

COMMON COUNCIL

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

THIRTEENTH REGULAR MEETING

The Council met: Monday, October 3, 2011.

Mayor Bob Ryan in the Chair:

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

Boeldt, Bohren, Carlson, Hammen, Hammond, Heidemann, Kath, Kittelson, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 14.

Absent and Excused: Dekker, Matichek – 2.

On motion by Alderperson Rindfleisch and second by Alderperson Hammond, the reading of the minutes of the Twelfth Regular Meeting held September 19, 2011, were approved as entered on the record, all Alderpersons present voting "Aye".

PUBLIC FORUM

Milt Storm, 1736 Marvin Ct. spoke with an extra minute granted by Alderpersons Rindfleisch and Roeseler, Gerry Plehn, 1238 Castle Ave., Greg Liebig, 419 Erie Ave., David Nagode, 1609 N. 22nd St. and Mike Vandersteen, 320 Lincoln Ave. spoke.

MAYOR'S ANNOUNCEMENTS

On motion by Alderperson Rindfleisch 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, Hammen, Hammond, Heidemann, Kath, Kittelson, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 14.

Nays: None.

COMMUNICATIONS AND PETITIONS

Com. No. 9 - 11 - 12. October 3, 2011.

Submitting a communication from Gerald DuMonthier stating his objection to the proposed liquor store on the corner of Wilson Ave. and S. 12th St.

Was referred to the City Plan Commission.

Com. No. 10 - 11 - 12. October 3, 2011.

Submitting a communication from Rick and Debbie Herber stating that the proposed liquor store to be located on the corner of S. 12th St. and Wilson Ave. is a poor idea.

Was referred to the City Plan Commission.

Com. No. 11 - 11 - 12. October 3, 2011.

Submitting a communication from Richard, Gail and Tammy Edler stating that they are against a liquor store locating on the corner of S. 12th St. and Wilson Ave. as there are 5 schools in the area, a rehab house and lots of children.

Was referred to the City Plan Commission.

Com. No. 12 - 11 - 12. October 3, 2011.

Submitting a communication from Kathy and Bernie Ross stating that they are opposed to the approval of any liquor licensing in their area of S. 12th St. as there are too many schools in walking distance including small children.

Was referred to the City Plan Commission and to the Committee on Law and Licensing.

Com. No. 13 - 11 - 12. October 3, 2011.

Submitting a communication from Robert Kuehl stating his concern about public safety on the corner of Taylor Dr. and Geele Ave., near the Field of Dreams soccer field and is requesting four-way stop signs.

Was referred to the Committee on Public Protection and Safety.

REPORTS OF OFFICERS

***R. O. No. 209 - 11 - 12. By BOARD OF CONTRACTORS EXAMINERS. October 3, 2011.**

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

2273	Mike Howe	Carpenter Contractor
	828 Viebahn Street	
	Manitowoc, WI 54220	

1293

Mark Lehmann
1209 S 17th Street
Sheboygan, WI 53081

Carpenter Contractor

R. O. No. 210 - 11 - 12. By CITY CLERK. October 3, 2011.

Submitting a communication from Mary Rajer along with an article from the Milwaukee Journal/Sentinel entitled, "Some Non-union government workers get pay increases to offset pension contributions" and requesting that the proposed 2012 Benefit Plan be re-referred to Salaries and Grievances for further discussion.

A motion by Alderperson Van Akkeren and second by Alderperson Kittelson was made to re-refer the Report of Officer to the Committee on Salaries and Grievances, lost on call of the roll:

Ayes: Kittelson, Roeseler, Van Akkeren – 3.

Nays: Boeldt, Bohren, Carlson, Hammen, Hammond, Heidemann, Kath, Rindfleisch, Sampson, VanderWeele, Versey – 11.

A motion by Alderperson Rindfleisch and second by Alderperson Versey was made to accept and file the Report of Officer, passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Hammond, Heidemann, Kath, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey – 12.

