

Res. No. 155 - 10 - 11. By Alderperson Bohren. November 15, 2010.

A RESOLUTION authorizing the appropriate City Officials to enter into agreement with Englewood Electrical Supply (local Eaton/Cutler Hammer supplier) for the replacement of one 1,200 amp break assembly on the main switch gear at the Wastewater Treatment Plant.

Was referred to the Committee on Public Works.

REPORTS OF COMMITTEES

***R. C. No. 274 - 10 - 11. By LAW AND LICENSING. November 15, 2010.**

Your Committee to whom was referred Com. No. 40-10-11 from Brent Miller stating that there are concerns regarding the loud and disturbing noise coming from the bar REHAB on S. 8th St.; recommends that the document be placed on file.

***R. C. No. 275 - 10 - 11. By MARINA AND HARBOR. November 15, 2010.**

November 15, 2010

Your Committee to whom was referred R. O. No. 236-10-11 by the Deputy Finance Director/Treasurer submitting the Harbor Centre Marina Balance Sheet from Operations dated August 31, 2010, as submitted by Skipper Marine; recommends that the Report of Officer be accepted and placed on file.

***R. C. No. 276 - 10 - 11. By FINANCE. November 15, 2010.**

Your Committee to whom was referred R. O. No. 273-10-11 by the City Clerk submitting a communication from Alderperson Bowers being a reorganization of the Sheboygan Fire Department based on Manitowoc's Fire Department; recommends that the document be placed on file.

***R. C. No. 277 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. November 15, 2010.**

Your Committee to whom was referred the following:

1. A copy of R. O. No. 273-10-11 by the City Clerk submitting a communication from Alderperson Bowers being a reorganization of the Sheboygan Fire Department based on Manitowoc's Fire Department; and
2. R. O. No. 276-10-11 by the City Clerk submitting a communication from James Reinl stating his opinions regarding the whole Fire Department/Ambulance situation;

recommends that the documents be placed on file.

***R. C. No. 278 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. November 15, 2010.**

Your Committee to whom was referred R. O. No. 277-10-11 by the City Clerk 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.; recommends that the document be placed on file and directs that an ordinance be drafted to change the parking regulations at that location.

***R. C. No. 279 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. November 15, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 281-10-11 by the Fire Chief submitting a communication in response to Res. No. 28-10-11 directing a presentation to Council of a long term plan for the fire department by November 1, 2010; and
2. R. O. No. 282-10-11 by the Fire Chief submitting his quarterly report 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. 280 - 10 - 11. By LAW AND LICENSING. November 15, 2010.**

Your Committee to whom was referred, pursuant to R. O. No. 253-10-11 and R. O. No. 274-10-11 by the City Clerk, license applications for the period ending June 30, 2011 and June 30, 2012; recommends that the following licenses be granted:

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

No.	Name
2775	Shipwrecked
2774	Union Ave. Tap

BEVERAGE OPERATOR'S LICENSE (June 30, 2012)

No.	Name
8888	Buelow-Williams, Jessica A.
8886	Gartzke, Jennifer A.
8887	Irish, Casey A.
2391	Lawrence, Michelle L.
8878	McDonald, Brittany J.
7888	Meyer, Timothy J.
8873	Olson, Richard D.
8891	Timilsaina, Lekhanath

TAXICAB OPERATOR LICENSE (June 30, 2011)

No.	Name
8177	McKenzie, David J.
8889	Sterk, John R.

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. 281 - 10 - 11. By WHOLE. November 15, 2010.**

Your Committee to whom was referred R. C. No. 190-10-11 by Finance and Res. No. 61-10-11 by Alderperson Rindfleisch establishing a policy that provides greater opportunities for businesses located in the City of Sheboygan to win

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sealed-bid lowest-cost City contracts while protecting taxpayers from inflated bids; recommends that the documents be placed on file.

