

**COMMON COUNCIL**

Official Proceedings of the 2011-2012 Common Council of the City of Sheboygan.

**SEVENTEENTH REGULAR MEETING**

The Council met: Monday, December 5, 2011.

Mayor Bob Ryan in the Chair:

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

Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Absent and Excused: None.

On motion by Alderperson Dekker and second by Alderperson Hammond, the reading of the minutes of the Sixteenth Regular Meeting held November 21, 2011, was approved as entered on the record, all Alderpersons present voting "Aye".

**MAYOR'S APPOINTMENTS**

December 5, 2011

To the Honorable Members of the Common Council:

Pursuant to the requirements of Sec. 7.30 of the Wis. Stats., I herewith submit for your approval the list of nominations for Election Inspectors for all elections in 2012.

The aforementioned section of the law stipulates the manner in which Election Officials shall be chosen, and I tender my appointments as follows, to retain as much seniority and experience as is possible, while complying with the State Law.

Respectfully submitted,

BOB RYAN

Mayor

Lies over under the rules.

**CONFIRMATION OF MAYOR'S APPOINTMENTS**

November 21, 2011

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointment for your consideration:

Kevin Reetz to be considered for appointment to the Housing Authority to fill the unexpired term of Joe Rupnik whose term expires 4/23/12.

Robert Ryan, Mayor

On motion by Alderperson Dekker and second by Alderperson Hammond, the appointment was confirmed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

November 21, 2011

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointments for your consideration:

Ald. Darryl Carlson, to be appointed to the Finance Committee as Vice Chairman to fill the unexpired term of Eric Rindfleisch, whose term expires 4/16/12.

Ald. Frederick Boeldt, to be appointed to the Law & Licensing Committee to fill the unexpired term of Eric Rindfleisch, whose term expires 4/16/12.

Ald. Kevin Sampson, to be appointed to the Sustainable Sheboygan Task Force to fill the unexpired term of Eric Rindfleisch, whose term expires 4/16/12.

Bob Ryan, Mayor

On motion by Alderperson Dekker and second by Alderperson Hammond, the appointment was confirmed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

**MAYOR'S ANNOUNCEMENTS**

**HEARING**

Hearing No. 8 - 11 - 12. December 5, 2011.

**December 5, 2011**

As per notices published by the Development Manager, there will be a hearing this evening regarding adopting the Comprehensive Plan of the City of Sheboygan, Wisconsin.

All interested person will be heard.

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

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

#### **REPORTS OF OFFICERS**

**\*R. O. No. 286 - 11 - 12. By BOARD OF CONTRACTORS EXAMINERS. December 5, 2011.**

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

2279	Glenn Christel	Carpenter Contractor
	20401 Drews Rd	
	Kiel, WI 53042	

**\*R. O. No. 287 - 11 - 12. By CITY PLAN COMMISSION. December 5, 2011.**

Your Commission to whom was referred Gen. Ord. No. 42-11-12 and R. O. No. 277-11-12 relative to granting Joseph E. and Kathleen K. Jantz the privilege of encroaching upon described portions of N. 15<sup>th</sup> St. located at N. 15<sup>th</sup> St. and Wisconsin Ave. for the purpose of a parking lot (1418 Wisconsin Ave.); wishes to report this matter was discussed at the regular meeting of the City Plan Commission, November 29, 2011, and after due consideration, recommends approval of the encroachment and the attached Substitute Ordinance be drawn and passed and the Report of Officer be placed on file.

**\*R. O. No. 288 - 11 - 12. By CITY PLAN COMMISSION. December 5, 2011.**

Your Commission to whom was referred Gen. Ord. No. 43-11-12 and a copy of R. O. No. 277-11-12 relative to granting Joseph E. and Kathleen K. Jantz the privilege of encroaching upon described portions of Wisconsin Avenue located at N. 14<sup>th</sup> St. and Wisconsin Ave. for the purpose of paving a parking lot (810 N. 14<sup>th</sup> St.); wishes to report this matter was discussed at the regular meeting of the City Plan Commission, November 29, 2011, and after due consideration, recommends approval of the encroachment and the attached Substitute Ordinance be drawn and passed and a copy of the Report of Officer be placed on file.

**\*R. O. No. 289 - 11 - 13. By REDEVELOPMENT AUTHORITY. December 5, 2011.**

Your Authority to whom was referred R. O. No. 272-11-12 relative to submitting a communication from Fritz Grunewald of the Kettle Moraine Corvette Club requesting permission to hold their Custom Car Show on the grounds at the cul de sac at the east end of South Pier Dr. on Sunday, August 26, 2012; recommends approval of the request contingent upon the execution of a hold harmless agreement.

**R. O. No. 290 - 11 - 12. By CITY CLERK. December 5, 2011.**

Submitting the petition, a timeline together with a report of the results of the Recall of Mayor Ryan Petition and Certification of Sufficiency of the petition.

**TIMELINE:**

- Number of valid signatures/address to force an election - 4,121
- As per Wisconsin State Statutes, that number is 25% of the total votes cast for Governor in the City of Sheboygan at the last election (16,483)
- Katherine Matichek (petitioner) submitted 514 petition pages and per the petitioner's receipt, 4,723 signatures were filed with the City Clerk on November 1, 2011
- A challenge to the recall petition was submitted by Mayor Ryan on November 11, 2011 stating that he is challenging the reason stated on the recall petition
- A rebuttal to the challenge was filed by Kevin Matichek on November 16, 2011
- A reply to the rebuttal was filed by Mayor Ryan on November 18, 2011
- The City Clerk requested a legal opinion from the City Attorney and received that on November 22, 2011
- The City Clerk announced her determination on the Recall Petition for Mayor Ryan on November 30, 2011

**REPORT:**

- **Total number of signatures needed – 4,121**
- Total number of signatures turned in per petitioner's receipt – 4,723
- Total number of signatures not counted – 242
  - Reasons: combination of invalid addresses, addresses outside of the City of Sheboygan, duplicate signatures
- **Total number of signatures validated – 4,481**

**CERTIFICATION:**

After careful examination of the face of the petition, and after reviewing the City Attorney's legal opinion regarding the Sufficiency of Statement of Reason for the Recall of Mayor Ryan, I have determined that the Statement of Reason for Recall is sufficient to satisfy the statutory requirements of Sec. 9.10(2), Wis. Stats. Further, I have determined that the petition is signed by electors equal to at least 25% of the vote cast within the City of Sheboygan for the Office of Governor at the last gubernatorial election in compliance with Sec. 9.10(1)(b), Wis. Stats.