Nays: Kittelson, Van Akkeren – 2.

R. O. No. 211 - 11 - 12. By CITY PLAN COMMISSION. October 3, 2011.

Your Commission to whom was referred Gen. Ord. No. 27-11-12 relative to annexing territory owned by the City to the City of Sheboygan, Wisconsin; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, September 27, 2011, and after due consideration, recommends approval of the Ordinance.

Was accepted and placed on file.

R. O. No. 212 - 11 - 12. By CITY CLERK. October 3, 2011.

Submitting various license applications.

Lies over under the rules.

R. O. No. 213 - 11 - 12. By CITY CLERK. October 3, 2011.

Submitting a communication from Kurt Gruenewald requesting an encroachment located at 614 N. 26th St. for the purpose of a retaining wall.

Was referred to the City Plan Commission.

R. O. No. 214 - 11 - 12. By FINANCE DIRECTOR/TREASURER. October 3, 2011.

Submitting the attached summary of the 2012 Budget Requests for the Enterprise Funds, the Internal Service Funds, and the Trust Funds. The comparison is to the 2011 revised budget.

Was referred to the Committees of Finance, Law and Licensing, Public Protection and Safety, Public Works and Salaries and Grievances.

R. O. No. 215 - 11 - 12. By FINANCE DIRECTOR/TREASURER. October 3, 2011.

Submitting the attached summary of the 2012 Budget Requests for the General Fund, the Special Revenue Funds, the Debt Service Funds, and the Capital Project Funds. The comparison is to the 2011 revised budget.

Was referred to the Committees of Finance, Law and Licensing, Public Protection and Safety, Public Works and Salaries and Grievances.

R. O. No. 216 - 11 - 12. By CITY CLERK. October 3, 2011.

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Was referred to the Committee to Law and Licensing.

R. O. No. 217 - 11 - 12. By DEPUTY FINANCE DIRECTOR/TREASURER. October 3, 2011.

Submitting the Harbor Centre Marina Balance Sheet from Operations dated August 31, 2011, as submitted by Skipper Marine.

Was referred to the Harbor and Marina Committee.

R. O. No. 218 - 11 - 12. By CITY CLERK. October 3, 2011.

Submitting a communication from Shawn and Holly Lamb requesting that a "Deaf Child in Area" sign be placed in their neighborhood for their daughter.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 219 - 11 - 12. By CITY CLERK. October 3, 2011.

Submitting a communication from Robert Price requesting a waiver from the Sex Offender Residency restrictions in order to move to 1122A or 1122B Lincoln Ave.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 220 - 11 - 12. By FIRE CHIEF. October 3, 2011.

Pursuant to Section 50-496 of the Municipal Code, I herewith submit my report of departmental activity for the period commencing April 1, 2011, and ending June 30, 2011.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 221 - 11 - 12. By FIRE CHIEF. October 3, 2011.

Submitting the Second Quarter 2011 EMS Quality Assurance and Quality Improvement Report (April 1, 2011 – June 30, 2011).

Was referred to the Committee on Public Protection and Safety.

R. O. No. 222 - 11 - 12. By CITY CLERK. October 3, 2011.

Submitting a communication from James Gierke requesting a waiver from the Sex Offender Residency restrictions in order to live at 730 S. Water St.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 223 - 11 - 12. By CITY CLERK. October 3, 2011.

Submitting a communication from Elmer J. Schneider requesting a waiver from the Sex Offender Residency restriction in order to live at 2626 Georgia Ave., Apt. 9.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 224 - 11 - 12. By CITY CLERK. October 3, 2011.

Submitting a communication from Chris Jolitz being an amended page to his application for a request to the Sex Offender Residency restrictions to change the address to 1405 N. 15th St.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 225 - 11 - 12. By CITY CLERK. October 3, 2011.