R. C. No. 282 - 10 - 11. By **WHOLE. November 15, 2010.**

Your Committee to whom was referred Res. No. 122-10-11 by Alderpersons Hanna and Kittelson agreeing to match savings from union concessions and a levy increase to be used to retain city personnel for 2011; recommends that the Resolution be placed on file.

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

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

Nays: None

***R. C. No. 283 - 10 - 11. By **FINANCE**. November 15, 2010.**

Your Committee to whom was referred Res. No. 128-10-11 by Alderperson Montemayor authorizing entering into an agreement with Vandewalle & Associates, Inc., to update the City of Sheboygan's Comprehensive Plan; recommends that the Resolution be passed.

R. C. No. 284 - 10 - 11. By **PUBLIC PROTECTION AND SAFETY. November 15, 2010.**

Your Committee to whom was referred Res. No. 135-10-11 by Alderperson Kittelson authorizing the Mayor to execute the Joint Powers Agreement for Sheboygan County and City of Sheboygan 911 Emergency Systems; recommends that the Resolution be passed.

Was accepted and adopted.

R. C. No. 285 - 10 - 11. By **SALARIES AND GRIEVANCES. November 15, 2010.**

Your Committee to whom was referred Res. No. 136-10-11 by Alderperson Hanna 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; recommends that the Resolution be passed.

Was accepted and adopted.

R. C. No. 286 - 10 - 11. By **FINANCE. November 15, 2010.**

Your Committee to whom was referred Res. No. 132-10-11 by Alderperson Hammond authorizing a transfer of appropriations in the 2010 Budget (establishing estimated revenue and appropriations for the Comprehensive Planning Grant); recommends that the Resolution be passed.

Was accepted and adopted.

R. C. No. 287 - 10 - 11. By **FINANCE. November 15, 2010.**

Your Committee to whom was referred Res. No. 133-10-11 by Alderperson Hammond being an Initial Resolution Regarding Industrial Development Revenue Bond Financing To Benefit Torginol, Inc.; recommends that the Resolution be passed.

Was accepted and adopted.

R. C. No. 288 - 10 - 11. By **FINANCE. November 15, 2010.**

Your Committee to whom was referred Res. No. 134-10-11 by Alderperson Hammond being a Final Resolution regarding Midwestern Disaster Area Revenue Bond Financing To Benefit Just Kids Dental, S.C. Project; recommends that the Resolution be passed.

Was accepted and adopted.

RESOLUTIONS ON SECOND READING

***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.

WHEREAS, the City of Sheboygan was one of the first communities to submit a comprehensive plan with Smart Growth elements incorporated. In the 2000 plan, 12 key planning recommendations were proposed and the City has achieved most of the recommendations/accomplishments;

WHEREAS, the City Plan Commission interviewed four consultants regarding the proposed scope and chose Vandewalle & Associates to assist the City to undertake the plan development;

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WHEREAS, the Wisconsin Department of Administration has awarded the City of Sheboygan \$70,075 in grant funds to assist with the plan update and the required match to the grant includes Community Development Block Grant funds and local match;

RESOLVED: That the appropriate City officials are hereby authorized and directed to enter into contract with Vandewalle & Associates for \$95,000 to update the City of Sheboygan's Comprehensive Plan.

BE IT FURTHER RESOLVED: That the Finance Director/Treasurer is authorized to following accounts in payment thereof:

40061100-521900: \$70,075- Wisconsin Dept. of Administration

20998100-521500-10400: \$12,000- Block Grant Funds

10161100-521900: \$12,025- Local Match

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.

WHEREAS, Sheboygan County and the City of Sheboygan have each implemented an Emergency 911 System for the purposes of providing emergency services to residents and visitors of these municipalities, including fire fighting, law enforcement, ambulance, medical and other emergency services; and

WHEREAS, Sec. 146.70(9), Wis. Stats., "Joint Powers Agreement," requires that in implementing 911 systems as has been done by both Sheboygan County and the City of Sheboygan, municipalities shall annually enter into a Joint Powers Agreement, which Agreement shall be applicable on a daily basis and which shall provide that if an emergency services vehicle is dispatched in response to a request through either the Sheboygan County 911 System or the City of Sheboygan 911 System, such vehicle shall render its services to the persons needing the services, regardless of whether the vehicle is operating outside the vehicle's normal jurisdictional boundaries.