Therefore, I hereby certify that the Petition for Recall of Mayor Ryan is sufficient to call for a recall election and respectfully request that the Common Council order a Recall Primary Election for Mayor for January 17, 2012.

On motion by Alderperson Dekker and second by Alderperson Hammond, the Report of Officer was accepted and placed on file, and the Council ordered the election for January 17, 2012. An election for January 17, 2012 was ordered, all Alderpersons present voting "Aye".

**R. O. No. 291 - 11 - 12. By CITY CLERK. December 5, 2011.**

Submitting various license applications.

**COMMERCIAL OPERATORS LICENSE APPLICATION** (December 31, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1470	Alliant Energy	4421 Tower Dr.
2787	CG Services LLC	N1403 Sauk Trail Rd., Oostburg
2617	Lawn Ranger	2622 Grey Fox Ct.
1727	Millhome Nursery & Green.	N9573 Rhine Rd., Elkhart Lake
1985	Otter Creek Landscape	N6625 Hwy 57, Plymouth
2183	Restoration Gardens LLC	6018 Superior Ave., Kohler
1308	Salms Tree Service	920 Dillingham Ave.
1984	Trugreen-Chemlawn	2015 W Spencer St., Appleton

**MESSAGE ESTABLISHMENT LICENSE APPLICATION** (12/31/2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1001	Accent Therapeutics	3119 Main Ave.
1685	Bonelli, Robyn	1812 Superior Ave.
2258	Curative Therapies LLC	604 Erie Ave.
2441	Darling Therapies	604 Erie Ave.
2180	Donna Grady – Massage Therapy	809 N. 8 <sup>th</sup> St.
1112	Entourage Salon & Spa	726 Michigan Ave.
2871	Hands in Motion	1224 Weeden Creek Rd.
2437	Haven Hands	3144 Wilgus Ave.
2463	Professional Massage Therapy	1509 N. 13 <sup>th</sup> St.
2804	Reflections Spa	725 Blue Harbor Dr.
2496	Salus Face & Body Studio	1327 N. 8 <sup>th</sup> St.

**SECONDHAND DEALER LICENSE APPLICATION** (December 31, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2602	J J Fab	1134 Ontario Ave.
2297	Music Boxx LLC	1119 N. 8 <sup>th</sup> St.

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

**R. O. No. 292 - 11 - 12. By CITY PLAN COMMISSION. December 5, 2011.**

Your Commission to whom was referred Gen. Ord. No. 48-11-12 relative to amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of property located at 1426 North 28<sup>th</sup> Street from SC Suburban Commercial to MR-8 Mixed Residential-8 District Classification; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, November 29, 2011, and after due consideration, recommends approval of the Ordinance.

Lies over under the rules to December 19<sup>th</sup>.

**R. O. No. 293 - 11 - 12. By CITY CLERK. December 5, 2011.**

Submitting a communication from the residents of Settlement Trail thanking the Common Council and the members of the Public Protection and Safety Committee for providing their neighborhood with street lights.  
Lies over under the rules.

**R. O. No. 294 - 11 - 12. By CITY CLERK. December 5, 2011.**

Submitting a communication from Paul Mentink, Vice President of the Executive Board of the Above and Beyond Museum requesting an encroachment on the property located at 902 N. 8<sup>th</sup> St. in order to building a ship coming out of the building.  
Was referred to the City Plan Commission.

**R. O. No. 295 - 11 - 12. By CITY CLERK. December 5, 2011.**

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.  
Was referred to the Committee on Law and Licensing.

**R. O. No. 296 - 11 - 12. By DEPUTY FINANCE DIRECTOR/TREASURER. December 5, 2011.**

Submitting the Harbor Centre Marina Balance Sheet from Operations dated October 31, 2011, as submitted by Skipper Marine.  
Was referred to the Marina and Harbor Committee.

**R. O. No. 297 - 11 - 12. By CITY CLERK. December 5, 2011.**

Submitting a communication from Ron Van Rooyen, President of RCS Empowers, requesting that a painted crosswalk pavement marking across Geele Ave. between N. 15<sup>th</sup> St. and Calumet Dr.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 298 - 11 - 12. By CITY CLERK. December 5, 2011.**

Submitting a communication from Anthony McDaniel requesting a waiver from the Sex Offender Residency restriction in order to live at 1913 N. 15<sup>th</sup> St.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 299 - 11 - 12. By CITY CLERK. December 5, 2011.**

Submitting a communication from Andrew E. Sarber requesting a waiver from the Sex Offender Residency restriction in order to live at 1537 N. 11<sup>th</sup> St. until December 16<sup>th</sup> when he will be moving out of the City.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 300 - 11 - 12. By CITY CLERK. December 5, 2011.**

Submitting a communication from Christopher Jolitz requesting a waiver from the Sex Offender Residency restriction in order to live at 422 Huron Ave.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 301 - 11 - 12. By CITY CLERK. December 5, 2011.**

Submitting a communication from Dr. Matthew Driscoll of James Madison Elementary School requesting the following:

- Make David Ave. a one-way street between S. 22<sup>nd</sup> and S. 24<sup>th</sup> St. from east to west
- Place crossing guards at the intersections of S. 22<sup>nd</sup> and David Ave. and S. 22<sup>nd</sup> and Georgia

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 302 - 11 - 12. By FIRE CHIEF. December 5, 2011.**

Pursuant to Section 50-496 of the Municipal Code, I herewith submit my report of departmental activity for the period commencing July 1, 2011, and ending September 30, 2011.  
Was referred to the Committee on Public Protection and Safety.