Submitting a Summons and Complaint in the matter of Wisconsin Housing and Economic Development Authority v. Peter J. Zabel et al.

Was referred to the Special Committee on Risk Management.

R. O. No. 226 - 11 - 12. By CITY CLERK. October 3, 2011.

Submitting an amended Summons and Complaint in the matter of Wells Fargo Bank, NA vs. Antonio Olivas et al.

Was referred to the Special Committee on Risk Management.

R. O. No. 227 - 11 - 12. By CITY CLERK. September 19, 2011.

Submitting a communication from Dimple Adams issuing a formal complaint about former Alderperson Patrick Gillette.

Was referred to the Committee of the Whole.

R. O. No. 228 - 11 - 12. By CITY CLERK. October 3, 2011.

Submitting a communication from Dimple Adams stating her concerns regarding her right to vote on a major change in our City Government.

Was referred to the Committee of the Whole.

RESOLUTION INTRODUCED

Res. No. 84 - 11 - 12. By Alderperson Kittelson. October 3, 2011.

A RESOLUTION officially recognizing the Ellis Historic Neighborhood Association.

WHEREAS, the Mayor and Common Council of the City of Sheboygan, along with its staff and citizens, recognize the importance of developing and maintaining healthy neighborhoods throughout the community.

WHEREAS, the City of Sheboygan values citizen involvement and wishes to reach out to all segments of the community **by supporting the formation of effective neighborhood associations.**

WHEREAS, the Ellis Historic Neighborhood Association has been organized by residents of the City of Sheboygan with a mission statement as follows:

October 3, 2011

“The mission of the Ellis Historic Neighborhood Association is to create a vibrant and thriving neighborhood where all residents participate in the betterment of the community through social activities and the promotion of continuous neighborhood improvement.”

WHEREAS, the Ellis Historic Neighborhood Association will serve residents of the City of Sheboygan in the neighborhood bounded by the Pennsylvania Avenue (including properties on both sides of the street), North 7th Street, Erie Avenue, and Lake Michigan.

NOW, THEREFORE, BE IT RESOLVED: That the City of Sheboygan, whose Mayor and Common Council are herein assembled, officially recognizes the Ellis Historic Neighborhood Association.

BE IT FURTHER RESOLVED: That the Mayor, Common Council and staff of the City of Sheboygan hereby pledge their support and cooperation in addressing the needs of the citizens of this neighborhood in particular and the community in general.

On motion by Alderperson Kittelson and second by Alderperson Roeseler, the Resolution was passed, all Alderpersons present voting “Aye”.

REPORTS OF COMMITTEES

***R. C. No. 185 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. October 3, 2011.**

Your Committee to whom was referred R. O. No. 200-11-12 by the Building Inspection Department submitting the report of the Building Inspection Department for the month of August 2011; recommends that the document be accepted and placed on file.

***R. C. No. 186 - 11 - 12. By PUBLIC WORKS. October 3, 2011.**

Your Committee to whom was referred R. O. No. 204-11-12 by the City Clerk submitting a communication from Mr. Clark, President of the Sheboygan Softball Association, Inc., requesting that the City rebuild the bathrooms at Wildwood Park; recommends that the document be placed on file and to notify Mr. Clark of the outcome.

***R. C. No. 187 - 11 - 12. By PUBLIC WORKS. October 3, 2011.**

Your Committee to whom was referred R. O. No. 205-11-12 by the City Clerk submitting a communication from Cliff Larsen (Great Grandson of Barney Haynes – crew member of the Lottie Cooper) wanting to donate a plaque with the names of the crew members to be placed in front of the ship so that is the first thing people see when they approach the ship; recommends that the document be accepted and placed on file and to approve the request.

R. C. No. 188 - 11 - 12. By LAW AND LICENSING. October 3, 2011.

Your Committee to whom was referred R. O. No. 146-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Taxicab Driver License application #8316 be denied based upon his failure to accurately reveal all relevant convictions on his application, his record of violations related to the licensed activity, his record as a habitual law violator, and his failure to cooperate with the Committee.