NOW, THEREFORE, BE IT RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to execute the Joint Powers Agreement – Sheboygan County and City of Sheboygan 911 Emergency Systems, effective for calendar year 2011, a copy of which is attached hereto and incorporated herein.

BE IT FURTHER RESOLVED: That the City Clerk is hereby authorized and directed to file a fully executed copy of this Joint Powers Agreement with the State of Wisconsin Department of Justice.

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

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

Nays: None

Abstain: Roeseler-1.

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.

WHEREAS, the City of Sheboygan continues to have a vacancy in the Director of Human Resources and Labor Relations position; and

WHEREAS, HR Unlimited, LLC has very satisfactorily performed the Human Resources and Labor Relations consulting services for the City of Sheboygan during 2010; and

WHEREAS, it is in the best interests of the City to renew the HR Unlimited, LLC consulting services agreement for the period January 1, 2011 through December 31, 2011, under the same terms and conditions.

NOW, THEREFORE, BE IT RESOLVED: That the Mayor is hereby authorized to renew the Human Resources and Labor Relations Service Agreement with HR Unlimited, LLC for the period January 1, 2011 through December 31, 2011, under the same terms and conditions as the existing Agreement. A copy of the renewal agreement is attached.

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

Ayes: Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Montemayor, Rindfleisch, Roeseler, VanderWeele-10.

Nays: Bohren, Bowers, Sampson, Versey, Wangemann-5.

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

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

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

Establishing estimated revenue and appropriation for the Comprehensive Planning Grant:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Capital Projects	Capital Projects	

WI Dept of Administration
Planning Grant
40061100-434201-0

City Development
Comprehensive Plan
40061100-521900

\$70,075

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

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

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

Nays: None.

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

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

WHEREAS, Section 66.1103 of the Wisconsin Statutes (the "Act") authorizes the City of Sheboygan, Wisconsin (the "Issuer"), to authorize the issuance and sale of bonds by the Issuer to construct, equip, re-equip, acquire by gift, lease or purchase, install, reconstruct, rebuild, rehabilitate, improve, supplement, replace, maintain, repair, enlarge, extend or remodel industrial projects; and

WHEREAS, Torginol, Inc., a Wisconsin corporation, and/or a related limited liability entity to be formed (collectively, the "Borrower"), desires to complete a project consisting of financing the (i) acquisition of an approximately 100,000 square foot facility located in the City of Sheboygan Business Center (the "Facility") to be used by the Borrower to manufacture specialty coating and resinous flooring media, (ii) rehabilitation of the Facility and (iii) professional fees and costs (collectively, the "Project"), all of which would contribute to the well-being of the City of Sheboygan, Wisconsin; and

WHEREAS, the cost of the Project is presently estimated to be greater than \$2,750,000, and the amount proposed to be financed with one or more series of tax-exempt and/or taxable industrial development revenue bonds does not exceed \$2,750,000; and

WHEREAS, the Borrower has requested that the Issuer now approve an initial resolution (the "Initial Resolution") providing for the financing of the Project in an amount not to exceed \$2,750,000; and

WHEREAS, the Issuer is a municipality organized and existing under and pursuant to the laws of the State of Wisconsin, and is authorized to enter into revenue agreements with eligible participants with respect to the Project whereby eligible participants agree to cause said Project to be constructed and to pay the Issuer an amount of funds sufficient to provide for the prompt payment when due of the principal and interest on said industrial development revenue bonds.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Sheboygan, Wisconsin, as follows:

1. Based upon representations of the Borrower, it is the finding and determination of the Common Council that the Project is a qualified "project" within the meaning of the Act and that the Borrower is an "eligible participant" within the meaning of the Act. The Issuer shall:

(a) Finance the Project in an amount not to exceed \$2,750,000; and

(b) Issue industrial development revenue bonds in one or more series of tax-exempt and/or taxable bonds (the "Bond(s)"), in an amount not to exceed \$2,750,000 in order to finance costs of the Project.