**R. O. No. 303 - 11 - 12. By CITY CLERK. December 5, 2011.**

Submitting a claim from Laurie Entringer for alleged damages to her vehicle when she turned left and drove over the island with right front wheel on the northwest corner of Wilgus Rd. and Taylor Dr. handicapped island.  
Was referred to the Special Committee on Risk Management.

**R. O. No. 304 - 11 - 12. By CITY CLERK. December 5, 2011.**

Submitting a claim from Carol Butzen for alleged injuries when she twisted and sprained her ankle and wrist in a pothole walking in the crosswalk at Superior Ave. and N. 11<sup>th</sup> St.

Was referred to the Special Committee on Risk Management.

**R. O. No. 305 - 11 - 12. By PURCHASING AGENT. December 5, 2011.**

Submitting a tabulation of Bid #1687-11 A received on November 29, 2011 for the purchase of industrial chemicals for the Wastewater Treatment Plant from January 1, 2012 through December 31, 2012.

Was referred to the Committee on Public Works.

**RESOLUTION INTRODUCED**

**\*Res. No. 109 - 11 - 12. By Alderperson Hammond. December 5, 2011.**

**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 2011 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 1.

**RESOLVED:** That the 2011 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, 2012. Any payments received after May 1, 2012, 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, 2011, as is set forth in Section 106-54(a) of the Municipal Code.

**\*Res. No. 110 - 11 - 12. By Alderperson Hammond. December 5, 2011.**

**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 2011 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 2.

**RESOLVED:** That the 2011 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, 2012. Any payments received after May 1, 2012, shall be charged interest at the rate of one percent (1%) per month or fraction thereof.

December 5, 2011

**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, 2011, as is set forth in Section 106-54(a) of the Municipal Code.

**\*Res. No. 111 - 11 - 12. By Alderperson Hammond. December 5, 2011.**

**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 2011 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 2011 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. 12<sup>th</sup> 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. 12<sup>th</sup> 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, 2012. Any payments received after May 1, 2012, 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, 2011, as is set forth in Section 106-54(a) of the Municipal Code.

**\*Res. No. 112 - 11 - 12. By Alderperson Hammond. December 5, 2011.**

**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 2011 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 5.

**RESOLVED:** That the 2011 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, 2012. Any payments received after May 1, 2012, shall be charged interest at the rate of one percent (1%) per month or fraction thereof.

December 5, 2011

**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, 2011, as is set forth in Section 106-54(a) of the Municipal Code.

**Res. No. 113 - 11 - 12. By Alderperson VanderWeele. December 5, 2011.**

**A RESOLUTION** authorizing the City Attorney to engage the services of special outside legal counsel to represent the Law & Licensing Committee and Common Council with regard to a quasi-judicial hearing regarding the suspension/revocation of Beverage Operator's License No. 6011 (David M. Nennig), and authorizing payment for said services.

**RESOLVED:** That the Common Council hereby authorizes the City Attorney to engage the services of special outside legal counsel to represent the Law & Licensing Committee and Common Council with regard to a quasi-judicial hearing regarding the suspension/revocation of Beverage Operator's License No. 6011 (David M. Nennig), and authorizing payment for said services.

**BE IT FURTHER RESOLVED:** That the Finance Director/Treasurer is hereby authorized and directed to draw on the City Attorney's Judgments & Settlement Expense Account No. 10119100-590400 in payment for said services.

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

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

**Res. No. 114 - 11 - 12. By Alderperson Sampson. December 5, 2011.**

**A RESOLUTION** authorizing the appropriate City officials to execute the Reservation of Restrictions required by the DNR Stewardship Program upon the City-owned Gateway Neighborhood Park Parcel (NE corner of North 10th St. and Erie Ave.)

Was referred to the City Plan Commission.

**Res. No. 115 - 11 - 12. By Alderpersons Hammond, Versey and Sampson. December 5, 2011.**

**A RESOLUTION** approving the Capital Improvements Program recommended by the Capital Improvements Commission, for the program period of 2012 and adopting the program for implementation.

Was referred to the City Planning Commission.

**Res. No. 116 - 11 - 12. By Alderman Bohren. December 5, 2011.**

**A RESOLUTION** authorizing the Purchasing Agent to enter into contract for the purchase of Wastewater Treatment Plant Chemicals Sodium Hypochlorite & Sodium Bi-Sulfite for Calendar 2012.

Was referred to the Committee on Public Works.

**REPORTS OF COMMITTEES**

**\*R. C. No. 249 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. December 5, 2011.**

Your Committee to whom was referred Com. No. 15-11-12 from Mary Turk requesting some sort of signage to be put near the crosswalk/curb in front of Alpine condos at 928 Wisconsin Ave.; recommends that the document be accepted and placed on file and to approve the request.

**\*R. C. No. 250 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. December 5, 2011.**

Your Committee to whom was referred R. O. No. 240-11-12 by the City Clerk submitting a claim from Juana Hernandez for alleged damages to his vehicle when, during a windy evening, a tree fell and damaged his vehicle; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

**\*R. C. No. 251 - 11 - 12. By PUBLIC WORKS. December 5, 2011.**

Your Committee to whom was referred R. O. No. 278-11-12 by the City Clerk submitting a communication from Van Der Vaart, Inc., requesting permission to put up "Attention Getter" signs on City-owned property during The Sheboygan Home Expo 2012 to be held at the Sheboygan Blue Line Ice Center; recommends that the document be accepted and placed on file and to approve the request.

