

**COMMON COUNCIL**

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

**SEVENTEENTH REGULAR MEETING**

The Council met: Monday, December 6, 2010.

Mayor Bob Ryan in the Chair:

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

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

Excused –Heidemann – 1.

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the reading of the minutes of the Sixteenth Regular Meeting held November 15, 2010, and the minutes of the First Special Meeting held November 22, 2010 were approved as entered on the record, all Alderpersons present voting "Aye".

**RESIGNATION**

320 Lincoln Avenue  
Sheboygan, WI 53081  
November 28, 2010  
The Honorable Mayor Bob Ryan  
City of Sheboygan  
828 Center Avenue  
Sheboygan, WI 53083

Dear Mayor Ryan:

I regret to inform you that I find it necessary to resign as citizen member of the Government Structure Committee. I have enjoyed the opportunity to serve on this committee as they have made recommendations to the Common Council on the position of a City Administrator and the number of Alderpersons to serve after Sheboygan County is redistricted in 2012. I will be undergoing ankle surgery next week and the subsequent recovery time will not allow me to attend for several months.

This committee has important issues on it's agenda and it would be best if you could appoint another citizen who could serve in my place.

Sincerely Mike Vandersteen

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**

December 6, 2010

**HONORABLE MEMBERS OF THE COMMON COUNCIL:**

I hereby submit the following appointment for your consideration:

Robert Ryan, to be appointed to the Tax Incremental District (TID) No. 14 Joint Review Board.

MAYOR BOB RYAN

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

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

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

Nays: None,

**CONFIRMATION OF 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

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

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

Nays: None,

**CITIZEN AWARDS**

**PUBLIC FORUM**

Frank Koczan, 2829 Erie Ave., spoke.

**MAYOR'S ANNOUNCEMENTS**

**HEARINGS**

**Hearing No. 6 - 10 - 11. December 6, 2010.**

Pursuant to a notice published and personal notices sent by the City Clerk, there is a hearing scheduled for this evening to amend the City of Sheboygan Official Zoning Map to establish the Use District Classification of the following described property to Neighborhood Residential (NR):

Property located at 3805 Sheridan Ave.

LOT 1, BLOCK 3 OF KUETHER & BORN SUBDIVISION AND PART OF SHERIDAN AVENUE ADJACENT TO SAID LOT 1, LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 16, T. 15 N., R. 23 E., SHEBOYGAN COUNTY, STATE OF WISCONSIN, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SW CORNER OF SECTION 16, T. 15 N., R. 23 E., THENCE N 89° 42' E ALONG THE SOUTH LINE OF SAID SECTION 497.85' TO THE SW CORNER OF KUETHER & BORN SUBD. THENCE N 0° 15' E ALONG THE WEST LINE OF SAID SUBDIVISION 478.0' TO THE SW CORNER OF LOT 1, BLOCK 3 OF SAID SUBDIVISION, THAT ALSO BEING THE POINT OF BEGINNING, THENCE N 0°15' E 60.0' TO THE NW CORNER OF SAID LOT, SAID CORNER BEING A POINT ON THE SOUTH R/W LINE OF SHERIDAN AVENUE, THENCE CONTINUING N 0°15' E 60.0 TO THE SW CORNER OF LOT 11, BLOCK 2 OF KUETHER & BORN SUBDIVISION, SAID CORNER BEING A POINT ON THE NORTH R/W LINE OF SHERIDAN AVENUE, THENCE N 89°42' E ALONG SAID NORTH R/W LINE 132.8' TO THE SE CORNER OF SAID LOT 11, BLOCK 2, SAID CORNER ALSO BEING A POINT ON THE WEST R/W LINE OF N. 38TH STREET, THENCE S 0°15' W ALONG SAID WEST R/W LINE AND ITS EXTENSION 120.0' TO THE SE CORNER OF LOT 1, BLOCK 3 OF SAID SUBDIVISION, THENCE S 89°42' W ALONG THE SOUTH LINE OF SAID LOT 1 132.8' TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 15,936.0 SQ. FT.

All interested persons will now be heard.

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

**Hearing No. 7 - 10 - 11. December 6, 2010.**

Pursuant to a notice published and personal notices sent by the City Clerk, there is a hearing scheduled for this evening to amend the City of Sheboygan Official Zoning Map to establish the Use District Classification of the following property to Suburban Commercial (SC):

Property located at 1232 N. 40<sup>th</sup> St. more particularly described as:

Tract "A", Volume 1 of Certified Survey Maps, page 259, Document #936892, being part of the NE ¼ of the NE ¼ of Section 20, T.15N., R.23E. in the Town of Sheboygan, Sheboygan County, State of Wisconsin. Said tract contains 1.00 acres.

All interested persons will now be heard.

Steve Sokolowski spoke.

On motion by Alderperson Kittelson and second by Alderperson Rindfleisch, the foregoing hearing was closed, all Alderpersons present voting "Aye".

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

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

Nays: None.

COMMUNICATIONS AND PETITIONS

Com. No. 47 - 10 - 11. December 6, 2010.

Submitting an email from Alderperson Bohren with an article from the League of Municipalities titled, "Inflation Factor Set at 3% for Expenditure Restraint Program."

Was referred to the Committee on Finance and to the Strategic Fiscal Planning.

Com. No. 48 - 10 - 11. December 6, 2010.

Submitting an email from the Deputy Finance Director/Treasurer titled, "WI Retirement Rates".

Was referred to the Committee on Finance, the Committee on Salaries and Grievances and Strategic Fiscal Planning.

Com. No. 49 - 10 - 11. December 6, 2010.

Submitting a communication from Harold Biebel requesting a renewal of the agreement to place and operate the popcorn wagon in Fountain Park for the summer months in 2011.

Was referred to the Committee on Public Works.

Com. No. 50 - 10 - 11. December 6, 2010.