2. The aforesaid plan of financing contemplates, and is conditioned upon, the following:

(a) The Bonds shall never constitute an indebtedness of the Issuer within the meaning of any state constitutional provision or statutory limitation;

(b) The Bonds shall not constitute or give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers;

(c) The Project shall be subject to property taxation in the same amount and to the same extent as though the Project were not financed with industrial development revenue bonds;

(d) The Borrower shall find a purchaser for all of the Bonds; and

(e) The Issuer's out-of-pocket costs, including but not limited to legal fees and Trustee's fees, in connection with the issuance and sale of the Bonds shall be paid by the Borrower.

3. The aforesaid plan of financing shall not be legally binding upon the Issuer nor be finally implemented unless and until:

(a) The details and mechanics of the same are authorized and approved by a further resolution of the Common Council which shall be solely within the discretion of the Common Council;

(b) The City Clerk shall cause notice of adoption of this Initial Resolution, in the form attached hereto as Exhibit A, to be published once in a newspaper of general circulation in the City of Sheboygan, and the electors of the City of Sheboygan shall have been given the opportunity to petition for a referendum on the matter of the aforesaid Bond issue, all as required by law;

(c) Either no such petition shall be timely filed or such petition shall have been filed and said referendum shall have approved the Bond issue;

November 15, 2010

(d) The City Clerk shall have received an employment impact estimate issued under Section 560.034 of the Wisconsin Statutes;

(e) All documents required to consummate the financing have been duly authorized and delivered; and

(f) The Issuer and the Borrower have resolved all land use and special use issues with respect to the affected property and the Project.

4. Pursuant to the Act, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the Issuer's interests are not prejudiced thereby.

5. The City Clerk is directed, following adoption of this Initial Resolution (i) to publish notice of such adoption not less than one time in the official newspaper of the City of Sheboygan, Wisconsin, such notice to be in substantially the form attached hereto as Exhibit A and (ii) to file a copy of this Initial Resolution, together with a statement indicating the date the Notice to Electors was published, with the Secretary of Business Development of the State of Wisconsin within twenty (20) days following the date of publication of such notice.

6. This Initial Resolution is an "initial resolution" within the meaning of the Act and official action toward issuance of the Bonds for purposes of Sections 103 and 144 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder. Furthermore, it is the reasonable expectation of the Issuer that proceeds of the Bonds may be used to reimburse expenditures made on the Project prior to the issuance of the Bonds. The maximum principal amount of debt expected to be issued for the Project on the date hereof is \$2,750,000. This statement of official intent is made pursuant to Internal Revenue Code §1.150-2.

EXHIBIT A

NOTICE TO ELECTORS OF THE CITY OF SHEBOYGAN, WISCONSIN

TAKE NOTICE that the Common Council of the City of Sheboygan, Wisconsin (the "Issuer"), at a regular meeting held at City Hall, 828 Center Avenue, Sheboygan, Wisconsin, on November 15, 2010, adopted an Initial Resolution pursuant to Section 66.1103 of the Wisconsin Statutes, as amended, expressing the intention to issue not to exceed \$2,750,000 of industrial development revenue bonds of the Issuer (the "Bonds") on behalf of Torginol, Inc., a Wisconsin corporation, and/or a related limited liability entity to be formed (collectively, the "Borrower"). The Bonds are for financing a project on behalf of the Borrower consisting of the (i) acquisition of an approximately 100,000 square foot facility located in the City of Sheboygan Business Center (the "Facility") to be used by the Borrower to manufacture specialty coating and resinous flooring media, (ii) rehabilitation of the Facility and (iii) professional fees and costs (collectively, the "Project"). The Borrower has represented that the net number of full-time equivalent jobs which the Project is expected to create on the Project site is 5.