**\*R. C. No. 252 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. December 5, 2011.**

Your Committee to whom was referred R. O. No. 299-09-10 by the City Clerk submitting a claim from Ernest Evraets for alleged injuries when he tripped on the uneven sidewalk near N. 6<sup>th</sup> St. and St. Clair Ave.; recommends that the document be placed on file.

**\*R. C. No. 253 - 11 - 12. By LAW AND LICENSING. December 5, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 38-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:  
BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>
3923	Altmeyer, Melissa J.
9390	Janey, Heather J.
9391	Krutke, Darlene M.
9385	Salazar, Cesar
9388	Stillwell, Emily A.
9392	Thuemmler, Kayla M.
9389	Zerger, Brian R.

TAXICAB OPERATOR'S LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>
7441	Gollihue, Carolyn S.

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. 254 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. December 5, 2011.**

Your Committee to whom was referred Res. No. 104-11-12 by Alderperson Kittelson authorizing executing the Lease Agreement on behalf of the Sheboygan Police Department as lead agency for the Sheboygan County MEG Unit with Sheboygan County for administrative space; recommends that the Resolution be passed.

**\*R. C. No. 255 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. December 5, 2011.**

Your Committee to whom was referred Res. No. 105-11-12 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.

**\*R. C. No. 256 - 11 - 12. By PUBLIC WORKS. December 5, 2011.**

Your Committee to whom was referred Res. No. 106-11-12 by Alderperson Bohren authorizing entering into Amendment No. 1 to the Agreement for Engineering Services for S. 18<sup>th</sup> St. Reconstruction Project between the City of Sheboygan and Robert E. Lee & Associates, Inc.; recommends that the Resolution be passed.

**\*R. C. No. 257 - 11 - 12. By PUBLIC WORKS. December 5, 2011.**

Your Committee to whom was referred Res. No. 107-11-12 by Alderperson Bohren authorizing entering into Amendment No. 2 to the Agreement for Engineering Services for Center Ave., New York Ave., Wisconsin Ave., N. 6<sup>th</sup> St. (Part A); Wisconsin Ave., Washington Ct. and N. 5<sup>th</sup> St. (Part B) between the City of Sheboygan and Robert E. Lee & Associates, Inc.; recommends that the Resolution be passed.

**\*R. C. No. 258 - 11 - 12. By PUBLIC WORKS. December 5, 2011.**

Your Committee to whom was referred Res. No. 108-11-12 by Alderperson Bohren authorizing entering into Amendment No. 3 to the Agreement for Engineering Services for Huron Ave. from N. 10<sup>th</sup> St. to N. 14<sup>th</sup> St. between the City of Sheboygan and Robert E. Lee & Associates, Inc.; recommends that the Resolution be passed.

**\*R. C. No. 259 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. December 5, 2011.**

Your Committee to whom was referred Gen. Ord. No. 49-11-12 by Alderperson Kittelson amending the City of Sheboygan Municipal Code so as to create Section 26-46 relating to the registration of vacant buildings; recommends that the Ordinance be passed.

**\*R. C. No. 260 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. December 5, 2011.**

Your Committee to whom was referred Gen. Ord. No. 50-11-12 by Alderperson Kittelson relating to stop signs so as to require north and southbound traffic on N. 5<sup>th</sup> St. to stop at the intersection with Washington Ct.; recommends that the Ordinance be passed.

**\*R. C. No. 261 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. December 5, 2011.**

Your Committee to whom was referred Gen. Ord. No. 51-11-12 by Alderperson Kittelson amending the City of Sheboygan Municipal Code so as to create Section 26-45 relating to the provision of a local operator for certain properties; recommends that the Ordinance be passed.

**R. C. No. 262 - 11 - 12. By PUBLIC WORKS. December 5, 2011.**

Your Committee to whom was referred a copy of Gen. Ord. No. 52-11-12 by Alderpersons Roeseler, Versey, Kittelson, Sampson and Dekker amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to add a position to the Table of Organization in the Department of Public Works for the City of Sheboygan; recommends the following –  
Was referred to the Committee on Salaries and Grievances.

**RESOLUTIONS ON SECOND READING**

**\*Res. No. 104 - 11 - 12. By Alderperson Kittelson. November 21, 2011.**

**A RESOLUTION** authorizing the appropriate City officials to execute the Lease Agreement on behalf of the Sheboygan Police Department as lead agency for the Sheboygan County MEG Unit with Sheboygan County for administrative space.

**RESOLVED:** That the Mayor and City Clerk are hereby authorized and directed to execute the Lease Agreement between Sheboygan County and Sheboygan County Multi-Jurisdictional Enforcement Group by its lead agency City of Sheboygan Police Department, a copy of which is attached hereto and incorporated herein.

**\*Res. No. 105 - 11 - 12. By Alderperson Kittelson. November 21, 2011.**

**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 2012, 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.

**\*Res. No. 106 - 11 - 12. By Alderperson Bohren. November 21, 2011.**

**A RESOLUTION** authorizing entering into Amendment No. 1 to the Agreement for Engineering Services for South 18<sup>th</sup> Street Reconstruction Project between the City of Sheboygan and Robert E. Lee & Associates, Inc.

**RESOLVED:** That the Common Council authorize entering into Amendment No. 1 to the Agreement for Engineering Services for South 18<sup>th</sup> Street Reconstruction Project between the City of Sheboygan and Robert E. Lee & Associates, Inc.

**\*Res. No. 107 - 11 - 12. By Alderperson Bohren. November 21, 2011.**

**A RESOLUTION** authorizing entering into Amendment No. 2 to the Agreement for Engineering Services for Center Avenue, New York Avenue, Wisconsin Avenue, North 6<sup>th</sup> Street (Part A); Wisconsin Avenue, Washington Court and North 5<sup>th</sup> Street (Part B) between the City of Sheboygan and Robert E. Lee & Associates, Inc.