Submitting a communication from Edward Fritsch stating that he strongly opposes the construction of a sidewalk along the south end of S. 18<sup>th</sup> St.

Was referred to the Committee on Public Works.

Com. No. 51 - 10 - 11. December 6, 2010.

Submitting a communication from Mike and Terri DeMaster stating that they object to the ban on using small garbage bags.

Was referred to the Committee on Public Works.

REPORTS OF OFFICERS

\*R. O. No. 309 - 10 - 11. By BOARD OF CONTRACTORS EXAMINERS. December 6, 2010.

Attached hereto we are submitting applications for Building Contractor Licenses already GRANTED:

2050 Carl Wilterdink Carpenter Contractor

\*R. O. No. 310 - 10 - 11. By CITY ATTORNEY. December 6, 2010.

Submitting, as a matter of record, the following Easements (mini-storm sewer) which have been recorded in the Sheboygan County Register of Deeds Office:

- 1. Easement dated August 6, 2010 between the City of Sheboygan and Charles Edward Whitman and Joyce L. Whitman (1004 N. 27th St.);
2. Easement dated August 10, 2010 between the City of Sheboygan and Rebecca M. Gersmehl 3413 N. 12th St.);
3. Easement dated August 17, 2010 between the City of Sheboygan and Gordon R. Netzow, trustee of Gordon R. Netzow Survivor's Trust (1018 N. 27th St.);
4. Easement dated September 1, 2010 between the City of Sheboygan and Donald A. Mueller and Virginia L. Mueller (2620 S. 15th St.); and
5. Easement dated September 8, 2010 between the City of Sheboygan and Michael G. Rolloff and Lisa M. Rolloff (2614 S. 15th St.).

\*R. O. No. 311 - 10 - 11. By CITY CLERK. December 6, 2010.

Submitting various license applications.

COMMERCIAL OPERATOR'S LICENSE (December 31, 2010)

Table with 2 columns: No., Name. Rows include Alliant Energy, Autumn Ridge Landscaping, Courtyard Landscape Serv., Grass Cuts Lawn Service, Greenscape, JB Lawn Care, Landmark Landscape Inc., M & K Lawn Services, Morse Landscaping LLC, Parns Landscape Management.

- 1999 Professional Landscaping
- 2735 R & R Tree Cutting Service
- 2183 Restoration Gardens
- 1308 Salms Tree Service
- 2169 T & L Services
- 1770 TDN Utility Services
- 2280 Trepanier's Lawn & Snow
- 1984 Trugreen-Chemlawn

MASSAGE ESTABLISHMENT LICENSE (December 31, 2010)

- | No.  | Name                       |
|------|----------------------------|
| 1001 | Accent Therapeutics        |
| 1685 | Bonelli, Robyn             |
| 2180 | Donna Grady                |
| 1112 | Entourage Salon & Spa      |
| 2496 | Ginger Glomski-Miller      |
| 2044 | Groove Salon Ltd           |
| 2437 | Haven Hands                |
| 1205 | Jomaji Salon & Spa Inc.    |
| 1717 | Sheboygan Memorial Medical |

SECONDHAND ARTICLE LICENSE (December 31, 2010)

- | No.  | Name             |
|------|------------------|
| 2602 | J J Fab          |
| 2297 | Music Boxx LLC   |
| 1302 | Rudnick Jewelers |

TEMPORARY CLASS "B" LICENSE

- | No.  | Name                 |
|------|----------------------|
| 1064 | Christ Child Academy |

**R. O. No. 312 - 10 - 11. By CITY CLERK. December 6, 2010.**

Submitting a petition from "Citizens Who Love Mead Library" directing the Alderpersons and Mayor to vote in favor of the "Maintenance of Effort".

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

**R. O. No. 313 - 10 - 11. By CITY CLERK. December 6, 2010.**

Submitting a communication from James Kennedy requesting that the City vacate the street that is immediately south of his property at 532 S. Water St.

Was referred to the City Plan Commission

**R. O. No. 314 - 10 - 11. By CITY CLERK. December 6, 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. 315 - 10 - 11. By DEPUTY FINANCE DIRECTOR/TREASURER. December 6, 2010.**

Submitting the Harbor Centre Marina Balance Sheet from Operations dated October 31, 2010, as submitted by Skipper Marine.

Was referred to the Marina and Harbor Committee.

**R. O. No. 316 - 10 - 11. By BUILDING INSPECTION DEPARTMENT. December 6, 2010.**

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

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 317 - 10 - 11. By CITY CLERK. November 15, 2010.**

Submitting a letter requesting a waiver of the Sex Offender residency regulations from Nicole Johnson, agent for Christy Groh.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 318 - 10 - 11. By CITY CLERK. December 6, 2010.**

Submitting a memo from Chief Hermann regarding an update on the recent Pierce Rescue Pumper acquisition.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 319 - 10 - 11. By FIRE CHIEF. December 6, 2010.**

Submitting the Third Quarter 2010 EMS Quality Assurance and Quality Improvement Report (July 1, 2010 – September 30, 2010).

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 320 - 10 - 11. By BUILDING INSPECTION. December 6, 2010.**

Submitting the report for the Building Inspection Department for the month of November 2010.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 321 - 10 - 11. By CITY CLERK. December 6, 2010.**

Submitting a communication from Adriana Uribe requesting an extension of hours at the Kiwanis Fieldhouse premises on December 31, 2010.

Was referred to the Committee on Public Works.

**R. O. No. 322 - 10 - 11. By CITY CLERK. December 6, 2010.**

Submitting a communication from Van Der Vaart, Inc., stating that they will be sponsoring The Sheboygan Home Expo 2011 at Blue Line Ice Center and are requesting that they be allowed to put up two "ATTENTION GETTER" signs on city-owned property from Friday April 1, 2011 until Monday, April 4, 2011.

Was referred to the Committee on Public Works.