Pursuant to the terms of Section 66.1103 of the Wisconsin Statutes, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the Issuer's interests are not prejudiced thereby.

THE BONDS SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE ISSUER, NOR SHALL THE BONDS GIVE RISE TO ANY PECUNIARY LIABILITY OF THE ISSUER, NOR SHALL THE BONDS BE A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE ISSUER. RATHER, THE BONDS SHALL BE PAYABLE SOLELY FROM THE REVENUES AND OTHER AMOUNTS TO BE DERIVED PURSUANT TO THE REVENUE AGREEMENT RELATING TO SAID PROJECT TO BE ENTERED INTO BETWEEN THE ISSUER AND THE BORROWER.

The Initial Resolution may be inspected in the office of the City Clerk at 828 Center Avenue, Sheboygan, Wisconsin, during business hours.

TAKE FURTHER NOTICE THAT THE ELECTORS OF THE CITY OF SHEBOYGAN MAY PETITION FOR A REFERENDUM ON THE QUESTION OF THE BOND ISSUE. Unless within thirty (30) days from the date of the publication of this Notice a petition signed by not less than five percent (5%) of the registered electors of the City of Sheboygan is filed with the City Clerk requesting a referendum on the question of the issuance of the Bonds, the Issuer will issue the Bonds without submitting the proposition for the electors' approval. If such petition is filed as aforesaid, then the Bonds shall not be issued until approved by a majority of the electors of the City of Sheboygan voting thereon at a general or special election.

Susan Richards, City Clerk
City of Sheboygan, Wisconsin

Whereupon the meeting chairperson declared said Initial Resolution adopted, and I so recorded it.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the City hereto on this 15th day of November, 2010.

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.

BE IT RESOLVED by the Common Council of the City of Sheboygan, Sheboygan County, Wisconsin (the "Issuer"), as

follows:

Recitals.

Under Wisconsin Statutes, Section 66.1103, as amended (the "Act"), the Issuer is authorized and empowered to issue revenue bonds to finance eligible costs of qualified "projects" (as defined in the Act), and to enter into "revenue agreements" (as defined in the Act) with "eligible participants" (as defined in the Act).

Pursuant to an Initial Resolution duly adopted on July 19, 2010, the Issuer expressed its intention to issue industrial development revenue bonds of the Issuer in an amount not to exceed \$2,100,000 (the "Bonds") to finance a project on behalf of MarBisky Enterprises, LLC, a Wisconsin limited liability company (the "Borrower"), consisting of financing the (i) construction of an approximately 6,500 square foot pediatric dental facility to be located at 1337 North Taylor Drive in the City of Sheboygan, Wisconsin to be owned by the Borrower and leased to Just Kids Dental, S.C., a Wisconsin corporation, (ii) acquisition and installation of equipment and (iii) professional fees and costs. Subsequent to the adoption of the Initial Resolution, the Borrower has determined to use the proceeds of the Bonds to finance only items (i) and (iii) above (collectively, the "Project"). Notice of adoption of the Initial Resolution adopted on July 19, 2010 was published as provided in the Act, and no petition requesting a referendum upon the question of issuance of the revenue bonds has been filed.

Pursuant to the Act, the Issuer may finance a project which is located entirely within the geographic limits of the Issuer.

Drafts of the following documents have been submitted to this Common Council and are ordered filed in the office of the City Clerk:

a Bond Agreement (the "Bond Agreement"), proposed to be entered into among the Issuer, the Borrower, U.S. Bank National Association, as trustee (the "Trustee") and U.S. Bank National Association, as original purchaser (the "Original Purchaser");

a Promissory Note from the Borrower to the Issuer, and assigned to the Trustee; and

a No Arbitrage Certificate.