**RESOLVED:** That the Common Council authorize the appropriate City officials to enter into Amendment No. 2 to the Agreement for Engineering Services for Center Avenue, New York Avenue, Wisconsin Avenue, North 6<sup>th</sup> Street (Part A); Wisconsin Avenue, Washington Court and North 5<sup>th</sup> Street (Part B) between the City of Sheboygan and Robert E. Lee & Associates, Inc.

**\*Res. No. 108 - 11 - 12. By Alderperson Bohren. November 21, 2011.**

**A RESOLUTION** authorizing entering into Amendment No. 3 to the Agreement for Engineering Services for Huron Avenue from North 10<sup>th</sup> Street to North 14<sup>th</sup> Street between the City of Sheboygan and Robert E. Lee & Associates, Inc.

**RESOLVED:** That the Common Council authorize the appropriate City Officials to enter into Amendment No. 3 to the Agreement for Engineering Services for Huron Avenue from North 10<sup>th</sup> Street to North 14<sup>th</sup> Street between the City of Sheboygan and Robert E. Lee & Associates, Inc.

**ORDINANCES ON SECOND READING**

**\*Subs. of Gen. Ord. No. 42 - 11 – 12. By Alderpersons Kittelson and Kath. December 5, 2011.**

**AN ORDINANCE** granting Joseph E. and Kathleen E. Jantz, their heirs and assigns, the privilege of encroaching upon described portions of N. 15<sup>th</sup> St. located at N. 15<sup>th</sup> St. and Wisconsin Ave. in the City of Sheboygan for the purpose of paving a parking lot (1418 Wisconsin Ave.).

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

Section 1. Subject to the terms and conditions contained herein, Joseph E. and Kathleen E. Jantz, their heirs and assigns, are hereby granted the privilege of encroaching for the purpose of paving a parking lot (1418 Wisconsin Ave.) into that part of N. 15<sup>th</sup> street right of way adjacent to Lot 7 of Block 120, Original Plat of the City of Sheboygan, located in Sect. 23, T.15N., R.23E., City of Sheboygan, Sheboygan County, Wisconsin being more particularly described as follows:

Commencing at the northwest corner of said Lot 7, thence south along N. 15<sup>th</sup> Street Right Of Way 43.00 feet, thence West 6.75 feet, thence North 43.00 feet, thence East 6.75 feet to the point of beginning.

Said parcel contains 290 sq. ft., in accordance with the sketch attached hereto and made a part hereof.

Section 2. The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said Joseph E. and Kathleen E. Jantz, their heirs and assigns:

a. Shall become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of such privilege.

b. Shall remove the encroachment allowed herein within ten (10) days after notice so to remove given by the State of Wisconsin or the City of Sheboygan; in the event of the failure so to remove, the said Joseph E. and Kathleen E. Jantz, their heirs and assigns: shall pay the costs of removal by the State of Wisconsin or the City of Sheboygan, waiving all claim or claims for damages resulting from such removal, whether the removal is done by the said Joseph E. and Kathleen E. Jantz, their heirs and assigns, or by the State of Wisconsin or by the City of Sheboygan.

c. Shall pay such compensation to the City of Sheboygan for the grant of this privilege as may be determined by a board consisting of the Mayor, the Director of Public Works and the City Attorney; the compensation shall be paid into the General Fund.

d. Shall make such construction and/or alterations and maintain the same subject to the approval of the City Building Inspector and Director of Public Works, and shall waive the right to contest in any manner the validity of this ordinance or the amount of compensation charged.

Section 3. The provisions of §66.0425(1) thru (5) of the Wisconsin Statutes are incorporated herein by reference to all intents and purposes as if set out fully.

Section 4. The City Clerk is authorized and directed to record a certified copy of this ordinance in the office of the Register of Deeds for Sheboygan County, Wisconsin, the costs thereof to be charged to the General Fund.

Section 5. This ordinance shall take effect and be in full force from and after its passage and publication and upon payment of the consideration to be determined hereunder, provided, however, that in the event of failure to exercise the privilege herein granted and the payment of such consideration within six (6) months from the effective date hereof, then and in that event such privilege shall be rendered null and void.

**\*Subs. of Gen. Ord. No. 43 - 11 – 12. By Alderpersons Kittelson and Kath. December 5, 2011.**

**AN ORDINANCE** granting Joseph E. and Kathleen E. Jantz, their heirs and assigns, the privilege of encroaching upon described portions of Wisconsin Avenue located at N. 14<sup>th</sup> Street and Wisconsin Ave. in the City of Sheboygan for the purpose of paving a parking lot (810 N. 14<sup>th</sup> St.).

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

Section 1. Subject to the terms and conditions contained herein, Joseph E. and Kathleen E. Jantz, their heirs and assigns, its successors and assigns, is hereby granted the privilege of encroaching into that part of Wisconsin Ave. right of way adjacent to the south line of Block 120, Original Plat of the City of Sheboygan, located in Sect. 23, T.15N., R.23E., City of Sheboygan, Sheboygan County, Wisconsin being more particularly described as follows:

Commencing at the southeast corner of Lot 9, Blk. 120 of said original plat, thence north 150 feet to the northeast corner of said Lot 9, thence east 3.00 feet, thence south parallel to the east line of said Lot 9, 153.75 feet, thence west 123.00, thence north 3.75 feet to the north line of Wisconsin Ave., thence east along said north line 120.00 feet to the point of beginning.

Said parcel contains 1047 sq. ft., in accordance with the sketch attached hereto and made a part hereof.