**R. O. No. 323 - 10 - 11. By CITY CLERK. December 6, 2010.**

Submitting a communication and a formal request for a two year extension from hooking up to the mini-storm sewer adjacent to property at 3814 S. 17<sup>th</sup> St. (as per Section 26-1002(d) of the Municipal Code).

Was referred to the Committee on Public Works.

**R. O. No. 324 - 10 - 11. By CITY CLERK. December 6, 2010.**

Submitting an update of the Senior Activity Center Commission By-Laws from Alderpersons Kath and Montemayor.

On motion by Alderperson Montemayor and second by Alderperson Kath, the Report of Officer was referred to the Senior Activity Center Commission, all Alderpersons present voting "Aye".

**R. O. No. 325 - 10 - 11. By CITY CLERK. December 6, 2010.**

Submitting a claim from American Family Insurance on behalf of their clients Carl and Marcella Blomwillis for alleged damages to their vehicle and injuries when they stopped for a school bus and was rear ended by a Sheboygan Police Car (additional information provided regarding existing Claim #25-09).

Was referred to the Special Committee on Risk Management.

**R. O. No. 326 - 10 - 11. By CITY CLERK. December 6, 2010.**

Submitting a claim from David Trilling for alleged damages to the front and back doors at 2117 N. 11<sup>th</sup> St. when the police carried out a search warrant of the property.

Was referred to the Special Committee on Risk Management.

**R. O. No. 327 - 10 - 11. By CITY CLERK. December 6, 2010.**

Submitting a Summons and Complaint in the matter of Wisconsin Housing and Economic Development Authority, assignee of Community Bank & Trust vs. Angela M. Puddy et al.

Was referred to the Special Committee on Risk Management.

**R. O. No. 328 - 10 - 11. By CITY CLERK. December 6, 2010.**

Submitting an amended Summons and Complaint in the matter of PHH Mortgage Corporation vs. Derrick C. Lee et al.

Was referred to the Special Committee on Risk Management.

**R. O. No. 329 - 10 - 11. By CITY CLERK. December 6, 2010.**

Submitting a Summons and Complaint in the matter of Alexandra M. Heyn and the City of Sheboygan vs. Toni L. Albert et al.

Was referred to the Special Committee on Risk Management.

RESOLUTIONS INTRODUCED

**Res. No. 156 - 10 - 11. By Alderperson Montemayor. December 6, 2010.**

**A RESOLUTION** authorizing the purchase of 712 S. Water Street for the purposes of the razing the property for future redevelopment.

Was referred to the City Plan Commission.

**Res. No. 157 - 10 - 11. By Alderperson Montemayor. December 6, 2010.**

**A RESOLUTION** authorizing the sale of Lots 23 and 39, North Field Meadows Subdivision.

Was referred to the Committee on Finance and to the City Plan Commission.

**Res. No. 158 - 10 - 11. By Alderperson Montemayor. December 6, 2010.**

**A RESOLUTION** authorizing the purchase of 1026, 1028, 1028A Erie Avenue for the purposes of the razing the property for new private investment in the neighborhood as part of the Neighborhood Revitalization Strategy Area activities.

Was referred to the City Plan Commission.

**Res. No. 159 - 10 - 11. By Alderperson Montemayor. December 6, 2010.**

**A RESOLUTION** authorizing the sale of City-owned property at 1309 Center Avenue.

Was referred to the City Plan Commission.

**Res. No. 160 - 10 - 11. By Alderperson Hammond. December 6, 2010.**

**A FINAL RESOLUTION** REGARDING INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING TO BENEFIT TORGINOL, INC. PROJECT.

Was referred to the Committee on Finance.

**Res. No. 161 - 10 - 11. By Alderperson Hammond. December 6, 2010.**

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

Was referred to the Committee on Finance.

**Res. No. 162 - 10 - 11. By Alderperson Hammond. December 6, 2010.**

**A RESOLUTION** amending Res. No. 228-97-98, relating to fees charged to the issuer of checks which are not honored upon presentation.

Was referred to the Committee on Finance.

**Res. No. 163 - 10 - 11. By Alderperson Hammond. December 6, 2010.**

**A RESOLUTION** authorizing entering into agreement with Bartolotta Fireworks Company for 2011 Independence Day fireworks display.

Was referred to the Committee on Finance.

**Res. No. 164 - 10 - 11. By Alderperson Hammond. December 6, 2010.**

**A RESOLUTION** authorizing entering into a development agreement with BV Sheboygan, LLC for the redevelopment of the former Wal-Mart property located at 609 S. Taylor Drive.

Was referred to the Committee on Finance.

**Res. No. 165 - 10 - 11. By Alderperson Hanna. December 6, 2010.**

**A RESOLUTION** authorizing the appropriate City officials to enter into contract with Delta Dental to administer dental benefit plan services for the City for calendar year 2011.

**Res. No. 166 - 10 - 11. By Alderperson Hanna. December 6, 2010.**

**A RESOLUTION** authorizing the appropriate city officials to enter into agreement with Diversified Benefit Services, Inc. to administer the Health Reimbursement Arrangement (HRA) for calendar year 2011.

**Res. No. 167 - 10 - 11. By Alderperson Hanna. December 6, 2010.**

**A RESOLUTION** authorizing the appropriate City officials to enter into agreement with United Health Care (UMR) to provide third-party administration services for the City's medical health benefit plan for calendar years 2011 and 2012.

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

A motion by Alderperson Hanna and second by Alderperson Montemayor, was made to pass the (3) three foregoing Resolutions.

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Before action was taken thereon, a motion by Alderperson Bohren and second by Alderperson Bouck was made to refer the (3) three foregoing Resolutions to the Committee on Salaries and Grievances passed on the call of the roll:  
Ayes: Bohren, Bouck, Bowers, Dekker, Hammond, Hanna, Sampson, Wangemann – 8.  
Nays: Kath, Montemayor, Rindfleisch, Roeseler, VanderWeele, Versey – 6.  
Abstain: Kittelson – 1.