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

Ayes: Boeldt, Bohren, Carlson, Hammen, Hammond, Heidemann, Kath, Kittelson, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 14.

Nays: None.

R. C. No. 189 - 11 - 12. By PUBLIC WORKS. October 3, 2011.

Your Committee to whom was referred R. O. No. 206-11-12 by the City Clerk submitting a communication from Mike Vandersteen stating that the request by the Rotary Clubs for the use of Evergreen Park as the site of a Christmas Lights project seriously challenges the continuation of the Ski Trail project; recommends that the document be placed on file.

On motion by Alderperson Bohren and second by Alderperson Heidemann, the Report of Committee was accepted and adopted, the majority of Alderpersons present voting “Aye” and Alderperson Hammond abstained.

R. C. No. 190 - 11 - 12. By PUBLIC WORKS. October 3, 2011.

Your Committee to whom was referred R. O. No. 207-11-12 by the City Clerk submitting a communication from the Sheboygan County Rotary Clubs to utilize Evergreen Park and the Quarry Shelter commencing in 2012 for a Christmas Lights project; recommends that the Report of Officer be accepted and placed on file and approve the project and to change the project dates to November 15 – December 16, 2012 with take down completed by December 19, 2012. The project is for one year with the Committee and the Rotary Clubs revisiting it in early 2013.

A motion by Alderperson Bohren and second by Alderperson Heidemann to accept and adopt the Report of Committee.

October 3, 2011

Before action was taken thereon, a friendly amendment by Alderperson Bohren was made to add at the end of report "The project is for one year with the Committee revisiting it in early 2013" was approved.

On motion by Alderperson Bohren and second by Alderperson Heidemann, to accept and adopt the Report of Committee, as amended, was passed the majority of Alderpersons present voting "Aye" and Alderperson Hammond abstained.

***R. C. No. 191 - 11 - 12. By LAW AND LICENSING. October 3, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 199-11-12 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:

FERMENTED MALT BEVERAGE CLASS "A"

No. Name

2857 Kulwinder Food Mart

BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

No. Name

9325 Buhler, Jamie M.

9315 Campbell, Stephanie P.

9322 Carey, Brian P.

9323 Fields, Crystal P.

9317 Gensch, Casey J.

9319 Giles, Jennifer L.

9314 Hurst, Brandon L.

9321 Juern, Savannah E.

9318 Kennedy, Patrick G.

7713 Martin, Samantha J.

9311 Meerdink, Abigail L.

7018 Miller, Janna

9310 Nyhof, Stephanie D.

5580 Seibel, Amy M.

3138 Shady, Richard James

9307 Simon, Rebecca L.

4518 Stoltzman, Stacey

9324 Van Stelle, Jennifer E.

9306 Walber, Samuel T.

9308 Zeman, Matthew P.

TAXICAB BUSINESS LICENSE APPLICATION (June 30, 2012)

No. Name

2863 Greco Cab Co.

TAXICAB DRIVER LICENSE APPLICATION (June 30, 2012)

No. Name

9313 Demeuse, Robert J.

9305 Leistekow, Keith 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. 192 - 11 - 12. By LAW AND LICENSING. October 3, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 167-11-12 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)

No. Name

5760 Hartman, Jennifer L.

7311 Hermann, Nicole A.

3607 Lloyd, Thomas H.

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. 193 - 11 - 12. By SALARIES AND GRIEVANCES. October 3, 2011.**

Your Committee to whom was referred Res. No. 63-11-12 by Alderperson Heidemann establishing a policy prohibiting use of personal cell phones by City employees while operating City vehicles; recommends that the Resolution be placed on file.

R. C. No. 194 - 11 - 12. By SALARIES AND GRIEVANCES. October 3, 2011.

Your Committee to whom was referred R. C. No. 177-11-12 by Committee of the Whole who met and discussed the 2012 Benefits Proposal; recommends that the attached AMENDED 2012 Benefits Proposal be approved.