**December 5, 2011**

Section 2. The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said Joseph E. and Kathleen E. Jantz, their heirs and assigns:

a. Shall become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of such privilege.

b. Shall remove the encroachment allowed herein within ten (10) days after notice so to remove given by the State of Wisconsin or the City of Sheboygan; in the event of the failure so to remove, the said Joseph E. and Kathleen E. Jantz, their heirs and assigns: shall pay the costs of removal by the State of Wisconsin or the City of Sheboygan, waiving all claim or claims for damages resulting from such removal, whether the removal is done by the said Joseph E. and Kathleen E. Jantz, their heirs and assigns, or by the State of Wisconsin or by the City of Sheboygan.

c. Shall pay such compensation to the City of Sheboygan for the grant of this privilege as may be determined by a board consisting of the Mayor, the Director of Public Works and the City Attorney; the compensation shall be paid into the General Fund.

d. Shall make such construction and/or alterations and maintain the same subject to the approval of the City Building Inspector and Director of Public Works, and shall waive the right to contest in any manner the validity of this ordinance or the amount of compensation charged.

Section 3. The provisions of §66.0425(1) thru (5) of the Wisconsin Statutes are incorporated herein by reference to all intents and purposes as if set out fully.

Section 4. The City Clerk is authorized and directed to record a certified copy of this ordinance in the office of the Register of Deeds for Sheboygan County, Wisconsin, the costs thereof to be charged to the General Fund.

Section 5. This ordinance shall take effect and be in full force from and after its passage and publication and upon payment of the consideration to be determined hereunder, provided, however, that in the event of failure to exercise the privilege herein granted and the payment of such consideration within six (6) months from the effective date hereof, then and in that event such privilege shall be rendered null and void.

**\*Gen. Ord. No. 49 - 11 – 12. By Alderperson Kittelson. November 21, 2011.**

**AN ORDINANCE** amending the City of Sheboygan Municipal Code so as to create Section 26-46 relating to the registration of vacant buildings.

**WHEREAS**, the common council finds that a significant relationship exists between vacant buildings and increased calls for service for police services, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods;

**WHEREAS**, vacant buildings become havens for vandalism, arson and drug crimes, draining valuable governmental resources and creating a significant reduction of the quality of life for the surrounding neighborhood;

**WHEREAS**, registration, inspection and aggressive monitoring of vacant properties helps stabilize and improve impacted neighborhoods and helps in the development of code enforcement efforts as well as public safety;

**WHEREAS**, a property owner or entity functioning as a trustee of an owner that does not register, permit inspection, insure, secure and maintain a vacant building places an undue and inappropriate burden on the taxpayers of the city and poses an increased risk to public safety;

**THEREFORE, THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:**

Section 1. Section 26-46 of the Sheboygan Municipal Code entitled "Vacant Building Registration" is hereby created to read as follows:

"Sec. 26-46 Vacant Building Registration.

(a) Purpose. Registering of residential buildings or any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses is essential for the proper enforcement of the city's building, fire and zoning code and to safeguard persons, property and general welfare. Residential condominium and rental units are excluded from this section provided the vacancy rate of the building in which they are situated in does not exceed 95%.

(b) Definitions. In this section:

(1) "Owner" means the person in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and right to present use and enjoyment of the premises.

(2) "Secured" means a building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all its door and window components intact and unbroken.

(3) "Vacant" means a building which lacks habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operation or residential occupancy is at a level of at least 95% vacant. An owner occupied single family home or owner occupied 2-family dwelling residential property shall not be deemed vacant if it has been used as a residence by the owner for a period of at least 3 months within the previous 9 months and the owner intends to resume residing at the property.

- (4) "Violation" means that a lawful order has been issued by the City or a department thereof and the conditions forming the basis for the order have not been fully abated.
- (5) "Unsecured" means any building that does not meet the definition of secured.
- (c) Registration Required.
  - (1) The owner of any building that has become vacant shall within 30 days after the building becomes vacant or within 30 days after assuming ownership, whichever is later, file a registration statement for each such building with the department on forms provided by the building inspection department.
  - (2) In addition to other information, the registration statement shall include the name, street address and telephone number of a person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of the owner or owners in connection with the enforcement of this section. This person shall reside within Sheboygan County, Wisconsin.
  - (3) The owner shall be required to renew the registration for successive 6-month periods as long as the building remains vacant.
- (d) Exemptions. The following are exempt from the provisions of this section:
  - (1) Property owned by governmental bodies and the housing authority.
  - (2) Property that is undergoing an active renovation or rehabilitation.
  - (3) A single family home or owner-occupied 2-family dwelling residential property that has been used as a residence by the owner for a period of at least 3 months within the previous 9 months and the owner intends to resume residing at the property.
  - (4) Residential condominium and rental units in buildings whose vacancy rate does not exceed 95%.
  - (5) Properties that are part of an estate that is in probate and are not subject to bankruptcy provided the personal representative or executor resides in Sheboygan County, Wisconsin.
- (e) Owner Responsibilities. The owner of any building that has become vacant shall:
  - (1) Enclose and secure the building as provided in subsection (f).
  - (2) Maintain the building in a secure and closed condition until the building is again occupied or legally razed.
  - (3) Acquire or otherwise maintain liability insurance in an amount not less than \$300,000 for buildings designed primarily for residential use and not less than \$1,000,000 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Evidence of this insurance shall be available at the request of a building inspector.
  - (4) Post and maintain a legible and weatherproof sign affixed to the building indicating the name, address and telephone number of the owner, and if applicable, the owner's authorized agent for the purpose of service of process. The sign shall also indicate the name, address and telephone number of the person responsible for day-to-day supervision and management of the building, if the person is different from the owner holding title or authorized agent. This person shall reside in Sheboygan County, Wisconsin. The sign shall also state that no trespassing is allowed upon the premises without consent of the owner or owner's agent. The sign shall be placed on or adjacent to all entrances to the building. The sign shall be maintained until the building is no longer vacant.
- (f) Minimum Requirements for Vacant Buildings.
  - (1) After filing a registration statement the building owner shall provide access to the city to conduct an exterior and interior inspection of the building to determine compliance with this section, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.
  - (2) In addition to the requirements of this chapter, vacant buildings shall comply with the following requirements:
    - a. Lot Maintenance.