**REPORTS OF COMMITTEES**

**\*R. C. No. 289 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. December 6, 2010.**

Your Committee to whom was referred Com. No. 45-10-11 from Peter Scheibel of The Vollrath Co. regarding issues with trucks being pulled over on N. 23<sup>rd</sup> 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; recommends that the Communication be accepted and placed on file and directing that an ordinance be drafted to post this sign(s).

**\*R. C. No. 290 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. December 6, 2010.**

Your Committee to whom was referred Com. No. 46-10-11 from Tom Turks requesting that a light on the electrical pole be placed in the alley between Kentucky and Alabama Avenues and between S. 7<sup>th</sup> and S. 8<sup>th</sup> Sts. due to gang symbols being painted on the garages; recommends that the document be placed on file.

**\*R. C. No. 291 - 10 - 11. By LAW AND LICENSING. December 6, 2010.**

Your Committee to whom was referred R. O. No. 274-10-11 and pursuant to R. O. No. 302-10-11 by the City Clerk, various 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

BEVERAGE OPERATOR'S LICENSE (June 30, 2012)

No.	Name
8900	Davis, Anthony J.
8894	Dawson, Joshua S.
8905	Estrada, Jennifer L.
8897	Holm, Patrick F.
8890	Lemire, Candice H.
8893	Markevitch, Gary A.
6738	Pirrung, Eric J.
8895	Ruppel, Peggy J.
8896	Segovia, Andrew A.
8901	Strahl, Robin K.

TAXICAB OPERATOR LICENSE(June 30, 2011)

No.	Name
8438	Castillo, Salvador G.
7889	Rios, Shirley A.

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. 292 - 10 - 11. By PUBLIC WORKS. December 6, 2010.**

Your Committee to whom was referred R. O. No. 283-10-11 by the City submitting a communication from Rebecca Ballantine et al., on behalf of a non-profit organization called Good Stock, writing in regards to a music event that they will be holding in Fountain Park on June 18, 2011 and listing the items they will provide and asking for a few things from the City; recommends that the Report of Officer be accepted and placed on file and to approve requests with staff limitations.

**\*R. C. No. 293 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. December 6, 2010.**

Your Committee to whom was referred R. O. No. 303-10-11 by the City Clerk 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; recommends that the Report of Officer be placed on file and to send a letter of apology to Ms. Netzow.

**\*R. C. No. 294 - 10 - 11. By PUBLIC WORKS. December 6, 2010.**

Your Committee to whom was referred R. O. No. 307-10-11 by the City Attorney stating that David L. Gartman is requesting that the Lease Agreement for the approximate 30 acres of the City-owned Poth property be renewed for

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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 and suggesting that this matter be referred to the Public Works Committee for consideration of a successor lease. The current (2010) lease is attached for reference; recommends that the Report of Officer be accepted and placed on file and to approve the lease agreement.

**R. C. No. 295 - 10 - 11. By LAW AND LICENSING. December 6, 2010.**

Your Committee to whom was referred R. O. No. 253-10-11 by the City Clerk, submitting license applications for the period ending June 30, 2011 and June 30, 2012; recommends that Taxicab Operator's License application #8884 be denied based upon her failure to include all relevant convictions on her taxicab operator's license application, her lengthy record of convictions and her failure to cooperate with the committee.

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

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

Nays: None.

**R. C. No. 296 - 10 - 11. By MARINA AND HARBOR. December 6, 2010.**

Your Committee to whom was referred R. O. No. 275-10-11 submitting the Harbor Centre Marina Balance Sheet from Operations dated September 30, 2010, as submitted by Skipper Marine; recommends that the Report of Officer be accepted and placed on file.

On motion by Alderperson Bouck and second by Alderperson Montemayor, the Report of Committee was accepted and adopted, all Alderpersons present voting "Aye".

**R. C. No. 297 - 10 - 11. By LAW AND LICENSING. December 6, 2010.**

Your Committee to whom was referred the following:

1. A copy of R. O. No. 299-10-11 by the City Clerk 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; and
2. R. O. No. 301-10-11 by the City Attorney submitting a communication from Attorney McLean to the Building Inspection Department regarding "Aspects of Local Dwelling Contractor Licensing Ordinances Preempted by State Law";

recommends that the documents be referred to the Board of Contractor Examiners.

Was referred to the Board of Contractors.

**\*R. C. No. 298 - 10 - 11. By FINANCE. December 6, 2010.**

Your Committee to whom was referred the following:

1. R. O. No. 300-10-11 by the Purchasing Agent 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; and
2. Res. No. 152-10-11 by Alderperson Hammond 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;

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

**\*R. C. No. 299 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. December 6, 2010.**

Your Committee to whom was referred Res. No. 154-10-11 by Alderperson Kittelson authorizing application for 2011 Wisconsin Department of Transportation, Bureau of Transportation Safety, Data Driven Approaches To Crime and Traffic Safety Grant Solicitation; recommends that the Resolution be passed.

**\*R. C. No. 300 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. December 6, 2010.**

Your Committee to whom was referred Res. No. 153-10-11 by Alderperson Kittelson amending the city's bond schedule; recommends that the Resolution be passed.

**\*R. C. No. 301 - 10 - 11. By PUBLIC WORKS. December 6, 2010.**

Your Committee to whom was referred Res. No. 155-10-11 by Alderperson Bohren 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; recommends that the Resolution be passed.

**R. C. No. 302 - 10 - 11. By FINANCE. December 6, 2010.**

Your Committee to whom was referred Res. No. 151-10-11 by Alderperson Hammond being an Initial Resolution regarding Exempt Facility Bond Financing For Green Envirotech Holdings Corporation; recommends that the Resolution be passed.

Was accepted and adopted.