1.05 Pursuant to Wisconsin Statutes, Section 66.1103(2)(k)22, the Issuer may finance projects eligible to be financed with qualified Midwestern disaster area bonds under 26 USC 1400N (a), as modified by P.L. 110343, title VII, subtitle A , section 702 (d) (intro.) and (1) and it is intended that the Bonds be issued as Midwestern disaster area bonds.

Findings and Determinations.

It is hereby found and determined that:

based on representations of the Borrower, the Project constitutes a "project" authorized by the Act;

a public hearing has been duly held on November 15, 2010 in accordance with the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, at which residents of the City of Sheboygan, Wisconsin were given an opportunity to be heard in regard to the proposed issuance of the Bonds and the nature and location of the proposed Project;

the purpose of the Issuer's financing costs of the Project is and the effect thereof will be to promote the public purposes set forth in the Act;

it is desirable that a series of revenue bonds in the aggregate principal amount not to exceed \$2,100,000 be issued by the Issuer upon the terms set forth in the Bond Agreement, under the provisions of which the Issuer's interest in the Bond Agreement (except for certain rights as provided therein) and the loan repayments will be assigned to the Trustee as security for the payment of principal of and interest on and premium, if any, on all the Bonds outstanding under the Bond Agreement;

the loan payments provided for in the Bond Agreement, and the formula set out for revising those payments under the Bond Agreement as required under the Act, are sufficient to produce income and revenue to provide for the prompt payment of principal of and interest on and premium, if any, on Bonds issued under the Bond Agreement when due; the amount necessary in each year to pay the principal of and interest on the Bonds is the sum of the principal and interest on the Bonds due in such year, whether on a stated payment date, a redemption date, or otherwise; and the Bond Agreement provides that the Borrower shall provide for the maintenance of the Project in good repair, keeping it properly insured; and

under the provisions of the Act, the Bonds shall be special, limited obligations of the Issuer and the Bonds do not constitute an indebtedness of the Issuer, the State of Wisconsin or any political subdivision thereof, within the meaning of any state constitutional provision or statutory limitation, and do not constitute nor give rise to a charge against the general credit or taxing powers or a pecuniary liability of the Issuer, the State of Wisconsin or any political subdivision thereof.

Approvals and Authorizations; Parameters Resolution; Authentication of Transcript.

This resolution shall constitute the approval of the Bonds within the meaning of Section 147 (f) of the Internal Revenue Code of 1986, as amended, and the Bonds are hereby approved. There is hereby approved the issuance by the Issuer of its Midwestern Disaster Area Revenue Bonds (specifically, the Bonds) in an aggregate principal amount not to exceed \$2,100,000, for the purpose of financing the Project.

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The Issuer shall proceed to issue its Midwestern Disaster Area Revenue Bonds, Series 2010 (MarBisky Enterprises, LLC Project), in the aggregate principal amount not to exceed \$2,100,000, in the form and upon the terms set forth in the Bond Agreement, which terms, including without limitation, interest rates, redemption provisions and maturity, are for this purpose incorporated in this resolution and made a part hereof. The terms are hereby approved without further action by the Issuer, subject to the following parameters:

- (a) the initial interest rate shall not exceed 8%;
- (b) the sale and funding of the Bonds shall occur prior to December 31, 2010;
- (c) the final maturity date of the Bonds shall be no later than 30 years after the date of issuance; and
- (d) the maximum Bond Amount shall not exceed \$2,100,000.

If the Bonds are sold and issued in conformity with the parameters set forth herein, no further authorization by the Issuer is required, and the Mayor and the City Clerk of the Issuer are authorized and directed to execute, attest and deliver the documents listed in Section 1.04 herein which are hereby approved, together with such subsequent changes as may be requested and approved by bond counsel and the Issuer's attorney, and such other documents, agreements, instruments or certificates as are deemed necessary or desirable by the Issuer's attorney and bond counsel, including an Internal Revenue Service Form 8038.

In the event that the Bonds cannot be sold and issued in conformity with the parameters set forth above, no Bonds may be issued without approval of the Issuer pursuant to a subsequent resolution approving the terms of the Bonds.