Lot maintenance standards include the lot the building stands on and the surrounding public way and shall meet the following:

      - 1. All grass and weeds on the premises including abutting sidewalks, gutters and alleys shall be kept below 12 inches in height and all dead or broken trees, tree limbs or shrubbery shall be cut and removed from the premises.
      - 2. Any public sidewalk adjoining the lot shall be shoveled clear of snow so as to comply with sec. 110-278 of this code.

3. Junk, rubbish, and waste, including but not limited to any mail or flyers that have been delivered to the building, shall not be permitted to accumulate on any portion of the exterior lot of the building.
  4. The lot shall be maintained so that water does not accumulate or stand on the ground.
  5. All fences and gates shall be maintained in sound condition and in good repair.
- b. Exterior Maintenance.  
Exterior windows and doors shall be maintained in sound condition and good repair and prevent rain from entering the building. The windows and doors shall be equipped with hardware for locking and the locking mechanism shall be maintained in properly functioning condition. All points of possible ingress and egress shall be secured to prevent unauthorized entry.
- c. Interior Maintenance.
1. It is prohibited to accumulate or permit the accumulation of junk, trash, debris, boxes, lumber, scrap metal or any other materials that may produce any health, fire or safety hazard, or provide harborage for rodents or other animals.
  2. Every foundation, roof, floor, wall, stair, ceiling or other structural support shall be safe and capable of supporting the loads associated with normal usage and shall be kept in sound condition and repair.
  3. Any plumbing fixtures shall be maintained with no leaking pipes, and all pipes for water shall either be completely drained or heated to resist being frozen.
  4. Every exit door shall be secured with an internal deadbolt lock, or with a locking mechanism deemed equivalent or better by the building inspection department, and every exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge.
  5. Interior stairs shall have treads and risers that have uniform dimensions, are sound, securely fastened and have no rotting, loose or deteriorating supports.
  6. Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.
- d. Building Security.
1. All building openings shall be closed and secured, using methods and materials so as to comply with the requirements of sec. 26-37(a)(2)(b)(3) of this code.
  2. If a building has been vacant for six months or longer, or upon any renewal of the registration statement, the building owner shall implement and provide proof satisfactory to the building inspection department that in addition to complying with the security standards of this subsection, it is secured.
  3. If the owner has provided proof that a building is secured and the building is found to be in violation, the building inspection department shall send by first class mail a written notice of the violation to the person responsible for day-to-day supervision and management of the building or to the authorized agent for service of process or to the owner of record. Within thirty days of the mailing of the notice of violation, the owner shall be required to restore the building to a secured state and also install and maintain a working alarm system. The alarm system shall connect to all areas of the building subject to unauthorized human entry, including but not limited to, all exterior doors, windows or other readily accessible openings. The alarm system shall, upon detecting unauthorized entry, send an automatic signal to a licensed alarm business that has 24-hour live operators who will monitor the system and contact the building owner or designated agent.

(g) Penalties.

- (1) Failure to Register. Any property owner or entity functioning as a trustee of an owner, that fails to register a vacant building shall forfeit not less than \$500 nor more than \$2,000, together with the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law. Each day of violation is a separate offense.
- (2) Failure to Secure and Maintain. Any property owner or entity functioning as a trustee of an owner, having a duty to register a vacant building that fails its duty to secure and maintain the property as required in this section shall forfeit not less than \$750 nor more than \$1,500, together

with the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law. Each day of violation is a separate offense.

(h) Charge for Public Safety Services.

Any property owner or entity functioning as a trustee of an owner that fails to comply with any provision of this section shall be charged for any public safety services rendered to the property by the police department or fire department while non-compliant with this section. The city shall charge the cost thereof to the owner and, upon notice to the owner, such cost shall be assessed against the real estate as a special charge. Appeal of any determination of the chief of police or fire chief imposing costs against the owner may be submitted for a hearing to the law and licensing committee of the common council. Chapter 68 of the Wisconsin Statutes shall not apply to such an appeal.

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. 50 – 11 - 12. By Alderperson Kittelson. November 21, 2011.**

**AN ORDINANCE** relating to stop signs so as to require north and southbound traffic on North 5<sup>th</sup> Street to stop at the intersection with Washington Court.

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

Section 1. Gen. Ord. No. 66-78-79, authorizing yield signs for north and southbound traffic on North 5<sup>th</sup> Street at the intersection with Washington Court is hereby repealed.

Section 2. Pursuant to Section 118-126 of the Municipal Code entitled, "Prohibitions and Restrictions Authorized", north bound and south bound traffic on N. 5th St. shall stop at the intersection of N. 5th St. and Washington Ct.

Section 3. The Department of Public Works and the Police Department are hereby authorized and directed to add the sign(s) to give notification of the aforementioned change.

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. 51 - 11 – 12. By Alderperson Kittelson. November 21, 2011.**

**AN ORDINANCE** amending the City of Sheboygan Municipal Code so as to create Section 26-45 relating to the provision of a local operator for certain properties.

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

Section 1. Section 26-45 of the Sheboygan Municipal Code entitled "Local Operators" is hereby created to read as follows:

"Sec. 26-45 Local Operators.

(a) All owners of vacant land and of residential or commercial buildings within the City of Sheboygan who reside outside of Sheboygan County, Wisconsin, or who, in the case of entities, have a principal place of business outside of Sheboygan County, Wisconsin, or in the case of a condominium association, have a condominium-resident agent with a domicile outside of Sheboygan County, Wisconsin, shall have a local operator with a physical address and domicile within Sheboygan County, Wisconsin with authority to accept notice of violations or enforcement of this chapter and provide written notice of said local operator to the building inspection department.