**R. C. No. 303 - 10 - 11. By FINANCE. December 6, 2010.**

Your Committee to whom was referred Res. No. 156-10-11 by Alderperson Hammond authorizing the appropriate City officials to execute a Shared Savings Agreement with Wisconsin Power and Light Company relating to the financing of the purchase and installation of two 200 KW Capstone Micro Turbines for the Wastewater Treatment Plant; recommends that the Resolution be passed.

Was accepted and adopted.

**\*R. C. No. 304 - 10 - 11. By FINANCE. December 6, 2010.**

Your Committee to whom was referred Gen. Ord. No. 41-10-11 by Alderperson Hammond repealing and recreating Section 58-36 of the Municipal Code relating to meetings between the library board and the council finance committee; recommends that the Ordinance be passed.

**\*R. C. No. 305 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. December 6, 2010.**

Your Committee to whom was referred Gen. Ord. No. 42-10-11 by Alderperson Kittelson 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; recommends that the Ordinance be passed.

**\*R. C. No. 306 - 10 - 11. By PUBLIC PROTECTION AND SAFETY. December 6, 2010.**

Your Committee to whom was referred Gen. Ord. 43-10-11 by Alderperson Kittelson 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; recommends that the Ordinance be passed.

**\*R. C. No. 307 - 10 - 11. By PUBLIC WORKS. December 6, 2010.**

Your Committee to whom was referred Gen. Ord. No. 44-10-11 by Alderperson Bohren amending Sections 122-403, 122-404 and 122-405 of the Municipal Code relating to sewers and sewerage disposal; recommends that the Ordinance be passed.

**RESOLUTIONS ON SECOND READING**

**\*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.

**WHEREAS**, all City Departments and several other local governmental agencies have fueled their gasoline powered vehicles at the Municipal Service Building for many years and:

**WHEREAS**, new tanks and equipment being installed will not have the capacity to accommodate the fueling of these gasoline powered vehicles and:

**WHEREAS**, the City issued a Request For Proposals to local fuel vendors to provide fuel and a card system to accommodate these vehicles at a minimally higher cost per gallon above current bulk pricing:

**RESOLVED:** That the Purchasing Agent is hereby authorized to enter into agreement with Kwik Trip Stores Inc. for the provision of fuel and a card-based tracking system for a period of not less than three years in accordance with the Request For Proposals issued by the City.

**\*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.

**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 funded by the National Highway Traffic Safety Administration,

**WHEREAS**, The National Highway Traffic Safety Administration has recognized that there is a relationship between traffic safety enforcement, and crime. That the simple act of enforcing Traffic Safety Law, often results in criminal apprehension, as criminals also tend to be "bad actors" when operating a motor-vehicle and the utilization of Highly Visible Enforcement in areas plagued by both traffic safety and crime issues, allows the Law Enforcement Agency to effectively address two issues at once.

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**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 and the deployment of resources to High Visibility Traffic Enforcement based on local crime and crash data.

**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. 153 - 10 - 11. By Alderperson Kittelson. November 15, 2010.**

**A RESOLUTION** amending the city's bond schedule.

**WHEREAS**, §1-13(h) of the Municipal Code provides for the establishment and update of a bond schedule;

**WHEREAS**, the City adopted a bond schedule via Res. No. 287-05-06;

**WHEREAS**, there is a need to amend the bond schedule to comport with the changes to forfeiture amounts in Chapter 26 of the Code that go into effect on June 1, 2011;

**NOW THEREFORE BE IT RESOLVED**: That the bond schedule adopted via Res. No. 287-05-06 pursuant to §1-13(h), Sheboygan Municipal Code is hereby amended, effective June 1, 2011, to provide as follows:

- 1) The deposit for all violations of Chapter 26 of the Sheboygan Municipal Code, except those listed below, shall be set at \$500 plus costs.
- 2) The deposit for violations of subparagraphs (c) and (d) or (g) of §26-651, Sheboygan Municipal Code, shall be set at \$1000 plus costs.

**\*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.

**WHEREAS**, the original breaker assembly is over 30 years old and parts are no longer available and in its current condition presents an "arc flash" safety hazard.

**RESOLVED**: That the appropriate City Officials are hereby authorized and directed to enter into an 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 for the Quote Reference No. APB2101H010 for \$32,688.23 in payment of same from the Wastewater Treatment Plant Replacement Cost Center 60138300-980099.

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

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

**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**, Green EnviroTech Holdings Corp., a Delaware 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 existing approximately 288,500 square foot facility located at 2821 Muth Court in the City of Sheboygan, Wisconsin (the "Facility") to be used by the Borrower to recycle waste material, (ii) rehabilitation of the Facility, (iii) acquisition and installation of equipment and (iv) 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 \$25,000,000, and the amount proposed to be financed with one or more series of tax-exempt and/or taxable exempt facility bonds does not exceed \$25,000,000; 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 \$25,000,000; 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 exempt facility 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 \$25,000,000; and

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- (b) Issue exempt facility bonds in one or more series of tax-exempt and/or taxable bonds (the "Bond(s)"), in an amount not to exceed \$25,000,000 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;
- (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 there under. 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 \$25,000,000. 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 December 6, 2010, adopted an Initial Resolution pursuant to Section 66.1103 of the Wisconsin Statutes, as amended, expressing the intention to issue not to exceed \$25,000,000 of exempt facility bonds of the Issuer (the "Bonds") on behalf of Green EnviroTech Holdings Corp., a Delaware 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 existing approximately 288,500 square foot facility located at 2821 Muth Court in the City of Sheboygan, Wisconsin (the "Facility") to be used by the Borrower to recycle waste material, (ii) rehabilitation of the Facility, (iii) acquisition and installation of equipment and (iv) 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 120.

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**

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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.

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 6<sup>th</sup> day of December, 2010.

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

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

Nays: None.

Abstain: Versey – 1.

**Res. No. 156 - 10 - 11. By Alderperson Hammond. November 22, 2010.**

**A RESOLUTION** authorizing the appropriate City officials to execute a Shared Savings Agreement with Wisconsin Power and Light Company relating to the financing of the purchase and installation of two 200 KW Capstone Micro Turbines for the Wastewater Treatment Plant.

**RESOLVED:** That the appropriate City officials are hereby authorized to execute the Shared Savings Agreement with Wisconsin Power and Light Company, and associated financing documents, copies of which are attached, related to the financing of the purchase and installation of two 200 KW Capstone Micro Turbines for the Wastewater Treatment Plant.

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

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

Nays: None.

**ORDINANCES ON SECOND READING**

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

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

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

Section 1. Section 58-36 of the Sheboygan Municipal Code entitled "Meetings with council committee" is hereby repealed and recreated to read as follows:

"Sec. 58-36. Meetings with council committee.

At least once each year, the library board shall invite the council finance committee to meet jointly at a time and place agreeable to each."

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

**\*Gen. Ord. No. 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.

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

Section 1. Section 26-1 of the Municipal Code is hereby repealed and recreated to read as follows:

"Sec. 26-1. Penalties for violation of chapter.

Any violation of the provisions of this chapter for which a specific penalty is not provided shall subject the violator to a forfeiture of \$500.00, together with the costs of prosecution, and in default of payment thereof to imprisonment in the county jail until such forfeitures are paid, but not to exceed 90 days. Each day of violation or noncompliance shall constitute a separate offense."

Section 2. Subsection (a) of section 26-42 of the Municipal Code is hereby repealed and recreated to read as follows:

"Sec. 26-42. Occupancy permit.

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- (a) It shall be unlawful to use or permit the use of any commercial building or premises, or part thereof hereafter erected, altered or converted wholly or partly in its use from previous occupancy or where the premises or any portion thereof have become vacant for more than one year, until an occupancy permit has been obtained from the building inspection department."

Section 3. Section 26-93 of the Municipal Code is hereby repealed and recreated to read as follows:

"Sec. 26-93. - Certain acts unlawful.

Any person presenting or attempting to file or use the license and/or registration of another, or who shall give false or forged evidence of any kind to the board of examiners or to any member thereof, to obtain or maintain a license, or registration, or who shall falsely impersonate another, or who shall use an expired or revoked license or registration or shall violate any of the provisions of this division shall be subject to the penalties provided in section 26-1."

Section 4. Section 26-196 of the Municipal Code is hereby repealed and recreated to read as follows:

"Sec. 26-196. - Penalties for violation of article.

Any violation of, or noncompliance with, any of the provisions of this article shall subject the violator to a forfeiture of \$500.00, together with the costs of prosecution; and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 90 days. Each day of violation or noncompliance shall constitute a separate offense."

Section 5. Section 26-651 of the Municipal Code is hereby repealed and recreated to read as follows:

"Sec. 26-651. - Property Maintenance Code; penalties.

(a) This article and the International Property Maintenance Code, as adopted and modified in section 26-37(a)(2) of this Code shall be known as the Property Maintenance Code for all structures and properties and is referred to as the "Housing Maintenance Code" or "this article."

(b) Except as provided in this section, a violation of the Property Maintenance Code or of any lawful order of the housing inspector issued pursuant to such provisions shall subject the violator to a forfeiture of \$500.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not exceeding 90 days. Each day that a violation shall continue shall constitute a separate offense.

(c) If a vacant dwelling is relet after written notice is given by the housing inspector that a vacant dwelling or dwelling unit cannot be relet until all such violations are corrected, the owner shall be subject to a forfeiture of \$1,000.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not exceeding 60 days. Each rental period shall constitute a separate offense.

(d) Any person who shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, shall be subject to a forfeiture of \$1,000.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the penalty and costs are paid, but not exceeding 90 days."

Section 6. Section 26-908 of the Municipal Code is hereby repealed and recreated to read as follows:

Sec. 26-908. - Penalties for violation of article.

Any violation of the provisions of this article shall subject the violator to a forfeiture of \$500.00, together with the costs of prosecution, and, in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not to exceed 90 days. Each day of violation or noncompliance shall constitute a separate offense.

Section 7. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed as of June 1, 2011 to the extent of such conflict, and this ordinance shall be in effect upon passage, publication, and beginning on June 1, 2011.

**\*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.

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

Section 1. Subsection (a) of Section 1-13 of the Municipal Code is hereby repealed and recreated to read as follows:

"Sec. 1-13. Issuance of citations for violations of certain ordinances.

(a) Pursuant to §800.02, Wisconsin Statutes, the city elects to permit the use of the citation method of enforcement by its police officers for violations of city ordinances.

..."

Section 2. Section 1-14 of the Municipal Code is hereby repealed and recreated to read as follows:

"Sec. 1-14. Issuance of citations by city inspectors for violations of certain ordinances.

- (a) Pursuant to §800.02, Wisconsin Statutes, the city elects to use the citation method of enforcement by its authorized officials for violations directly related to the official responsibilities of said officials. Such authorized officials include, but are not limited to the following:
- (1) Community service officers acting under authority delegated to them by the chief of police or a traffic sergeant;
  - (2) Building inspectors issuing citations for violations of Chapters 26, 46, 50, 66, 110, and 122 and section 134-109 of the Sheboygan Municipal Code, and violations of the Sheboygan Zoning Ordinance;
  - (3) The manager of planning and zoning;
  - (4) The fire chief and his or her designees;
  - (5) The city engineer and his or her designees;
  - (6) The harbormaster and his or her designees.
- (b) Citations issued under subsection (a) shall include the following information:
- (1) The name and address of the alleged violator;
  - (2) Factual allegations describing the alleged violation;
  - (3) The time and place of the offense;
  - (4) The section of the ordinance violated;
  - (5) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so;
  - (6) The time at which the alleged violator may appear in court;
  - (7) A statement which, in essence, informs the alleged violator of the following:
    - a. A cash deposit based on schedule established by this section may be made which shall be delivered or mailed to the clerk of municipal court prior to the time of the scheduled court appearance.
    - b. If a cash deposit is made, no appearance in court is necessary unless subsequently summoned.
    - c. If the alleged violator makes a cash deposit and does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs authorized by statute not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
    - d. If the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter a judgment under §800.04, Wis. Stats., or the city may commence an action against the alleged violator to collect the forfeiture plus all costs authorized by statute.
    - e. If the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by statute punishable by a fine or imprisonment or both and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under §800.093, Wis. Stats.
  - (8) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under subsection (b)(7) of this section and shall send the signed statement with the cash deposit.
  - (9) Such other information as may be deemed necessary.
- (c) The common council shall establish a schedule of cash deposits by resolution. Copies of said schedule shall be available from the municipal court and the police department. The deposits shall be made in cash, money order or certified check, payable to the clerk of the municipal court, who shall provide a receipt therefore. If a violator is charged with an ordinance violation that has a penalty provision that provides each day of violation constitutes a separate and distinct offense, the applicable deposit and cost shall be multiplied by the number of days of violation to establish the applicable deposit and cost.
- (d) The provisions of §800.04(3) Wis. Stats., relating to violators' options and procedures on default, are adopted and incorporated in this section by reference as if fully set forth.
- (e) The adoption of this section shall not preclude the common council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- (f) The issuance of a citation under this section shall not preclude the city or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order."

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

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

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

Section 1. Section 122-403 of the Municipal Code entitled, "Categories of Users; Amounts; Reassignment - City of Sheboygan", is hereby amended to read as follows:

"Sec. 122-403. Categories of Users; Amounts; Reassignment - City of Sheboygan

- (a) No change
  - (1) Definition: The term "category A" is defined as normal domestic strength wastewater, that is, wastewater having concentrations of biochemical oxygen demand (BOD) no greater than 135 mg/l, suspended solids no greater than 178 mg/l, and total phosphorus no greater than 4.4 mg/l.
  - (2) Amount: The sewer service charge for category A wastewater is as follows:
    - a. Fixed charge, \$23.14 per quarter.
    - b. Volume charge, \$2.0477 total charge per 100 cubic feet.
- (b) Category B. No change
  - (1) Definition: The term "category B" is defined as wastewater having concentrations of biochemical oxygen demand greater than 135 mg/l, suspended solids greater than 178 mg/l, and phosphorous greater than 4.4 mg/l. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in category B. The minimum category B charge will be based on a concentration of not less than 132 mg/l for BOD, 190 mg/l for suspended solids, and 4.5 mg/l for phosphorous.
  - (2) Amount: No change
    - a. Fixed Charge - \$23.14 per quarter;
    - b. If billing is on a monthly basis, \$7.7133 per month.
    - c. Volume Charge, \$2.0477 per 100 cubic feet
    - d. Surcharge, total (per pound):
      - 1. BOD greater than 135 mg/L, \$0.2021.
      - 2. Suspended Solids greater than 178/mg/L, \$0.1404.
      - 3. Phosphorus greater than 4.4 mg/L, \$3.8138.

- (3) Computation - No change
  - (c) Reassignment of Users - No change
  - (d) Sampling Requirement - No change
    - (1) No change
    - (2) Sampling periods shall be two (2) consecutive days during normal operation.
    - (3) No change
    - (4) No change
    - (5) Sampling frequency (highest frequency applies) shall be as follows:

*Daily Pounds Waste Load*

<i>Sampling Frequency</i>	<i>BOD</i>	<i>Suspended Solids</i>	<i>Total Phosphorus</i>
Every other month	>600	>600	>12
Quarterly	300-600	300-600	6-12
Semi-annual	<300	<300	<6

- (6) No change"

Section 2. Section 122-404 of the Municipal Code entitled, "Categories of users; amounts; reassignment for other municipalities," is hereby amended to read as follows:

"Sec. 122-404. Categories of users; amounts; reassignment for other municipalities.

Other municipal users shall be charged pursuant to the guidelines established under this section.

	Village of Kohler	City of Sheboygan Falls	Town of Sheb. Dist. 2	Town of Wilson San. Sanitary Dist. No. 1	Town of Wilson San. Sanitary Dist. No. 2
Fixed Charge -	None	None	None	None	None
Volume Charge:					
Volume	\$0.2595	\$0.2595	\$0.2595	\$0.2595	\$0.2595
Debt Retirement	<u>.0803</u>	<u>.0803</u>	<u>.0803</u>	<u>.0803</u>	<u>.0803</u>
Total Volume Charge, per 1,000 gallons	0.3397	0.3397	0.3397	0.3397	0.3397

Surcharges:

BOD	0.2021	0.2021	0.2021	0.2021	0.2021
Suspended Solids	0.1404	0.1404	0.1404	0.1404	0.1404
Phosphorus	3.8138	3.8138	3.8138	3.8138	3.8138

Section 3. Section 122-405 of the Municipal Code entitled, "Charges for disposal of septic tank sludge, holding tank sewerage, or hauled wastewater," is hereby amended to read as follows:

"Sec. 122-405. Charges for disposal of septic tank sludge, holding tank sewerage, or hauled wastewater.

A person with a permit for disposing of hauled wastewater into the wastewater collection and treatment facilities shall be subject to the following charges and requirements:

- (1) Septic tank sludge, \$40.00 per 1,000 gallons.
- (2) Holding tank sewage, \$6.00 per 1,000 gallons.
- (3) Other hauled wastewater.
  - a. Hauled wastewater shall be sampled and characterized on the basis of suspended solids, BOD, total phosphorous, and pH. Frequency of sampling shall be based on experience and under the direction of the superintendent of the wastewater treatment plant.
  - b. Charges shall be made in accordance with the following method:
    1. Hauled wastewater analysis data shall be applied to the formula set forth in subsection 122-403(b)(3) exclusive of the fixed billing charge.
    2. The discharge fee per 1,000 gallons shall be determined on the result of subsection (3)(b.1 of this section, multiplied by 1.25."