A motion by Alderperson Van Akkeren and second by Alderperson Kittelson was made to re-refer the Report of Committee on Salaries and Grievances lost on call of the roll:

Ayes: Kittelson, Roeseler, Van Akkeren – 3.

Nays: Boeldt, Bohren, Carlson, Hammen, Hammond, Heidemann, Kath, Rindfleisch, Sampson, VanderWeele, Versey – 11.

On motion by Alderperson Rindfleisch and second by Alderperson Versey was made to accept and adopt the Report of Committee, passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Hammond, Heidemann, Kath, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey – 12.

Nays: Kittelson, Van Akkeren – 2.

R. C. No. 195 - 11 - 12. By PUBLIC WORKS. October 3, 2011.

Your Committee to whom was referred Res. No. 83-11-12 by Alderperson Bohren authorizing entering into contract with Sheboygan County Highway Dept., Sheboygan, Wisconsin for the ditching and resurfacing of portions of S. 16th St., Pheasant Lane and Maple Lane; recommends that the attached Substitute Resolution be passed.

Was accepted and adopted.

R. C. No. 196 - 11 - 12. By SALARIES AND GRIEVANCES. October 3, 2011.

Your Committee to whom was referred a copy of Gen. Ord. No. 24-11-12 by Alderpersons Hammond and Roeseler creating Division 5 of Article III of Chapter 2 of the Municipal Code relating to the position of Chief Administrative Officer; recommends that that attached Substitute Ordinance be passed.

Was accepted and adopted.

R. C. No. 197 - 11 - 12. By SALARIES AND GRIEVANCES. October 3, 2011.

Your Committee to whom was referred a copy of Gen. Ord. No. 25-11-12 by Alderpersons Hammond and Roeseler amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to add a position in the Mayor's Office Table of Organization; recommends that the attached Substitute Ordinance and amended Job Description for the Chief Administrative Officer be passed.

Was accepted and adopted.

RESOLUTIONS ON SECOND READING

Subs. Res. No. 83 – 11 - 12. By Alderperson Bohren. October 3, 2011.

A RESOLUTION authorizing entering into contract with Sheboygan County Highway Dept., Sheboygan, Wisconsin for the ditching and resurfacing of portions of S. 16th St., Pheasant Lane and Maple Lane.

RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to enter into contract with Sheboygan County Highway Dept., Sheboygan, Wisconsin, for reimbursement of ditching and roadway resurfacing completed in August and September 2011, in an amount not to exceed \$50,000.

BE IT FURTHER RESOLVED: That the proper City Officials be and they are hereby authorized and directed to draw orders on account number 47033140-631100 in payment of same.

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

Ayes: Boeldt, Bohren, Carlson, Hammen, Hammond, Heidemann, Kath, Kittelson, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 14.

Nays: None.

ORDINANCES ON SECOND READING

Subs. of Gen. Ord. No. 24 - 11 - 12. By Alderpersons Hammond and Roeseler. October 3, 2011.

AN ORDINANCE creating Division 5 of Article III of Chapter 2 of the Municipal Code relating to the position of Chief Administrative Officer.

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

Section 1. Division 5 of Article III of Chapter 2 of the Sheboygan Municipal Code is hereby created to read as follows:

“Chapter 2. *Administration.*

...

Article III. *Officers and Employees.*

...

Division 5. *Chief Administrative Officer.*

Section 2-340. *Position established.*

The position of chief administrative officer is established for the city service, which position shall be under the direction of the common council with input from the mayor.

Section 2-341. *Appointment and term.*

The chief administrative officer shall be appointed by the common council with input from the mayor. The term of office shall be for five years, but the holder may be removed by the common council at pleasure by a three-fourths vote of the common council.