Subject to the parameters set forth above, the Mayor and the City Clerk of the Issuer are authorized and directed to execute, attest and seal the Bonds as prescribed in the Bond Agreement and to deliver them to the Trustee (together with a certified copy of this resolution and any other documents required by the Bond Agreement) for authentication and delivery to the original purchaser; *provided, however*, that the Bonds will not be issued, nor will the Original Purchaser approve requisitions of Bond Proceeds, unless and until the Issuer and the Borrower have resolved all land use and special use issues with respect to the affected property and the Project, and the Project is approved by appropriate action on behalf of the Issuer and any private property associations which may have jurisdiction over the affected property.

The publication in the official newspaper of the Issuer of the notice for the public hearing referred to in Section 2(b) of this resolution, and such notice of public hearing as so published, are hereby ratified.

The Mayor, City Clerk and other officers of the Issuer are authorized to prepare and furnish to the Trustee and bond counsel certified copies of all proceedings and records of the Issuer relating to the Bonds, and such other affidavits and certificates as may be required by the Trustee and bond counsel to show the facts relating to the legality and marketability of the Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them.

The approval hereby given to the various documents referred to in this resolution includes the approval of such additional details therein as may be necessary and appropriate for their completion and such modifications thereto, deletions therefrom and additions thereto as may be approved by the Issuer's attorney and bond counsel. The execution of any document by the appropriate officer or officers of the Issuer herein authorized shall be conclusive evidence of the approval by the Issuer of such document in accordance with the terms hereof.

U.S. Bank National Association shall initially assume and perform the duties of Trustee.

3.07 Notice of sale of the Bonds, in the form attached hereto as Exhibit A, shall be published in the official newspaper of the Issuer as a class 1 notice under Chapter 985 of the Wisconsin Statutes.

3.08 The Bonds shall be limited obligations of the Issuer payable by it solely from revenues and income derived by or for the account of the Issuer from or for the account of the Borrower pursuant to the Bond Agreement. As security for the payment of the principal of, premium, if any, and interest on the Bonds, the Issuer shall pledge and assign to the Trustee all of its right, title and interest in and to the trust estate described in the Bond Agreement.

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

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

Nays: None.

Abstain: Versey-1.

ORDINANCES INTRODUCED

Gen Ord. No. 40 - 10 - 11. By Alderperson Kittelson. November 15, 2010.

AN ORDINANCE repealing and recreating various sections of the Municipal Code, so as to incorporate recent state law changes.

Lies over under the rules to December 6, 2010.

Gen. Ord. No. 41 - 10 - 11. By Alderperson Hammond. November 15, 2010.

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AN ORDINANCE repealing and recreating Section 58-36 of the Municipal Code relating to meetings between the library board and the council finance committee.

Was referred to the Committee on Finance.

Gen. Ord. No. 42 - 10 - 11. By Alderperson Kittelson. November 15, 2010.

AN ORDINANCE repealing and recreating various portions of Chapter 26 of the Sheboygan Municipal Code so as to change the forfeiture structure for violations of the chapter, effective June 1, 2011.

Was referred to the Committee on Public Protection and Safety.

Gen. Ord. No. 43 - 10 - 11. By Alderperson Kittelson. November 15, 2010.

AN ORDINANCE repealing and recreating subsection (a) of sec. 1-13 of the Sheboygan Municipal Code and sec. 1-14 of the Sheboygan Municipal Code so as to update the statutory authority for the issuance of citations and to provide additional authority for specific city officials to issue citations directly related to the official responsibilities of said officials.

Was referred to the Committee on Public Protection and Safety.

Gen. Ord. No. 44 – 10 – 11. By Alderperson Bohren. November 15, 2010.

AN ORDINANCE amending Sections 122-403, 122-404 and 122-405 of the Municipal Code relating to sewers and sewerage disposal.

Was referred to the Committee on Public Works.

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

Mayor

City Clerk