Section 4. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

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

**AN ORDINANCE** amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to establish the Use District Classification of property located at 1232 N. 40<sup>th</sup> St. as Suburban Commercial (SC).

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

Section 1. Appendix A, Chapter 15 of the Sheboygan Zoning Ordinance establishing zoning districts and prescribing zoning standards and regulations is hereby amended by changing the Official Zoning Map thereof and establishing Use District Classification of the following described lands to Suburban Commercial (SC) Classification:

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

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

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

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

Nays: None.

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

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

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

Section 1. Appendix A, Chapter 15 of the Sheboygan Zoning Ordinance establishing zoning districts and prescribing zoning standards and regulations is hereby amended by changing the Official Zoning Map thereof and establishing Use District Classification of the following described lands to Neighborhood Residential (NR) Classification:

Property located at 3805 Sheridan Ave. described as follows:

LOT 1, BLOCK 3 OF KUETHER & BORN SUBDIVISION AND PART OF SHERIDAN AVENUE ADJACENT TO SAID LOT 1, LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 16, T. 15 N., R. 23 E., SHEBOYGAN COUNTY, STATE OF WISCONSIN, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SW CORNER OF SECTION 16, T. 15 N., R. 23 E., THENCE N 89° 42' E ALONG THE SOUTH LINE OF SAID SECTION 497.85' TO THE SW CORNER OF KUETHER & BORN SUBD. THENCE N 0° 15' E ALONG THE WEST LINE OF SAID SUBDIVISION 478.0' TO THE SW CORNER OF LOT 1, BLOCK 3 OF SAID SUBDIVISION, THAT ALSO BEING THE POINT OF BEGINNING, THENCE N 0°15' E 60.0' TO THE NW

CORNER OF SAID LOT, SAID CORNER BEING A POINT ON THE SOUTH R/W LINE OF SHERIDAN AVENUE, THENCE CONTINUING N 0°15' E 60.0 TO THE SW CORNER OF LOT 11, BLOCK 2 OF KUETHER & BORN SUBDIVISION, SAID CORNER BEING A POINT ON THE NORTH R/W LINE OF SHERIDAN AVENUE, THENCE N 89°42' E ALONG SAID NORTH R/W LINE 132.8' TO THE SE CORNER OF SAID LOT 11, BLOCK 2, SAID CORNER ALSO BEING A POINT ON THE WEST R/W LINE OF N. 38TH STREET, THENCE S 0°15' W ALONG SAID WEST R/W LINE AND ITS EXTENSION 120.0' TO THE SE CORNER OF LOT 1, BLOCK 3 OF SAID SUBDIVISION, THENCE S 89°42' W ALONG THE SOUTH LINE OF SAID LOT 1 132.8' TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 15,936.0 SQ. FT.

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

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

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

Nays: None.

**MATTERS LAID OVER**

**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.

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

Establishing estimated revenue and appropriation for G O Refunding Bonds issued for payment of G O Promissory Notes 2003 and G o Refunding Bonds 2001:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
G O Debt Service Fund	G O Debt Service Fund	
G O Refunding Bonds	Principal	
30115100-493501	30115100-719031	\$1,440,000
	G O Debt Service Fund	
	Interest	
	30115100-729031	\$4,525
	G O Debt Service Fund	
	Issuance Expense	
	30171140-521150	\$20,931
TID XI Debt service	TID XI Debt Service	
G O Refunding Bonds	Principal	
31115100-493501	31115100-719012	\$1,000,000
	TID XI Debt Service	
	Interest	
	31115100-722011	\$45,198
	TID XI Debt Service	
	Issuance Expense	
	31171140-521150	\$19,346

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

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

Nays: None.

**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.

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

Establishing estimated revenue and appropriation for TRaCs Enforcement grant received by the Sheboygan Police Department:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General Fund	General Fund	
Police Department	Police Department	

TRaCs Enforcement Grant  
10121100-434211

Police IT Equipment  
10121100-642200

\$71,000

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

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

Nays: None.

**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.

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

Section 1. Subsections (d) and (e) of Section 2-408 of the Sheboygan Municipal Code are hereby repealed and recreated to read as follows:

“Sec. 2-408. Municipal judge.

... .

d. *Election term.* The Municipal Judge shall be elected at large for a term of four years at the spring election held every four years beginning 2011 and shall take office on May 1 following the election. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selection at a primary election if such is held as provided in §8.11, Wis. Stats. The Elections Division of the Government Accountabilities Board shall serve as filing officer for the candidates.

e. *Electors.* Electors in all municipalities that are parties to the agreement creating the joint Municipal Court shall be eligible to vote for the Municipal Court Judge. Mid-term vacancies in the office of Municipal Judge shall be filled by temporary appointment jointly by the governing bodies of all municipalities served by the Judge, pursuant to Wis. Stats. §8.50(4)(fm). The salary of a Municipal Judge who is designated or appointed under Wis. Stats. §8.50(4)(fm) or §800.06 shall be determined by contract between the City of Sheboygan and the Judge. The Judge may not serve until the contract is entered into. The office shall then be permanently filled pursuant to state law.”

Section 2. Section 2-411 of the Sheboygan Municipal Code entitled “Collection of forfeitures and costs” is hereby repealed and recreated to read as follows:

“Sec. 2-411. Collection of forfeitures and costs.

The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938, Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. The Municipal Court shall collect all forfeitures, penalty assessments, jail assessments, fees and taxable costs in any action or proceeding and shall pay over such monies to the City Finance Director/Treasurer and the Village of Kohler Clerk/Treasurer within seven (7) days of collection, or as provided by agreement of the municipalities that are parties to the joint Municipal Court. At such time, the Municipal Court shall also report to the respective municipal treasurers the title of the action, nature of offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.”

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage, publication and January 1, 2011.

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

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

Nays: None.

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