Section 2-342. *Duties.*

The chief administrative officer shall perform the duties and shall have the authority and powers prescribed by the common council."

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 October 1, 2011.

A motion by Alderperson Roeseler and second by Alderperson Hammond was made to pass the Substitute Ordinance.

Before action was taken thereon, a motion by Alderperson Roeseler and Alderperson Kittelson was made to amend Sec. 2-341 to remove "The term of office shall be for five years, but the holder may be removed by the common council at pleasure by a three-fourths vote of the common council." , passed on call of the roll:

Ayes: Boeldt, Bohren, Heidemann, Kath, Kittelson, Roeseler, Van Akkeren, VanderWeele, Versey – 9.

Nays: Carlson, Hammen, Hammond, Rindfleisch, Sampson – 5.

A motion by Alderperson Hammond and second by Alderperson Rindfleisch was made to amend to add to Sect. 2-341 "The initial appointee's term shall expire August 22, 2015, and said appointee may be removed only for cause by a three-fourths vote of the common council. The term "cause" as used in this subsection, is defined as inefficiency, neglect of duty, official misconduct or malfeasance in office" , was passed on call of the roll:

Ayes: Boeldt, Carlson, Hammen, Hammond, Rindfleisch, Van Akkeren, VanderWeele – 7.

Nays: Bohren, Heidemann, Kath, Kittelson, Roeseler, Sampson, Versey – 7.

Mayor Ryan broke the tie voting "Aye". Making the count 8 – Ayes and 7 – Nays .

On motion by Alderperson Roeseler and second by Alderperson Hammond, the Substitute Ordinance, as amended, passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Hammond, Rindfleisch, Van Akkeren, VanderWeele – 8.

Nays: Heidemann, Kath, Kittelson, Roeseler, Sampson, Versey – 6.

Subs. of Gen. Ord. No. 25 - 11 - 12. By Alderpersons Hammond and Roeseler. October 3, 2011.

AN ORDINANCE amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to add position in the Mayor's Office Table of Organization.

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

Section 1. Section 29-75 of the 1975 Sheboygan Municipal Code entitled "List of Classes and Class Specifications," is hereby amended in Subsection A. 5. Mayor's Office Table of Organization to create the position of Chief Administrative Officer.

JOB CODE	CLASS GRADE	NO. OF EMPLOYEES
----------	-------------	------------------

ADD:

A. CITY HALL DEPARTMENTS

6. Mayor's Office

Chief Administrative Officer

16

1.0

Section 2. The new job description for this position, as well as revised job descriptions for those positions reporting to the Chief Administrative Officer, are attached, and copies of which shall be on file in the City Clerk's Office, Finance Department and the Human Resources Department.

Section 3. The current Finance Director/Treasurer is hereby appointed as the Interim Chief Administrative Officer effective 10/10/11.

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, publication as of October 10, 2011.

A motion by Alderperson Roeseler and second by Alderperson Hammond was made to pass the Substitute Ordinance.

October 3, 2011

Before action was taken thereon, a motion by Alderperson Hammond and second by Alderperson Rindfleisch was made to amend "to strike Interim in Sect. 3." was passed on call of the roll:

Ayes: Boeldt, Carlson, Hammen, Hammond, Rindfleisch, Van Akkeren, VanderWeele – 7.

Nays: Bohren, Heidemann, Kath, Kittelson, Roeseler, Sampson, Versey – 7.

Mayor Ryan broke the tie vote by voting "Aye" making the count 8 – Ayes and 7 – Nays.

On motion by Alderperson Roeseler and second by Alderperson Hammond, the Substitute Ordinance, as amended, passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Hammond, Rindfleisch, Van Akkeren, VanderWeele – 8.

Nays: Heidemann, Kath, Kittelson, Roeseler, Sampson, Versey – 6.

Gen. Ord. No. 27 – 11 - 12. By Alderpersons Kath and Kittelson. September 19, 2011.

AN ORDINANCE annexing territory owned by the City to the City of Sheboygan, Wisconsin.

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

Section 1. Territory Annexed. In accordance with sec. 66.0223 of the Wisconsin Statutes, the following described territory in the Town of Sheboygan, Sheboygan County, Wisconsin, owned by the City of Sheboygan and lying contiguous to the City, is hereby annexed to the City of Sheboygan, Wisconsin:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN.

Section 2. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Sheboygan for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Sheboygan.

Section 3. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 4. This ordinance shall take effect upon passage and publication, and upon the filing of seven (7) certified copies of this ordinance in the office of the secretary of state of the State of Wisconsin, together with seven (7) copies of a plat showing the boundaries of the territory attached to the City.

Section 5. The territory described in Section 1 of this ordinance is hereby made a part of the _____ Ward, _____ Aldermanic District of the City of Sheboygan, and the 28th Supervisory District, 26th Assembly District and 9th Senatorial District.

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

Ayes: Boeldt, Bohren, Carlson, Hammen, Hammond, Heidemann, Kath, Kittelson, Rindfleisch, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 14.

Nays: None.

ORDINANCES INTRODUCED

Gen. Ord. No. 28 – 11 – 12. By Alderpersons Kittelson and Kath. October 3, 2011.

AN ORDINANCE granting Kurt Gruenewald, his heirs and assigns, the privilege of encroaching upon described portions of N. 26th St. located at 614 N. 26th St. in the City of Sheboygan for the purpose of building and maintaining a retaining wall.

Was referred to the City Plan Commission.

Gen. Ord. No. 29 - 11 – 12. By Alderperson Versey. October 3, 2011.

AN ORDINANCE amending Chapter 26-260 and 26-262 of the Municipal Code relating to permits and fees for renewable energy installation.

Was referred to the Committee on Public Protection and Safety.

Gen. Ord. No. 30 – 11 - 12. By Alderperson Kittelson. October 3, 2011.

AN ORDINANCE relating to stop signs so as to make the intersection of Camelot Blvd. and S. 18th St. a four-way stop intersection.

Was referred to the Committee on Public Protection and Safety.

Gen. Ord. No. 31 – 11 - 12. By Alderperson Kittelson. October 3, 2011.

AN ORDINANCE relating to two-hour limits so as to repeal Gen. Ord. No. 82-79-80 and change the parking limits in the 1600 block of the north side of Indiana Ave. to 30-minute parking limits.

Was referred to the Committee on Public Protection and Safety.

MATTERS LAID OVER

R. C. No. 183 - 11 - 12. By WHOLE. September 19, 2011.

Your Committee to whom was referred Gen. Ord. No. 24-11-12 by Alderpersons Hammond and Roeseler creating Division 5 of Article III of Chapter 2 of the Municipal Code relating to the position of Chief Administrative Officer; recommends that the Ordinance be passed.

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

Ayes: Bohren, Hammen, Heidemann, Kath, Kittelson, Roeseler, Sampson, VanderWeele, Versey – 9.

Nays: Boeldt, Carlson, Hammond, Rindfleisch, Van Akkeren – 5.

R. C. No. 184 - 11 - 12. By WHOLE. September 19, 2011.

Your Committee to whom was referred Gen. Ord. No. 25-11-12 by Alderpersons Hammond and Roeseler amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to add/delete positions in the Mayor's Office and the Finance Department Table of Organization; recommends that the Ordinance be passed and the Job Description for the Chief Administrative Officer be amended as follows: "under Reports to: Mayor and Common Council and throughout the body of the document", be replaced with "Reports to: Common Council with input from the Mayor."

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

Ayes: Bohren, Hammen, Heidemann, Kath, Kittelson, Roeseler, Sampson, VanderWeele, Versey – 9.

Nays: Boeldt, Carlson, Hammond, Rindfleisch, Van Akkeren – 5.

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

Mayor

City Clerk