(b) The following are exempt from having to file the notice required under this section:

- (1) Owners of owner-occupied one and two-family buildings where the ownership is recorded with the Sheboygan County register of deeds.
- (2) Owners of owner-occupied residential-condominium units where the ownership is recorded with the Sheboygan County register of deeds.
- (3) Owners of convents, monasteries, parish rectories, parsonages and similar facilities where the ownership is recorded with the Sheboygan County register of deeds.
- (4) Owners of hospitals and residential facilities licensed by the City of Sheboygan or the State of Wisconsin where the ownership is recorded with the Sheboygan County register of deeds.
- (5) Government-owned property where the ownership is recorded with the Sheboygan County register of deeds.
- (6) Owners of newly-constructed residential and commercial buildings where the ownership is recorded with the Sheboygan County register of deeds until actual occupancy of any such building or any unit in any such building commences.
- (7) Owners of vacant land, residential buildings, and commercial buildings and owners of condominium units, owned for less than 15 days prior to sale or other transfer of the buildings or units to new owners. However, anyone acquiring from such owner shall file a notice pursuant to this section unless otherwise exempt under this subsection.

- (8) Condominium associations responsible for 2-unit residential buildings.
- (c) The building inspection department shall provide local operator notification forms.
- (d) All owners required by this section to have a local operator shall file a local operator notification form providing the legal name, physical address within Sheboygan County, date of birth, and telephone number of the local operator.
- (e) If any information listed on a previously filed local operator notification form changes, the required filer shall, within 15 days of the change in information, file a new form with the building inspection department. Any application filed later than that 15-day period shall result in a late filing fee of \$100.00.
- (f) Any owner, former owner, or condominium association failing to comply with this section or providing false, misleading or fraudulent information on any form required under this section shall forfeit not less than \$100 nor more than \$500, together with the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law. Each day of violation is a separate offense.

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

#### ORDINANCES INTRODUCED

**Gen. Ord. No. 53 - 11 – 12. By Alderpersons Sampson and Matichek. December 5, 2011.**

**AN ORDINANCE** granting Above and Beyond Corporation, its successors and assigns, the privilege of encroaching upon described portions of Niagara Ave. located at 902 N. 8<sup>th</sup> St. in the City of Sheboygan for the purpose of overhang encroachment.

Was referred to the City Plan Commission.

#### MATTERS LAID OVER

**Gen. Ord. No. 36 - 11 – 12. By Alderperson Sampson. October 17, 2011.**

**AN ORDINANCE** adopting the Comprehensive Plan of the City of Sheboygan, Wisconsin.

Whereas, pursuant to sections 62.23(2) and (3) and 66.1001 of the Wisconsin Statutes, the City of Sheboygan is authorized to prepare and adopt a comprehensive plan as defined in sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; and

Whereas, the Common Council of the City of Sheboygan has adopted and followed written procedures designed to foster public participation in every state of the preparation of a comprehensive plan as required by section 66.1001(4)(a) of the Wisconsin Statutes; and

Whereas, the Plan Commission of the City of Sheboygan, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the document entitled "CITY OF SHEBOYGAN COMPREHENSIVE PLAN";

Whereas, the Common Council finds that the document entitled "CITY OF SHEBOYGAN COMPREHENSIVE PLAN" contains all of the elements specified in section 66.1001(2) of the Wisconsin Statutes; and

Whereas, the City of Sheboygan has held at least one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes, provided numerous other opportunities for public involvement per its adopted public participation strategy and procedures, and was guided and informed by a citizen Comprehensive Plan Steering Committee.

NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. The Common Council does hereby formally adopt the document entitled, "CITY OF SHEBOYGAN COMPREHENSIVE PLAN," a copy of which is on file in the office of the City Clerk, as the comprehensive plan for the City of Sheboygan pursuant to section 66.1001(4)(c) of the Wisconsin Statutes.

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 take effect upon passage by a majority vote of the members-elect of the Common Council and publication/posting as required by law.

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

**Gen. Ord. No. 47 – 11 – 12. By Alderpersons Roeseler, Versey, Kittelson, Sampson and Dekker. November 21, 2011.**

**AN ORDINANCE** amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete/add various positions from the Human Resources Table of Organization and Finance Department of Organization.

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

December 5, 2011

Section 1. Section 29-75 of the 1975 Sheboygan Municipal Code entitled, "List of Classes and Class Specifications," is hereby amended in Section A.7. Human Resources Department and Section A.5.a. Department of Finance as follows:

	CLASS TITLE	JOB CODE	CLASS NO. OF GRADE	EMPLOYEES
A.	CITY HALL DEPARTMENTS			
	7. Human Resources Department			
	<b><u>DELETE:</u></b>			
	Compensation Administrator	A02041N	12	1.0
	5. <u>Department of Finance</u>			
	a. Accounting Division			
	<b><u>ADD:</u></b>			
	Compensation Administrator	A02041N	12	1.0

Section 2. The new job description for the Compensation Administrator is attached, and copies of which shall be on file in the offices of the City Clerk, City Finance and Human Resources Department.

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

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

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey — 15.

Nays: None.

Motion by Alderperson Dekker and second by Alderperson Hammond to convene in closed session under the exemption provided in Sec. 19.85(1) (e), Wis. Stats., for the purpose of deliberating the sale by the Redevelopment Authority of certain RDA owned land, where competitive and bargaining reasons require a closed session. was passed, all Alderpersons voting "Aye."

Motion by Alderperson Hammond and second by Alderperson Dekker to reconvene in open session was passed, all Alderpersons voting "Aye."

Possible action on items discussed in closed session: Motion by Alderperson Hammond and second by Alderperson Dekker to sell four (4) lots was passed, all Alderpersons voting "Aye."

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk