

*****ATTACHMENTS*****

February 4, 2013

HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointments for your confirmation:

BUSINESS IMPROVEMENT DISTRICT

<u>NAME</u>	<u>APPOINTED</u>	<u>EXPIRES</u>
Pamela Butler Channel (Business Owner)	2/04/13	12/31/14
Ryan Moeller (Business Owner)	2/04/13	12/31/14
David Gass (Business Owner)	2/04/13	12/31/13
Tom Brickley (Business Owner)	2/04/13	12/31/13
Mike Vandersteen (Business Owner)	2/04/13	12/31/13
Eileen Simenz (Property Owner)	2/04/13	12/31/14
William Holbrook (Property Owner)	2/04/13	12/31/14
Larry Schaefer (Property Owner)	2/04/13	12/31/14
David Haneman (Property Owner)	2/04/13	12/31/13
David Sanderson (Property Owner)	2/04/13	12/31/13
Chad Pelishek (City Government)	2/04/13	12/31/14



MAYOR TERRY VAN AKKEREN

II

R. O. No. - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting various license applications.


City Clerk

TEMPORARY "CLASS B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2261	Brennans Womens Softball	1101 Michigan Ave. - one-day event to be held 4/6/2013 to include all of the premise.

COMMERCIAL OPERATORS LICENSE (December 31, 2013)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2961	Eisentraut Lawn Care	404 Roosevelt Ave., Howards Grove

SECONDHAND JEWELRY/ARTICLE (December 31, 2013)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2917	Century Metal	1011 Belmar Ln., Buffalo Grove, IL
2906	Gaming Generations	1122 N. 8 th St.



R.O. No. - 12 - 13. By CHIEF OF POLICE. February 4, 2013.

Pursuant to section 54-65 of the Municipal Code, I herewith submit my quarterly report showing the activities of my department for the period commencing October 1, 2012 and ending December 31, 2012.

Part I Crimes	OCT		NOV		DEC		2012 TOTAL 4th QTR Reported	2011 TOTAL 4 th QTR Reported
	Reported	Cleared	Reported	Cleared	Reported	Cleared		
Homicide	0	0	0	0	0	0	0	0
Rape	1	1	3	2	0	1	4	18
Robbery	1	1	3	1	1	1	5	5
Aggravated Assault	9	8	9	6	8	6	26	24
Simple Assault*	20	20	27	20	23	20	70	52
Burglary	27	4	40	8	18	3	85	67
Theft	111	42	76	39	79	38	266	369
Vehicle Theft	2	1	5	4	2	1	9	12
Arson	2	1	1	0	0	0	3	1
Total Part I Crimes	173	78	164	80	131	70	468	548
Total Current <i>Reported</i>	468		Total Current <i>Cleared</i>		228			
Same Quarter Last Year	548		Same Quarter Last Year		202			

*Part 2 Crime

Traffic Arrests	
October	247
November	243
December	213
Current Quarter	703
Same Quarter Last Year	752

Other Arrests	
October	385
November	366
December	375
Current Quarter	1126
Same Quarter Last Year	1066

Accidents Investigations	
Current Quarter	411
Same Quarter Last Year	346

Total Arrests	
Current Quarter	1829
Same Quarter Last Year	1818

Property	OCT	NOV	DEC	Current Quarter	Same Quarter Last Year
Value Property Stolen	36239	48395	30367	115,001	149,345
Value Property Recovered	13717	14720	3861	32,298	20,085
Percent Recovered	38	30	13	28	13.4

Chief of Police Christopher D. Domagalski

III

Res. No. - 12 - 13 . By Alderperson Carlson. February 4, 2013.

A RESOLUTION in recognition of the service of Sharon Winkle to Mead Public Library.

WHEREAS, Sharon Winkle was hired by the Board of Trustees on January 21, 1991, and will retire effective February 1, 2013 with a total of 22 years of service to the library.

WHEREAS, Sharon Winkle has served as an exemplary model for the conduct of the responsibilities of the Director. The Mead Public Library has served area residents for over 115 years, and it is highly regarded by members of this community today in no small part because of the direction of Sharon Winkle; and,

WHEREAS, she has served as an advocate and a mentor for the Mead Public Library staff and recognized for her fair, assertive, responsive, and kind management style.

WHEREAS, Sharon Winkle is credited for developing comprehensive five-year strategic direction plans and yearly initiatives with the Mead Public Library Board of Trustees which has resulted in the high success rate of accomplishing goals on behalf of the customers served at the Mead Public Library; and,

WHEREAS, with Sharon Winkle's leadership Mead Public Library strove to stay abreast of digital technology, preserve local history, provide quality resources and materials, organize relevant programming for all ages, and promote a 21st- century literate society which has resulted in yearly visits surpassing 340,000; and

WHEREAS, Sharon Winkle diligently pursued opportunities for Mead Public Library by carefully merging the interest of the private sector with the goals of the library which has resulted in improving library collections, facilities and services. She was instrumental in working with citizens to add the third floor to the library in The Centennial Building Project (1995-1997). This blended public/private funding project increased access to the library's wonderful collections and provided more space for programs; and

III

WHEREAS, Sharon Winkle carefully analyzed the needs of the library and utilized private sector gifts to create dedicated space for the teens in our community. This resulted in the Myrtle and Hazel Hansen Teen Library Center and the Dr. Jerome M. Maas Teen Learning Center both of which involved a teen advisory board in its design and function; and,

WHEREAS Sharon Winkle has strived to maintain a professional working relationship with the City of Sheboygan administration and Common Council; and,

WHEREAS, during her tenure as Director Sharon Winkle served as a member and secretary to both the Mead Public Library Board of Trustees and the Foundation, Inc. She additionally enthusiastically supported the efforts of the Friends Organization.

NOW THEREFORE BE IT RESOLVED THAT the Mead Public Library Board of Trustees commends Sharon Winkle on her service to the community as the Director of the library for 22 years. Her visionary leadership has contributed to our library being the true educational and cultural gem of our community. She began her tenure in a two-story building that had the card catalog stored in wooden cabinets, and she is leaving Mead Public Library as an extraordinary three-story building filled with an amazing collection of books and materials that can be accessed digitally.

The Board thanks her for her commitment and recognizes her service through this resolution. The Mead Public Library Board of Trustees wishes Sharon all the best as she retires from her service to the Library, Board, staff and Sheboygan residents as the Library Director.

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

VI

R. C. No. _____ - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred R. O. No. 211-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that the following license be granted:

TAXICAB OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>	<u>Address</u>
9812	Kropuenske, Vincent E.	1423 Mehrtens Ave.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper license.

_____ Committee.

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk
Approved _____ 20____, _____, Mayor

IV

II

Other Matters

8.1

R. O. No. 211 - 12 - 13. By CITY CLERK. December 3, 2012.

Submitting various license applications for the period ending June 30, 2013 and June 30, 2014.

Law & Lic
12/17/12 - grant all licenses except hold to 1/15/13 Wright, Belekevich, Kropuenske.
1/21/13 - grant Wright hold Belekevich & Kropuenske.
2/14/13 - grant Kropuenske, deny Belekevich.

Susan Richards

City Clerk

CHANGE OF AGENT

Martin Corson is being replaced by Amanda Beniger as agent for Ashley's Bar & Grill effective immediately.

BEVERAGE OPERATOR'S LICENSE (June 30, 2014)

<u>No.</u>	<u>Name</u>	<u>Address</u>
9808	Herrmann, Kevin C.	1521 Lone Oak LN, Manitowoc
9818	Kittle, Michelle L.	222 Bleyer Dr.
9809	Lulloff, Halden P.	509 5 th St., Kiel
9821	Remiker, Kristen S.	2825 37 th St., Two Rivers
9816	Roehl, Heather M.	1505 S. 8 th St.
9817	Rood, Erin P.	329 S. 6 th St., Oostburg
9820	Schroeder, Toni M.	606 St. Clair Ave.
9811	Steinbruecker, James T.	3821 S. 8 th St.
9815	Voechting, Brittnay A.	1605A S. 8 th St.
9810	Wright, Brittany K.	4701C Amanda Ln.
9813	Wyman, Anthony G.	105 Kay Ave., Sheboygan Falls

TAXICAB OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>	<u>Address</u>
5902	Belekevich, Amy L.	1340 Geele Ave.
9812	Kropuenske, Vincent E.	1423 Mehrtens Ave.
9814	Maldonad, Silvestre Torres	1833 N. 20 th St.
9819	Stevens, Mark A.	208 Prospect Ave.

II

Abstract of Case

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VI

R. C. No. - 12 - 13 . By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred R. O. No. 226-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that the following licenses be granted:

BEVERAGE OPERATOR'S LICENSE (June 30, 2014)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2195	Kussard, Heidi K.	1904 N. 28 th St.
9825	Meise, John A.	2518 Cooper Ave.
4338	Roerdink, Sherri L.	722 Woodview Ave., Sheboygan Falls

TAXICAB OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>	<u>Address</u>
8177	McKenzie, David J.	1216 S. 9 th St.
9833	Post, Duane T.	3427 Lakeshore Rd., #1G

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

Committee.

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

II

Other matters

9.1

R. O. No. 226 - 12 - 13. By CITY CLERK. December 17, 2012.

Submitting various license applications for the period ending June 30, 2013 and June 30, 2014.

Law & Co.
 1/21/13 - add to RO the following: Bev. op. Nytes (9836); Schroeder (9829); Suemnicht (9834); Veith (9835) or grant all other lic.
 2/14/13 - deny Schroeder, deny Roerdink, Schindler, Udovich, McKenzie, Post, Udovich, Meise, Roerdink

Susan Richards
 City Clerk

BEVERAGE OPERATOR'S LICENSE (June 30, 2014)

<u>No.</u>	<u>Name</u>	<u>Address</u>
9827	Anderson, Fylicia M.	904 Clara Ave.
9824	Beninghaus, Robert J.	1522 N. 9 th St.
9830	Butcher, Brandi A.	818 Pennsylvania Ave., #301
9823	Gerbers, Stefani A.	4106 Oakdale Ct.
4043	Greger, Amy L.	2125 S. 14 th St.
2195	Kussard, Heidi K.	1904 N. 28 th St.
9825	Meise, John A.	2518 Cooper Ave.
9836	Nytes, Valerie J.	W3378 Cty Hwy. N, Sheboygan Falls
9831	Robert, Michelle L.	228 S. Sauk Trl. Rd., Oostburg
4338	Roerdink, Sherri L.	722 Woodview Ave., Sheboygan Falls
9828	Rosenthal, Sarah N.	924 Wisconsin St., Adell
9829	Schroeder, Kathleen A.	2109 N. 10 th St.
9832	Sohr, Christopher T.	3120 S. 9 th St.
9004	Stapel, Nikki D.	1202 Stahl Rd.
9834	Suemnicht, Joy L.	W8092 Cty. Rd. C
8927	Udovich, Kendra L.	1226 Main Ave.
7784	Udovich, Ronda L.	1226 Main Ave.
9826	VanEngen, Tashia L.	1332 N. 16 th St.
9835	Veith, Lynn M.	163 Foxglove Ln., Sheboygan Falls
9822	Wahlstrom, Joshua M.	926 Alabama Ave.

TAXICAB OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>	<u>Address</u>
5170	Gilbertson, Stephen J.	1216 N. 29 th St.
8177	McKenzie, David J.	1216 S. 9 th St.
9833	Post, Duane T.	3427 Lakeshore Rd., #1G

1. 10

10/10/10



10/10/10

VII

R. C. No. _____ - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 246-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that the following licenses be granted:

BEVERAGE OPERATOR'S LICENSE (June 30, 2014)

<u>No.</u>	<u>Name</u>	<u>Address</u>
9856	Babino, Kayla N.	1709 Hilltop Dr.
9857	Campbell, Jennifer K.	4155 S. 16 th St.
9850	Daugherty, Tanner D.	3133 Main Ave.
6242	Garza, Maricela	2330 S. 9 th St.
9859	Hoepfner, Danielle N.	1216 Pershing Ave.
9852	Huenink, Carter G.	W4467 Center St., Waldo
9860	Kelly, Shane P.	1618 N. 34 th St.
9855	Krase, Sarah	1025 Covington Dr., Sheb. Falls
9862	Kunstman, Ashley M.	1222 Parkwood Blvd., #E
4769	Meifert, Lisa M.	1336 North Ave.
6306	Vallejo, Virginia	1617 Superior Ave.
9853	Wehmeyer, Jessica M.	2211 N. 22 nd St.
9854	Williams, John S.	504 Valley Rd., Kohler

TAXICAB OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>	<u>Address</u>
9851	Mathis, Al	1614 S. 9 th St.
9858	Wicker, Verlin C.	2320 N. 36 th St.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

_____ Committee.

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk
Approved _____ 20____, _____, Mayor

IX

R. C. No. _____ - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred Gen. Ord. No. 47-12-13 by Alderperson VanderWeele repealing and recreating Article III of Chapter 30 of the Municipal Code relating to regulation and licensing of massage technicians and massage establishments; recommends that the Ordinance be passed.

_____ Committee.

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk

Approved _____ 20____, _____, Mayor

XI



6.2

Gen. Ord. No. 47 - 12 - 13. By Alderperson VanderWeele.
January 21, 2013.

AN ORDINANCE repealing and recreating Article III of Chapter 30 of the Municipal Code relating to regulation and licensing of massage technicians and massage establishments.

WHEREAS, the State of Wisconsin has preempted municipal regulation and licensing of the practice of massage therapy and bodywork therapy through the creation of Chapter 460 of the Wisconsin Statutes.

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

Section 1. Article III entitled "Massage Parlors" of Chapter 30 of the Sheboygan Municipal Code is hereby repealed in its entirety and recreated to read as follows:

"Chapter 30 - BUSINESSES

. . .

ARTICLE III. MASSAGE ESTABLISHMENTS

DIVISION 1. GENERALLY

Sec. 30-96. Penalties for violation of article.

A violation of any of the provisions of this article shall subject the violator to a forfeiture of not less than \$50.00 and not more than \$200.00 and in default of payment thereof imprisonment for not to exceed 30 days.

Sec. 30-97. Inspection of licensed premises.

The licensed premises shall be open at all times to inspection by the police officers of the city and the building inspection division for the purpose of determining whether the premises and licensee are complying with the provisions of this article.

Sec. 30-98. Regulation of massage establishments.

- (a) *Supervision by therapist.* There shall be on the licensed premises at all times a massage therapist or bodywork therapist licensed under Chapter 460, Wis. Stats. The licensee of the establishment shall personally supervise the conduct of the

L. J. approve

150

X

4

business thereon and shall not violate or permit any therapist or employee in his employ to violate any provision of this article. A violation of any provision of this article by an officer, employee or therapist shall constitute a violation by the licensee of the establishment.

- (b) *Alcohol beverages.* No alcohol beverages shall be sold or used on the licensed premises.
- (c) *Hours of operation.* No licensed premises shall be open for business except between 8:00 a.m. and 10:00 p.m.
- (d) *Maintenance in sanitary condition.* All licensed premises shall be maintained in a clean and sanitary condition and in compliance with all city ordinances and state laws and regulations.
- (e) *Display of certificate.* The massage establishment license shall be conspicuously displayed in the licensed establishment so that the license can easily be seen and read.

Secs. 3-99 - 3-120. Reserved.

DIVISION 2. LICENSE

Sec. 30-121. Required for operation of establishment.

No person shall operate an establishment within the city where massage therapy or bodywork therapy is provided by one person to another for compensation without a license therefor.

Sec. 30-122. Exemptions.

No massage establishment license shall be required under this article where massage therapy or bodywork therapy is engaged in in the performance of the duties of their respective professions:

- (1) Hospitals, medical clinics, surgical centers, or offices of physicians, surgeons, chiropractors, osteopaths or physical therapists licensed or registered to practice their respective professions under the laws of the state, or nurses or nurse practitioners registered under the laws of the state acting under their discretion or control;

- (2) Barbershops and beauty parlors, provided such massage therapy or bodywork therapy, as practiced, is limited to the head and scalp.

Sec. 30-123. Fees.

The annual license fee for a massage establishment shall be \$100.00. Such license shall run from January 1 to December 31.

Sec. 30-124. Application.

Application for a license under this article shall be made on a form furnished by the city clerk, which shall contain the following information:

- (1) Name and address of the proposed massage establishment and the name and address of each individual who will have or has any financial interest, direct or indirect, in the proposed establishment;
- (2) Previous employment of every such individual for the preceding three years;
- (3) Date of birth of any such person;
- (4) Whether the applicant is a natural person, corporation, limited liability company, or partnership, and:
 - a. If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.
 - b. If the applicant is a partnership, the names and addresses of all partners.
 - c. If the applicant is a limited liability company, the names and addresses of all members.
 - d. The name of the manager or proprietor of the business.
 - e. Any other information that the clerk may reasonably require.
- (5) A statement as to whether the applicant, including an individual, agent, officer, director, member, partner, manager or proprietor has, within the previous ten years, been convicted of any crime, statutory violation punishable by forfeiture, or

county or municipal ordinance violation. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.

- (6) Whether the applicant or any other person listed in subsection (5) above has ever used or been known by a name other than the name set forth on the application, and if so, the name or names used and information concerning dates and places used.
- (7) Whether the applicant or any other person listed in subsection (5) above has previously been denied, or had revoked or suspended, a massage establishment license or similar license from any other governmental unit. If so, the applicant must furnish information as to the date, location and reason for the action.
- (8) The names and addresses of all persons proposed to be employed therein.

Sec. 30-125. Investigation of application.

The city clerk shall refer the application to the police department which shall investigate and determine whether the applicant and the establishment proposed to be licensed conform to the requirements of this article. The police department shall refer the application to the building inspection division who shall investigate the premises proposed to be licensed to determine whether the premises conform to the requirements of this article, the rules and regulations of the department of health and social services, and any other applicable laws and ordinances. The police department and the building inspection division shall report their findings and recommendations to the city clerk for consideration by the common council.

Sec. 30-126. Grant; right of hearing upon denial.

The council shall grant or deny the application no later than 60 days after submittal of a completed application. If the application for a license is denied, the applicant shall be given written notice of the reasons for denial and shall be given an opportunity to be heard thereon.

Sec. 30-127. Suspension and revocation.

The common council may suspend or revoke a massage establishment license after notice and opportunity for hearing, for fraud, misrepresentation, or false statement contained in the application for a license, for a violation of any provision of this article, or subject to Sections 111.321, 111.322 and 111.335, Wis. Stats., upon conviction of an

offense the circumstances of which substantially relate to the operation of a massage establishment.

Secs. 30-128 - 30-160. Reserved."

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.

Lxk

Jodi Vanderveer

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

I

Com. No. - 12 - 13 February 4, 2013.

Submitting a communication from Eric Bollar being an article from the Sheboygan Press entitled, "First commitment: Number of first responders dwindling in county communities."

Presented to the Common Council by Alderperson _____
Bohren

and

Heidemann

Richards, Sue

From: Alderperson Jim Bohren & Heidemann
Sent: Monday, January 21, 2013 12:46 PM
To: Eric Bollar
Cc: Richards, Sue; Schroeder, Linda; Alderperson Joseph Heidemann
Subject: RE: Council document

Mr. Bollar -

Thank you for contacting me. This is to late for the Council meeting tonight but I will ask the City Clerk to submit it for the 2/4 Council meeting.

Alderman Jim Bohren
8th District - Wards 24, 25 & 26
City of Sheboygan, Wisconsin
920.395.2230
jim.bohren@ci.sheboygan.wi.us
2012 - 2013 Committee Assignments
Chairman, Committee of the Whole
Vice Chairman, Public Works Committee

From: Eric Bollar [sfdmed@gmail.com]
Sent: Monday, January 21, 2013 7:27 AM
To: Alderperson Jim Bohren; Alderperson Joseph Heidemann
Subject: Council document

Alderman

I live at 2331 S 10th st in sheboygan. I am writing that to have you submit this article as a document to council for today.
Thank you.

[Http://m.sheboygan-press.com/news/article?a=2013301120242&f=583&ref=search](http://m.sheboygan-press.com/news/article?a=2013301120242&f=583&ref=search)

Eric Bollar

sheboyganpress.com



First commitment: Number of first responders dwindling in county communities

By Janet Ortegon jortegon@sheboyganpress.com

January 11, 2013



Responder recruit James Beaubien, left, looks around the Town of Sheboygan fire station Wednesday while first responder Joe Lamb checks the oil during a regular truck check at the Town of Sheboygan Fire hall. Beaubien saw an ad that the department put out seeking first responders. - Photo by Gary C. Klein/Sheboygan Press Media

Last July 4, James Beaubien brought a man back to life.

The newly certified emergency medical technician, who lived then in Newberry, Mich., was on call that day when he received an emergency call for a man who'd had a heart attack.

Cutting through the holiday parade lineup to reach the scene, Beaubien said the paramedics were already there when he arrived.

"He was non-responsive when we got there," said Beaubien, who worked on the man in the ambulance on the way to the hospital. "We got two blocks away from the hospital and his rhythm came back. We did end up bringing the guy back before we got him to the hospital."

Beaubien, 19, now lives in the Town of Sheboygan and is attending Lakeshore Technical College to get certified as a firefighter and a paramedic.

In the meantime, he's joined the Town of Sheboygan First Responders and other first responder units in Sheboygan County are hoping more people will follow his lead.

'The worst we've ever had it'

Several of the 15 first responder units in Sheboygan are facing serious shortages in personnel, forcing them to scale back and prompting some of them to work together to attract new recruits.

"We are really, really low on numbers," said Erin Lamb, a volunteer firefighter and first responder in the Town of Sheboygan. "We have a couple of people that cover weekends, sometimes we don't even have

people that go during the day. If Grandma falls down on the way to get the mail, if it happens at certain times, we may not have anybody to go and help."

First responders are generally volunteers who respond first to emergencies and provide care, communicate with paramedics and help treat patients.

They aren't required, but in areas that are far from ambulance bays, they provide immediate care during the lag time before the ambulance arrives.

According to information from the Wisconsin EMS Association, the shortage being felt in Sheboygan County isn't happening everywhere.

There are about 4,500 first responders and 200 first responder agencies throughout the state, and the number has been consistent for the past 15 years.

"I think it's a cultural society change," said Lamb, 32, who is also a first-grade teacher at Lincoln-Erdman Elementary School in Sheboygan. "Where it used to be, 'What can I do?' families are a lot more busy than they used to be. There are a lot of responsibilities on families and they don't have time for another obligation."

Lamb was the driving force behind a recent newspaper ad in The Sheboygan Press purchased by first responder units from the Town of Sheboygan, the Town of Wilson, Glenbeulah, Elkhart Lake and Cascade seeking new recruits.

"This is the worst we've ever had it," she said. "When we started, we had people left and right who wanted to join. ... We just don't have that anymore."

Sharing the responsibility

Dr. Suzanne Martens, an emergency room physician at St. Nicholas Hospital, is the county's EMS medical director for the first responder units. The City of Sheboygan Fire Department first responder unit has its own director.

Martens said first responder units reflect a community's commitment to take care of one another and a shortage leaves a serious gap in care.

"People who move here think it's nice to live in this area ... they're also under the impression when they pick up the phone someone's going to arrive and take care of them," she said. "They've lived in the city somewhere else and assume this happens everywhere. If the community doesn't supply emergency response, nobody else is going to do it. It's not a legal requirement."

Martens said that most first responder calls are for non-life threatening situations and the minutes spent waiting for help aren't crucial.

For cardiac arrests, heavy bleeding or a person not breathing, however, every second counts.

"The information we have is on cardiac arrest and your rate of dying goes up 10 percent per minute," Martens said. "When you need emergency help, you need it now. You need to find people in your community willing to share this responsibility or don't expect it to be there."

First on the scene

In the Town of Wilson, the first responders are seeing their call volume edging up each year and the number of first responders falling.

Their goal, said Service Director Nancy DesJardins, is to get emergency help to the scene within minutes of the call coming in. Once there, first responders can do CPR or give whatever care is needed, they can

advise the approaching ambulance crews on how to find the location, deal with family members and provide needed help.

"They leave from their homes, usually in their own vehicles, and they arrive on scene within about five minutes," DesJardins said. "Cardiac arrest and cardiac resuscitation drops dramatically in success rate after four to six minutes. If you have an ambulance that arrives 10, 11, 12, 16 minutes later, you virtually wipe out your chances."

Mike Mooney has been a Glenbeulah firefighter since 1975 and a first responder since the mid-1980s. Now fire chief and head of the first responder unit, he's worried.

The unit has seven members right now, and one person is poised to retire, leaving six. Ideally, Mooney, said the unit needs 10.

"Through attrition, we're down to these numbers and it's really been hard lately to recruit more people," said Mooney, 55. "Fortunately we have not missed a call due to the shortage of numbers. We've just gotten lucky, I think, at times."

Being on call

Weekdays are always the toughest time to staff because in order to be on call, the first responders have to stay in the coverage area for the entire six-hour shift and they have to be able to respond immediately.

In Cascade, 15 people handle the call volume when really 20 are needed, said first responder Captain Darrel Kasuboski.

In their case, however, two first responders are village employees who can leave their jobs for emergencies so they always staff the daytime call time.

"Without those two guys we wouldn't have daytime people," Kasuboski said. "We are very, very fortunate in our village."

In Elkhart Lake, the Elkhart Lake Police Department sends additional first responders to a scene if the village's first responder unit doesn't have enough staff, said former Captain Rob Schmidt, 29.

Though Schmidt said service to the community isn't in jeopardy, the unit is looking to add as many as nine people to its 16-member crew.

In Cascade, the unit needs at least five more.

"I don't want to say we're desperate, but we're always looking," Kasuboski said. "We're all getting older and we're not getting any younger people. You've got to realize, some of the stuff we see, eventually it kind of gets to you. Obviously, we don't all stay young. We'd like to."

Offering incentives

To become a first responder, recruits have to attend classes that are offered at 30 training centers in Wisconsin, including Lakeshore Technical College.

In order to attract promising recruits, local first responder units typically reimburse the cost of those classes after the new person has been with the unit for a certain period of time.

In Glenbeulah, new first responders get half their money reimbursed after a year and the total amount after two years; in Cascade, half gets paid back after six months and the rest after a year.

The Town of Wilson has also taken to giving a stipend of \$3 per shift for first responders on call.

"Recruitment is always under discussion," DesJardins said.

'We really depend on them'

When an ambulance arrives at the scene of an emergency, very often first responders are already there.

"It gives us a heads up on what we're coming into so we can plan accordingly," said Gerry Isbell, executive director of Orange Cross Ambulance Service. "A lot of times they know the families, they know the situation. ... We really depend on them."

Mooney, of the Glenbeulah First Responders, said he hopes the idea of helping others and pitching in when they're needed will start to appeal to people again.

"I enjoy it," he said. "The scenes aren't always the best but you get some satisfaction out of doing it and helping other people. Now with being so short-handed it gets the point, if you don't do it, who will?"

-- Reach Janet Ortegon at 920-453-5121.

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II

R. O. No. _____ - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a claim for excessive assessment from Walgreen Co., tenant of parcels 59281205930, 5928169780 and 59281431734, properties in Sheboygan, WI.

Susan Richards

City Clerk

January 9, 2013

JAN 23 '13 PM 4:07

Don M. Millis, Esq.
Direct Dial: 608-229-2234
dmillis@reinhartlaw.com

CLAIM FOR EXCESSIVE ASSESSMENT

SERVED BY PROCESS SERVER

Sue Richards, Clerk
City of Sheboygan
828 Center Avenue, 2nd Floor
Sheboygan, WI 53081

Dear Clerk:

Re: Tax Parcel Nos.: 59281205930,
59281629780 & 59281431734

Now comes Claimant, Walgreen Co., tenant of parcels 59281205930, 59281629780 & 59281431734 (the "Properties") in Sheboygan, Wisconsin, by Claimant's attorneys Reinhart Boerner Van Deuren s.c., and files this Claim for Excessive Assessment against the City of Sheboygan (the "City"), pursuant to Wis. Stat. §74.37. You hereby are directed to serve any notice of disallowance on the undersigned agent of the claimant.

1. This Claim is brought under Wis. Stat. § 74.37(3)(d), for a refund of excessive real estate taxes imposed on Claimant by the City for the year 2012, plus statutory interest, with respect to the Properties.

2. Claimant is the tenant on the Properties, is responsible for the payment of property taxes and the prosecution of property tax disputes involving the Properties and is authorized to bring this claim in its own name.

3. The City is a body corporate and politic, duly organized as a municipal corporation under Wisconsin law, with its principal office located at 828 Center Avenue, in the City.

4. The Properties are located at 1029 N. 14th Street, 2702 Calumet Drive and 3320 Business Drive within the City, and are identified in the City records as Tax Parcel Nos.: 59281205930, 59281629780 & 59281431734.

5. For 2012, property in the City was assessed at 108.67% of its fair market value as of January 1, 2012.

6. For 2012, property tax was imposed on property in the City at the rate of \$23.78 per \$1,000 for of the assessed value for Property.

7. For 2012, the City's assessor set the assessment of the Properties as follows:

59281205930:	\$2,588,100
59281629780:	\$2,485,500
59281431734:	\$2,400,000.

8. Claimant appealed the 2012 assessment of the Properties by filing a timely objection with the City's Board of Review pursuant to Wis. Stat. § 70.47 and otherwise complying with all of the requirements of Wis. Stat. § 70.47, except Wis. Stat. § 70.47(13).

9. The City's Board of Review heard the Claimant's objection and sustained the assessment on the merits as follows:

59281205930:	\$2,588,100
59281629780:	\$2,485,500
59281431734:	\$2,400,000.

10. Based on those assessments, the assessment ratio and tax rate described in paragraphs 5, 6 and 7, the City imposed tax on the Properties as follows:

59281205930:	\$66,881
59281629780:	\$64,230
59281431734:	\$62,020.

11. Claimant is timely paying the property taxes imposed by the City on the Properties for 2012, or the required installment thereof.

12. The fair market value of the Properties as of January 1, 2012 was no higher than the following:

59281205930:	\$1,975,000
59281629780:	\$1,800,000
59281431734:	\$1,900,000.

Sue Richards, Clerk
January 9, 2013
Page 3

13. Based on the assessment ratio of 108.67%, the correct assessments of the Properties for 2012 is no higher than the following:

59281205930:	\$2,146,233
59281629780:	\$1,956,060
59281431734:	\$2,064,730.

14. Based on the tax rate of \$23.78 per \$1,000 of assessed value, the correct amount of property tax on the Properties for 2012 should be no higher than the following:

59281205930:	\$51,037
59281629780:	\$46,515
59281431734:	\$49,099.

15. The 2012 assessments of the Properties, as set by the City's Board of Review were excessive and, upon information and belief, violated Article VIII, Section 1 (i.e., the Uniformity Clause) of the Wisconsin Constitution. As a result, the property tax imposed on the Properties for 2012 were excessive in at least the amount of \$46,480.

16. Claimant is entitled to a refund of 2012 tax in the amount of \$46,480, or such greater amount as may be determined to be due to Claimant, plus statutory interest.

17. The amount of this claim is \$46,480, plus interest thereon.

Dated at Madison, Wisconsin, this 9th day of January, 2013.

Sincerely yours,



Don M. Millis
Agent for Claimant

II

R. O. No. _____ - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a claim for excessive assessment from Sheboygan Orthopaedic Associates.



City Clerk

JAN 25 '13 PM 8:55

Sheboygan Orthopaedic ASSOCIATES



DONALD R. GORE, M.D.
D. SCOTT SELLINGER, M.D.
KEVIN J. GASSNER, M.D.
SCOTT T. GLAESER, M.D.
BRUCE A. VAN DOMMELEN, M.D.

January 24, 2013

City Clerk
City of Sheboygan
828 Center Avenue, Suite 100
Sheboygan, WI 53081

Dear City Clerk:

In accordance with Wisconsin Statute 74.35, I would like to make a claim against the taxation district and recover unlawful taxes.

In 2007 we entered a lease agreement for some equipment from TCF Finance. It was delivered and made operable in 2008. The lease specifies that TCF files the personal property tax return and pays the tax. We are responsible for reimbursing them and for following up on any disputes.

From the first year, TCF made a clerical error in the description of the property resulting in an error in the tax computation. A significant portion of the reported amount should be exempt [74.33(a) & (c)].

In addition the equipment was reported as physically present at Sheboygan Orthopaedic Associates on 1-1-08 which was not the case. It was not delivered until the end of March 2008 and operational the first week in April [74.33(b)].

Below is a summary of the amounts I am contesting:

Year	Amount Contested	Reason
2008	\$6872.64	Did not physically have this property on 1/1/08
2009	\$6059.46	Computer equipment was considered exempt – guidelines not published until 3/10
2010	\$5478.07	Computer equipment was considered exempt – guidelines not published until 3/10
2011	\$2764.96	Value of taxable equipment was \$141,773 times year 1 conversion factor *.925 times tax rate *.0159=\$2085.13 tax Taxed \$4850.09 – overpaid by \$2764.96
2012	\$2612.75	Value of taxable equipment was \$141,773 times year 2 conversion factor *.802 times tax rate *.0136 =\$1546.37 tax Taxed \$4159.12-overpaid by \$2612.75

City Clerk

2

January 24, 2013

I am enclosing a copy of a letter written to City Assessor Lee Grosenick outlining the proper value as well as his response.

I look forward to your response.

Sincerely,



Susan K. Neumeyer
Administrator

Enclosures:

August 16, 2012 letter to Mr. Lee Grosenick
September 20, 2012 email from Mr. Lee Grosenick
November 30, 2012 Copy of TCF Lease

Our claim amount equals \$23,787.88 for tax years 2008-2012.

2008	\$6872.64
2009	\$6059.46
2010	\$5478.07
2011	\$2764.96
2012	\$2612.75

**Sheboygan Orthopaedic
ASSOCIATES**

August 16, 2012

copy

Mr. Lee Grosenick
City Assessor's Office
City of Sheboygan
828 Center Avenue, Suite 302
Sheboygan, WI 53081

Dear Mr. Grosenick,

Thank you for meeting with me on July 18 regarding the property tax exemption issue for our digital imaging equipment. I appreciate your offer to work with us regarding this matter. I've gathered some additional information that should help us come to an agreeable resolution. There are a number of issues here, so I'll address them one at a time.

TCF filed a personal property tax claim form on our behalf for 2008. As I understand it, 2008 taxes are for personal property tax on property in our possession on January 1, 2008. While we signed an agreement to lease equipment on November 30, 2007, the equipment was not delivered until March 25, 2008, and was not installed and operational until April 2, 2008 (see OfficePACS Project Plan). Therefore, the 2008 tax in the amount of \$6872.64 should not have been assessed.

Based on the information available in 2008, including the "Taxation Alert" by Michael, Best & Friedrich, Attorneys at Law, we did not believe our medical diagnostic equipment was subject to Wisconsin's personal property tax. In March of 2010, the "2010 Computer Exemption Guidelines for Assessors and Property Owners" was issued offering new information suggesting that "Medical Devices - X-ray Imaging that is not a computer and not connected to and operated by a computer was taxable". Based on the date of issuance of this guideline, I would anticipate it would become effective for the 2011 tax year. Therefore, we believe for tax years 2009 and 2010, our equipment was exempt.

A recent review of the City of LaCrosse v. Wisconsin Department of Revenue v. Gundersen Clinic, City of LaCrosse v. Wisconsin Department of Revenue, and Gundersen Clinic v. Wisconsin Department of Revenue Tax Appeals Commission report reinforced that Wisconsin Statute 70.11(30) exempts personal computers, servers, and electronic peripheral equipment but not equipment with embedded computerized components.

When we agreed to invest in this diagnostic imaging equipment for our patients, TCF's total invoice of \$329,690 came through Stryker Imaging Company. Stryker contracted with Swissray for the HDDR 3500 detector component. The invoice is for the OfficePAC System and HDDR Installation. Schedule A itemizes everything that was included, but it does not itemize each charge. You'll note that the \$329,690 price included a server, software licenses, CasePlan auto calibration adhesive strips (disposable supplies), installation, training, support, planning, shipping, and set-up of connections. None of these items are subject to personal property tax as I understand the statute, therefore, tax assessments were higher than they should have been.

I forwarded Schedule A of my lease to our Swissray engineer along with the definitions of the types of taxable and exempt digital diagnostic imaging equipment. In an attempt to get an unbiased opinion, I did not tell him why I was asking him to categorize the components. He addressed the questionable items under the heading "HDDR 3500 Right Version" by writing, "The PC that sits on the floor in the control area would qualify as a computer. It runs Windows Vista and the applications that the techs interact with as they do the exams. There are two additional CPU's in the system. One is in the stand in the programmable logic controller that issues commands to the motors and keeps track of where the C-arm is. The second CPU is in the generator and controls all the things pertaining to the exposures. I would say these two would fall in the "embedded" category." I would estimate that about 25% of the items that fall under "HDDR 3500 Right Version" are exempt.

Working from the total price of \$329,690, I attempted to determine what part of this amount was for the equipment from Swissray and what part was for all of the other exempt things itemized two paragraphs earlier in this letter. Swissray estimated that they would have charged us \$188,000 for an outright purchase of the "HDDR 3500 Right Version" and the table. However, Stryker was buying them in large volumes and installing them around the country in the mid to late 2000's. Another medical practice who made this same purchase in 2006 was charged \$190,000 for the Stryker portion leaving a cost of \$193,980 for the Swissray equipment. Based on the price another medical practice paid for their PACS system, I calculate the price of the Swissray equipment at \$185,109. The average of these three is \$189,030. for the price of the Swissray equipment. Based on the opinion of the Swissray engineer regarding their equipment, I would estimate the cost of the possibly taxable equipment as \$141,773.

While we note that you recently pointed out that we have missed our opportunity to challenge some of these tax years, please understand that we had been challenging TCF on these issues during this time. We were caught in the middle because we weren't the "owner" but our lease obligated us to pay what the finance company paid in taxes—right or wrong—and in this case mostly wrong.

As the representative of four long-time Sheboygan business owners who have always filed and paid an annual Personal Property Report in a timely fashion reporting all equipment owned by the Corporation, we respectfully ask that you give this some consideration.

Tax Year	Taxed	Consideration
2008	6872.64	Refund since no equipment was in place 1/1/08
2009	6059.46	Refund since guidelines suggesting part of diagnostic imaging may be taxable were published 3/10
2010	5478.07	Refund since guidelines suggesting part of diagnostic imaging may be taxable were published 3/10
2011	4850.09	Net value \$141,773 times year 1 conversion factor * .925 times tax rate * .0159 = \$2085.13 tax (overpaid \$2764.96)

I am enclosing copies of the documents referred to within this letter, and I sincerely appreciate your review of this matter. Please let me know if you have any questions. I look forward to your decision for the past four years as well as your guidance for the tax bill that will print in December.

Sincerely,



Susan K. Neumeyer
Administrator

Enc: OfficePACS Project Plan
Taxation Alert
2010 Computer Exemption Guidelines for Assessors and Property Owners
Gundersen Decision
Stryker Imaging Invoice
Schedule A of Stryker Invoice

From: "Grosenick, Lee" <LGrosenick@ci.sheboygan.wi.us>
To: "SNeumeyer@physhealthnet.com" <SNeumeyer@physhealthnet.com>
cc: "McLean, Steve" <smclean@ci.sheboygan.wi.us>

Date: Thursday, September 20, 2012 05:04PM
Subject: RE: tax exemption status - Sheboygan Orthopaedic Associates - TCF Equipment Finance

History: This message has been forwarded.

Hello Sue,

The additional information you mailed should be sufficient to change the 2013 assessment for the personal property account in question. However, the assessor cannot change any prior year assessments or offer any refunds. The taxpayer may file a claim of excessive assessment (for the 2012 tax year) to the City Clerk, by January 31st, provided the tax has been paid in full prior to filing the claim.

There have been no further interactions with TCF. I was informed by the City Attorney, Steve McLean, that he had been contacted by Sheboygan Orthopaedic's attorney.

Lee Grosenick

Lee Grosenick

Interim Assessor

City of Sheboygan

Ph: (920) 459-3388

From: SNeumeyer@physhealthnet.com [mailto:SNeumeyer@physhealthnet.com]
Sent: Wednesday, September 19, 2012 11:55 AM
To: Grosenick, Lee
Subject: RE: tax exemption status - Sheboygan Orthopaedic Associates - TCF Equipment Finance

FAIR MARKET VALUE LEASE AGREEMENT

CUSTOMER: Sheboygan Orthopaedic Associates, S.C.		COUNTY: Sheboygan	
ADDRESS: 2920 Superior Avenue		STATE: WI	ZIP: 53081
CITY: Sheboygan			
EQUIPMENT DESCRIPTION: SEE ATTACHED SCHEDULE A			
TOTAL # OF LEASE PMTS: 60	PAYMENTS: Payment \$6129.94 Tax \$306.50 Total \$6436.44	ADVANCES First: \$0 Last: \$0 Security Deposit: \$0	PURCHASE OPTION: FMV: <input checked="" type="checkbox"/> \$1.00: _____ Other: _____

TERMS AND CONDITIONS –READ CAREFULLY BEFORE SIGNING

- LEASE:** Customer leases from Lessor the equipment, fixtures, inventory, goods, and software (collectively, "Equipment"), as such terms are defined under the Uniform Commercial Code ("UCC"), described above upon the terms and conditions set forth herein. This Agreement shall not terminate until Customer has fulfilled all obligations hereunder. The parties intend this Agreement to be governed by Article 2A of the UCC. Pursuant to Article 2A, Customer is entitled to the promises and warranties, including those of any third party, provided to Lessor by the Equipment supplier. Customer may contact the Equipment supplier and receive an accurate and complete statement of the promises and warranties, including any disclaimers and limitations of them or of remedies.
- PAYMENTS:** Other than as set forth in a rider hereto, payments are due monthly, beginning the date designated by Lessor. Lessor may change the payment by not more than 10% in the event of price changes, changed order, etc. Security deposit is refundable provided all terms and conditions of this Agreement have been fulfilled. Security deposits may be commingled with payments and do not earn interest.
- EQUIPMENT ACCEPTANCE:** Customer's acceptance of the Equipment shall be conclusively and irrevocably evidenced by Customer signing this Agreement. Upon Lessor's acceptance of this Agreement, THIS AGREEMENT SHALL BE NON-CANCELABLE, and Customer's obligations hereunder shall not abate for any reason.
- DISCLAIMER OF WARRANTIES:** THE EQUIPMENT IS BEING LEASED IN "AS IS" CONDITION. CUSTOMER AGREES THAT LESSOR IS NOT THE MANUFACTURER OR SUPPLIER OF THE EQUIPMENT. CUSTOMER HAS SELECTED THE EQUIPMENT BASED UPON ITS OWN JUDGMENT AND ACKNOWLEDGES THAT LESSOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATION OR WARRANTY OF ANY KIND, DIRECT OR INDIRECT, EXPRESS OR IMPLIED, AS TO THE SUITABILITY, DURABILITY, DESIGN, OPERATION OR CONDITION OF THE EQUIPMENT, ITS MERCHANTABILITY, FITNESS FOR USE FOR ANY PARTICULAR PURPOSE, OR OTHERWISE. No broker, equipment supplier, or other person (other than an employee of Lessor) is an agent of Lessor.
- GOVERNING LAW; LITIGATION:** This Agreement shall be interpreted and governed by the laws of the State of Iowa. BY SIGNING THIS AGREEMENT, CUSTOMER AGREES TO THE JURISDICTION AND VENUE OF FEDERAL AND STATE COURTS IN IOWA AND CUSTOMER HEREBY WAIVES ITS RIGHT TO A JURY TRIAL OF ANY MATTER ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS AGREEMENT. Lessor at its sole discretion may enforce this Agreement in any state or federal court having lawful jurisdiction thereof.
- SECURITY AGREEMENT:** In the event this Agreement is determined to create a security interest and not a lease, Customer hereby grants Lessor a security interest in all Equipment financed by or leased from Lessor of any kind or nature whatsoever, wherever located, whether now owned or hereafter acquired, and all returns, repossessions, substitutions, replacement parts, accessories, and accessions thereto and thereof, and all proceeds thereof.
- APPOINTMENT OF ATTORNEY IN FACT:** Customer appoints Lessor as Customer's attorney-in-fact (1) to arrange for property damage coverage under a policy of insurance and to transmit Customer's premium payments to the insurer, (2) to deal with and to direct any insurer as to any matter concerning the claim for, disposition of, and/or application of proceeds from any policy of insurance, and (3) to receive payments and execute and endorse all documents, checks, drafts, or other instruments necessary or advisable to secure payments due under any policy of insurance. Customer authorizes Lessor to make non-substantive changes hereto, including but not limited to Customer's legal name. These appointments and authorizations shall be continuous. Nothing in this paragraph or this Agreement shall relieve Customer of its duty to procure required insurance, to make timely insurance claims, and to otherwise cooperate with insurance carriers and Lessor in seeking insurance coverage and recoveries.
- NET LEASE/USE:** Customer agrees to be unconditionally obligated to pay all payments and other amounts due hereunder no matter what happens, even if the Equipment is damaged or destroyed, if it is defective, if Customer no longer can use it, or if the manufacturer or supplier ceases doing business or cannot service and/or support the Equipment, and irrespective of any set-off, counterclaim, defense, or other right which Customer may have against Lessor or any other person. Customer agrees that the Equipment will be used for business purposes only and such use shall be in compliance with all applicable laws. Customer shall maintain the Equipment in good repair and working order, at Customer's sole expense.
- TAXES:** Customer agrees to pay all taxes, fees, and governmental charges related to this Agreement and the Equipment, imposed during the term of this Agreement or at any time thereafter. If Lessor pays any of the above for Customer, Customer agrees to reimburse Lessor on demand, plus interest. Lessor shall not be obligated to contest any valuation of or tax imposed on the Equipment or this Agreement
- INDEMNITY:** Lessor is not responsible for any losses or injuries caused by the Equipment, and Customer agrees to indemnify Lessor with respect to all claims for losses imposed on, incurred by, or asserted against Lessor, including attorneys' fees and expenses plus interest, where such claims in any way relate to the Equipment, whether or not caused in whole or in part by the negligence of Lessor. Customer shall, if requested by Lessor, defend Lessor against any claims for losses or injuries caused by the Equipment, including but not limited to any claim arising out of strict liability in tort. This provision shall survive the termination or expiration of this Agreement.
- INSURANCE:** Customer shall insure the Equipment against loss for not less than its replacement cost, and shall carry public liability insurance, both personal injury and property damage. Customer shall name Lessor as an additional insured and as loss payee. If Customer fails to procure or maintain insurance, Lessor may obtain same and pay the amount due thereon, and Customer shall reimburse Lessor upon demand and, if required by Lessor, pay interest on such sums due and owing at a rate of up to 18% per annum, but in no event more than the maximum rate permitted by law. With respect to any policy obtained by Lessor, Lessor may charge a monthly administrative fee. Any insurance proceeds received with respect to the Equipment will be applied, at the option of Lessor, to repair, restore, or replace the Equipment, or to pay Lessor amounts payable hereunder.


12. **LATE CHARGES:** If Customer is delinquent in paying any sum due, Customer shall pay a charge to offset collection expenses on such delinquent sum of \$25.00 or at a rate of up to 10% of the delinquent sum that is past due, whichever is greater, but in no event more than allowed by applicable law.
13. **DEFAULT:** Any of the following constitute default: (1) Customer fails to pay any sum due Lessor; (2) Customer fails to observe or perform any term of this Agreement; (3) Customer encumbers or disposes of the Equipment without Lessor's written consent; (4) The filing by or against Customer of a petition under the Bankruptcy Code or any other insolvency law; (5) The voluntary or involuntary commencement of any formal or informal proceeding for dissolution, liquidation, settlement of claims against or winding up of Customer's affairs, or Customer ceases doing business of going concern; (6) Any representation or warranty made by Customer in connection herewith proves to have been materially misleading; (7) Customer is in default under any other contract or agreement with Lessor.
14. **REMEDIES:** Upon an occurrence of default, Lessor may exercise one or more of the following remedies: (1) Declare due, sue for, and receive from Customer the sum of all payments and other amounts then due and owing under this Agreement or any schedule hereto, plus (a) the present value of the sum of payments for the unexpired term of this Agreement, discounted at the rate of 6% per annum and (b) the anticipated value of the Equipment at the end of the initial term or applicable renewal term of this Agreement (but in no event less than 15% of the original Equipment cost), or (c) in lieu of (a) and/or (b) above, the accelerated balance of payments for the unexpired term of this Agreement; (2) Accelerate the payments of any other agreement with Customer in the same manner as set forth in clause (1) above; (3) Require Customer to return the Equipment at its own expense to any reasonable location Lessor designates; (4) Terminate this Agreement or any other agreement with Customer; (5) Collect from Customer all other amounts due and owing under this Agreement. (6) Charge interest on all sums due hereunder from and after the date of default at the rate of 18% per annum, compounded monthly until paid in full, but in no event more than the maximum rate permitted by law; In addition, Lessor may use any other remedies available to it under applicable law. These remedies will be applied, to the extent allowed by law, cumulatively. No delay in exercising any right or remedy shall operate as a waiver of any right or remedy or modify the terms of this Agreement. Customer agrees to pay Lessor all costs and expenses, including attorneys' fees, incurred by Lessor in exercising or attempting to exercise any of its rights or remedies. If appropriate in the circumstances, remedies will include those available under UCC Article 9.
15. **ASSIGNMENT:** Customer may not sublet, lend, assign, or pledge this Agreement, the Equipment, or any interest in either, or permit any lien or security interest thereon. Any and all of Lessor's interest and rights in the Equipment and under this Agreement may be assigned, pledged, or otherwise disposed of without notice to Customer. Any assignment of this Agreement by Customer shall not release Customer from its obligations hereunder.
16. **PURCHASE OPTION; RETENTION OF EQUIPMENT:** At the end of the Agreement period, and provided Customer is not in default, Customer shall have the option to purchase all (not part) of the Equipment at fair market value, AS IS, WHERE IS without any express or implied warranty whatsoever. If Customer fails or is unable to exercise its purchase option, or if Customer fails to return the Equipment to Lessor in the same condition as when received by Customer, reasonable wear and tear from normal use excepted and at its own expense to Lessor within thirty (30) days after the expiration of the original payment period, this Agreement will automatically convert to a month-to-month rental agreement on the same terms.
17. **CUSTOMER WAIVERS:** To the extent permitted by law, Customer waives all rights and remedies against Lessor provided by Article 2A or Article 9 of the UCC or other applicable law, including but not limited to any right which requires Lessor to sell, lease, or otherwise use any Equipment to reduce Lessor's damages or which may otherwise limit or modify any of Lessor's rights or remedies. Any action against Lessor for any default, including breach of warranty or indemnity, must be started within one (1) year after the event which caused it. Lessor will not be liable for specific performance of this Agreement or for any losses, damages, delay, or failure to deliver the Equipment.
18. **LEGAL ENTITY:** Wherever the name VGM Financial Services or the acronym VGMFS is used in this Agreement or any document relating to this Agreement, said name refers to VGM Financial Services a division of TCF Equipment Finance, Inc.
19. **GENERAL:** This Agreement shall inure to the benefit of and is binding upon the parties and their heirs, personal representatives, successors, and assigns. This Agreement shall not be modified without Lessor's written consent. If any provision of this Agreement is deemed unenforceable, then such provision shall be deemed deleted and all other provisions of this Agreement shall remain in full force and effect. Customer agrees that Lessor may receive from and disclose to other persons, including credit reporting agencies, VGM and Associates and its affiliates, and respective equipment vendors and suppliers, information about Customer's accounts and credit experience. Customer hereby authorizes any person to release to Lessor Credit experience and account information relating to Customer. These authorizations are intended to be continuous and shall survive the expiration and/or termination of this Agreement. Lessor complies with Sections 326 of the USA PATRIOT Act. This law mandates that Lessor verify certain information about customer's while processing account applications. This Agreement may be signed in any number of counterparts, including signatures transmitted by facsimile, each of which shall be deemed an original and all of which when taken together, shall constitute one and the same Agreement. This Agreement represents the entire Agreement between the parties, superseding all prior or contemporaneous negotiations, discussions, understandings, or agreements pertaining to the subject matter hereof. Time is of this essence of this Agreement.

Customer acknowledges having read the above terms and conditions and unconditionally agrees to same. By signing below, Customer acknowledges that it has received delivery of all Equipment and that the Equipment is satisfactory for purposes of this Agreement. Customer requests that Lessor countersign this Agreement and requests and hereby authorizes Lessor to pay the Equipment vendor/manufacturer.

Acceptance by Lessor on _____

THIS AGREEMENT IS NOT BINDING
UNTIL ACCEPTED BY LESSOR
Lessor: VGM Financial
Services
By:

Date: (X) 11/30/07
Customer: Sheboygan Orthopaedic Associates, S.C.

By: (X) 

(X) Treasurer
Title

II

R. O. No. _____ - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a claim from Leon Kogler for alleged damages to his home when the sewer backed up due to the City main being clogged.



City Clerk

DATE RECEIVED 1-11-13

RECEIVED BY LS Schroeder

CLAIM NO. 25-12

CITY OF SHEBOYGAN NOTICE OF DAMAGE OR INJURY 3 AM 11:29

INSTRUCTIONS: TYPE OR PRINT IN BLACK INK

JAN 11 '13 AM 11:29

1. Notice of death, injury to persons or to property must be filed not later than 120 days after the occurrence.
2. Attach and sign additional supportive sheets, if necessary.
3. This notice form must be signed and filed with the Office of the City Clerk.
4. **TWO ESTIMATES MUST BE ATTACHED IF YOU ARE CLAIMING DAMAGE TO A VEHICLE.**

TO CITY OF SHEBOYGAN

1. Name of Claimant: LEON KOGLER
2. Home address of Claimant: 1417 HUMBOLDT AVE
3. Home phone number: 920-458-2287
4. Business address and phone number of Claimant: N/A

5. When did damage or injury occur? (date, time of day) 1/9/2013 9:00 A.M
6. Where did damage or injury occur? (give full description) BASEMENT of HOME

7. How did damage or injury occur? (give full description) SEWER BACK UP
DUE TO CITY MAIN BEING CLOGGED. - CITY CREW
RESPONDED AND CLEARED MAIN.

8. If the basis of liability is alleged to be an act or omission of a City officer or employee, complete the following:
 - (a) Name of such officer or employee, if known: N/A
 - (b) Claimant's statement of the basis of such liability: N/A

9. If the basis of liability is alleged to be a dangerous condition of public property, complete the following:
 - (a) Public property alleged to be dangerous: N/A
 - (b) Claimant's statement of basis for such liability: N/A

CC: ATTY'S OFFICE JIM AMODEO, DAVE BIEBEL, LAURIE SUHRKE

10. Give a description of the injury, property damage or loss, so far as is known at this time. (If there were no injuries, state "NO INJURIES").

N/A

11. Name and address of any other person injured: N/A

12. Damage estimate: (You are not bound by the amounts provided here.) N/A

Auto: \$ N/A

Property: \$ N/A

Personal injury: \$

Other: (Specify below) \$ ~~N/A~~ 110.⁰⁰
110.⁰⁰

Damaged vehicle (if applicable)

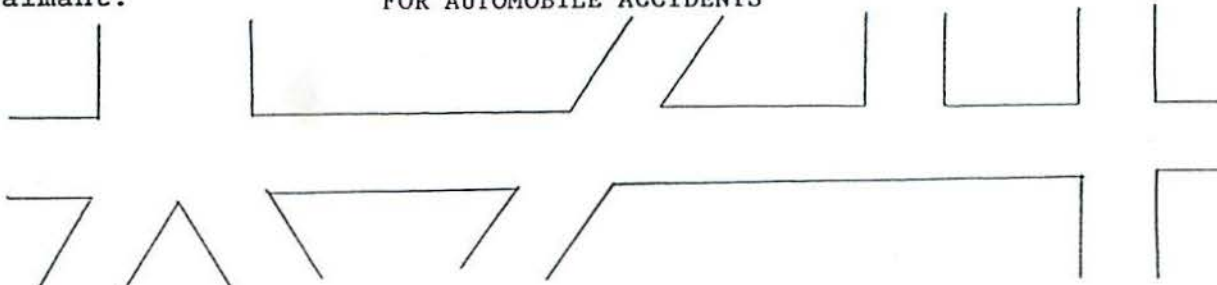
Make: _____ Model: _____ Year: _____ Mileage: _____

Names and addresses of witnesses, doctors and hospitals: _____

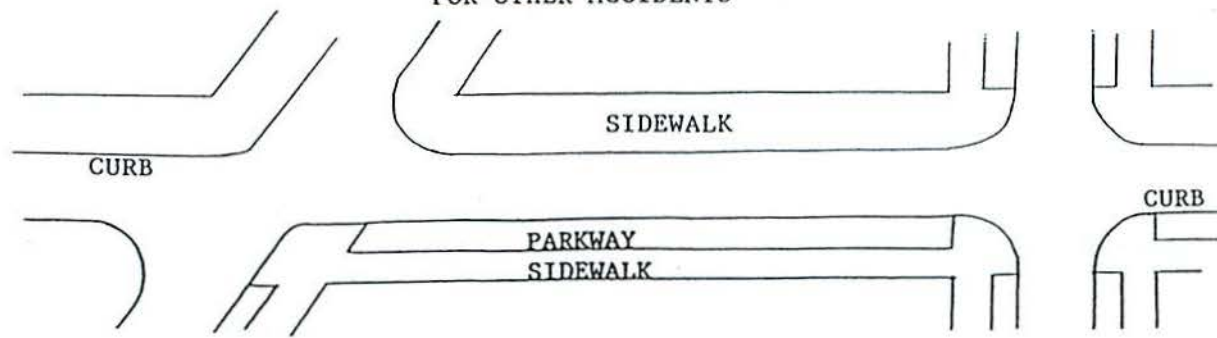
FOR ALL ACCIDENT NOTICES, COMPLETE THE FOLLOWING DIAGRAM IN DETAIL. BE SURE TO INCLUDE NAMES OF ALL STREETS, HOUSE NUMBERS, LOCATION OF VEHICLES, INDICATING WHICH IS CITY VEHICLE (IF APPLICABLE), WHICH IS CLAIMANT'S VEHICLE, LOCATION OF INDIVIDUALS, ETC.

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by the Claimant.

FOR AUTOMOBILE ACCIDENTS



FOR OTHER ACCIDENTS



SIGNATURE OF CLAIMANT: N/A

Date: N/A

DATE RECEIVED 1-11-13

RECEIVED BY LS Schneider

CLAIM NO. 25-12

CLAIM

JAN 11 '13 AM 11:29

Claimant's Name:	<u>LEON KOGLER</u>	Auto	\$ <u>N/A</u>
Claimant's Address:	<u>1417 HUMBOLDT AVE</u>	Property	\$ <u>N/A</u>
	<u>SHEBOYGAN, WI. 53081</u>	Personal Injury	\$ <u>N/A</u>
Claimant's Phone No.	<u>458-2287</u>	Other (Specify below)	\$ <u>110.00</u>
			<u>LABOR COST TO ROTO ROOTER</u>

PLEASE INCLUDE COPIES OF ALL BILLS, INVOICES, ESTIMATES, ETC.

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM.
(WISCONSIN STATUTES 943.395)

The undersigned hereby makes a claim against the City of Sheboygan arising out of the circumstances described in the Notice of Damage or Injury. The claim is for relief in the form of money damages in the total amount of \$ 110.00.

SIGNED: Leon Fogler

DATE: 1/11/2013

ADDRESS: 1417 Humboldt Ave
SHEBOYGAN, WI. 53081

II

R. O. No. _____ - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from the American Planning Association Wisconsin Chapter requesting the use of the City's free days to hold their annual conference in Sheboygan at Blue Harbor Resort on June 13 and 14, 2013.



City Clerk

III

Handwritten text, possibly a signature or date, located in the lower-left quadrant of the page.

JAN 9 '13 AM 10:11



American Planning
Association
Wisconsin Chapter

Lawrence T. Ward, Jr. AICP
l.ward@swwrpc.org
608.342.1713

January 7, 2013

Steve Sokolowski
Manager of Planning and Zoning
City of Sheboygan Department of City Development
828 Center Avenue, Suite 104
Sheboygan, WI 53081

Dear Steve,

The American Planning Association – Wisconsin Chapter is holding their annual conference in Sheboygan at the Blue Harbor Resort on June 13 and 14, 2013.

The theme of the conference this year is **Planning for Healthy Communities**. We will be talking about integrating community health issues into local and regional planning practices.

We will include some of the following topics:

- Making food part of the comprehensive plan
- Fitting physical activity into community planning
- Planning for respiratory health and air quality
- Ensuring water quality through comprehensive plans
- Collecting baseline health data and environmental audits
- Using Health Impact Assessments effectively
- Building relationships with public health agencies, developers, community-based organizations, and residents

The conference will attract about 300 planners, plan commission members, public officials and interested citizens from across Wisconsin and the upper Midwest.

I am writing today to request the use of City free days available at the conference center for the 2013 Conference. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads 'Lawrence T. Ward'.

Larry Ward
President
APA-Wisconsin Chapter

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II

R. O. No. _____ - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from the Harbor Centre BID requesting that the City of Sheboygan release all funds collected on their behalf and those funds allocated to them for fiscal 2013.



City Clerk

JAN 28 '13 PM 3:54



January 30, 2013

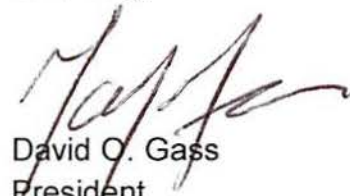
Common Council
City of Sheboygan
828 Center Avenue
Sheboygan, WI 53081

Dear Common Council,

The Harbor Centre Business Improvement District requests that the City of Sheboygan release all funds collected in our behalf and those funds allocated to us for fiscal 2013.

Thank you for your help in this matter.

Sincerely,



David O. Gass
President



Dave Hoffman
Manager

II

R. O. No. - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a Summons and Complaint Small Claims in the matter of Sheboygan Trades & Labor Hall Association vs. City of Sheboygan.



City Clerk

II

London & Lewis

STATE OF WISCONSIN, CIRCUIT COURT, SHEBOYGAN COUNTY

For Official Use

Plaintiff: (Name [first, middle, last], Address, City, State, Zip)

Sheboygan Trades & Labor Hall Association
1104 Wisconsin Ave.
Sheboygan WI, 53081

See attached for additional plaintiffs

Hon. James Bolger

Amended

-vs-

To: Defendant(s) : (Name [first, middle, last], Address, City, State, Zip)

City of Sheboygan
828 Center Ave.
Suite 100
Sheboygan WI, 53081

See attached for additional defendants

**Summons and Complaint
Small Claims**

Case No. 12SC3282

- Claim for money (\$10,000 or less) 31001
- Return of property (replevin) 31003
- Eviction 31004
- Eviction due to foreclosure 31002
- Arbitration award 31008
- Return of earnest money 31008
- Tort/Personal injury (\$5,000 or less) 31010

If you require reasonable accommodations due to a disability to participate in the court process, please call _____ at least 10 working days prior to the scheduled court date. Please note that the court does not provide transportation.

SUMMONS

To the Defendant(s):

You are being sued as described below. If you wish to dispute this matter:

You must appear at the time and place stated.

AND/OR (Clerk will circle one)

You must file a written answer and provide a copy to the plaintiff or plaintiff's attorney on or before the date and time stated.

If you do not appear or answer, the plaintiff may win this case and a judgment entered for what the plaintiff is asking.

When to Appear/File an Answer	
Date	Time
JAN 21 2013	8:30am
Place to Appear/File an Answer	
COURT COMMISSIONER B-10 LOWER LEVEL 615 N. SIXTH STREET SHEBOYGAN, WI 53081	
Date Summons Issued	Date Summons Mailed
DEC 28 2012	DEC 28 2012

Clerk/Attorney Signature

[Handwritten Signature]

COMPLAINT

Plaintiff's Demand:

The plaintiff states the following claim against the defendant(s):

1. Plaintiff demands judgment for: (Check as appropriate)

- Claim for Money \$ _____
- Return of Earnest Money Eviction
- Return of property (replevin) (Describe property in 2 below.)
(Not to include Wis. Stats. 425.205 actions to recover collateral.)

- Tort/Personal injury \$5000
- Eviction due to foreclosure
- Confirmation, vacation, modification, or correction of arbitration award.

Plus interest, costs, attorney fees, if any, and such other relief as the court deems proper.

2. Brief statement of dates and facts: (If this is an eviction action and you are seeking money damages, you must also state that claim on this form.)

On April 3, 2012 a blockage in an inadequately maintained City sewer pipe caused a backup of sewage into the labor hall flooding the lowest level and causing damage to the building which had to be repaired at the expense of the plaintiff.

See attached for additional information. Provide copy of attachments for court and defendant(s).

Verification: Under oath, I state that the above complaint is true, except as those matters stated upon information and belief, and as to those matters, I believe them to be true.

I am: plaintiff. attorney for the plaintiff.

State of Wisconsin
 County of Milwaukee
 Subscribed and sworn to before me on 12/20/12
Catherine M. Perez
 Notary Public/Court Officer
 Catherine M. Perez
 Name Printed or Typed
 My commission/term expires: 15

Signature of Plaintiff or Attorney <i>[Handwritten Signature]</i>	Date 12/20/12	Attorney's State Bar Number 1081408
Plaintiff's/Attorney's Telephone Number 414/223-0419	Law Firm and Address The Previant Law Firm, S.C. 1555 N. RiverCenter Drive Suite 202 Milwaukee WI, 53212	

SHEBOYGAN COUNTY CLERK CIRCUIT COURT FILED

A City worker removed the blockage from the City sewer. The City worker then told the Plaintiff that the blockage was the fault of the City and that the Plaintiff should file a claim against the City.

PRINT in BLACK ink

Enter the name of the county in which you are filing this case.

STATE OF WISCONSIN, CIRCUIT COURT,
_____ COUNTY

For Official Use

Enter the Plaintiff's name. The Plaintiff is the person bringing the lawsuit.

Plaintiff(s):

First name Middle name Last name

Address

Address

City State Zip

See attached for additional plaintiffs.

-VS-

**Answer and Counterclaim
Small Claims**

Case No. 12 3282

Enter the Plaintiff's address.

If there is more than one plaintiff, check the "additional plaintiffs" box and attach another sheet with their names and addresses.

Enter the case number from the summons and complaint.

Enter your name. You are the Defendant.

Defendant(s):

First name Middle name Last name

Address

Address

City State Zip

See attached for additional defendants.

Enter your address.

If there is more than one defendant, check the "additional defendants" box and attach another sheet with their names and addresses.

ANSWER

I am the defendant (or an authorized representative of the defendant):

1. This matter IS NOT contested. I agree with the plaintiff's claim. Judgment may be taken as requested in the complaint, plus costs and interest as allowed by law.

-OR-

2. This matter IS contested. I do not agree with the plaintiff's claim. This matter should be scheduled so that the parties may present their evidence. The reason(s) why the matter is contested are as follows:

See attached for additional information.

Check 1 or 2.

Check 1 if you do not dispute the plaintiff's claim.

Check 2 if you do dispute the plaintiff's claim. State the reasons why you disagree.

Check the box if you need more room and attach any additional pages.

II

R. O. No. _____ - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a claim from Mark and Mary Graves for alleged damages to their home when they had a sewer backup into their basement.



City Clerk

II

From the library

DATE RECEIVED 1-28-13

RECEIVED BY D.S. Schroeder

CLAIM NO. 32-12

CITY OF SHEBOYGAN NOTICE OF DAMAGE OR INJURY

INSTRUCTIONS: TYPE OR PRINT IN BLACK INK

1. Notice of death, injury to persons or to property must be filed not later than 120 days after the occurrence.
2. Attach and sign additional supportive sheets, if necessary.
3. This notice form must be signed and filed with the Office of the City Clerk.

4. TWO ESTIMATES MUST BE ATTACHED IF YOU ARE CLAIMING DAMAGE TO A VEHICLE.

1. Name of Claimant: Mark; Mary Graves
2. Home address of Claimant: 1516 Eisner Avenue, Sheboygan 53083
3. Home phone number: 920-208-8588
4. Business address and phone number of Claimant: N/A

5. When did damage or injury occur? (date, time of day) Friday, Jan. 18, 2013

6. Where did damage or injury occur? (give full description) Basement of our home - 1/2 of our basement was affected

7. How did damage or injury occur? (give full description) City of Sheboygan was working on Eisner Avenue and we and our neighbors had sewer backup in our basement as a result.

8. If the basis of liability is alleged to be an act or omission of a City officer or employee, complete the following:

(a) Name of such officer or employee, if known: _____

(b) Claimant's statement of the basis of such liability: City workers acknowledged that what they were doing was in fact the reason for the backup in our basement.

9. If the basis of liability is alleged to be a dangerous condition of public property, complete the following:

(a) Public property alleged to be dangerous: N/A

(b) Claimant's statement of basis for such liability: N/A

10. Give a description of the injury, property damage or loss, so far as is known at this time. (If there were no injuries, state "NO INJURIES").

No injuries. Property loss = carpet and pad, area rug and hrs. of time to remove these items and bleach the basement floor.

11. Name and address of any other person injured: *Carpet = 330.00 (12x25) *Pad = 200.00 (12x25) *Area Rug = 20.00 (6x9) Lohrs. of time = 120.00

12. Damage estimate: (You are not bound by the amounts provided here.) Auto: \$ N/A Property: \$ 550.00 Personal injury: \$ N/A Other: (Specify below) \$ 6 hrs. of work @ \$20/hr = 120.00 TOTAL \$ 670.00 \$670.00 total

Damaged vehicle (if applicable)

Make: _____ Model: _____ Year: _____ Mileage: _____

Names and addresses of witnesses, doctors and hospitals: _____

FOR ALL ACCIDENT NOTICES, COMPLETE THE FOLLOWING DIAGRAM IN DETAIL. BE SURE TO INCLUDE NAMES OF ALL STREETS, HOUSE NUMBERS, LOCATION OF VEHICLES, INDICATING WHICH IS CITY VEHICLE (IF APPLICABLE), WHICH IS CLAIMANT VEHICLE, LOCATION OF INDIVIDUALS, ETC.

NOTE: If diagrams below do not fit the situation, attach proper diagram and sign.

* Purchased carpet: pad at Menards 4 years ago. (12x25) (12x25)

* Purchased area rug at Walmart 6 years ago. (6x9)

SIGNATURE OF CLAIMANT Mary Graves DATE 1-24-13 BY SIGNING THIS I ACKNOWLEDGE I HAVE READ AND UNDERSTAND THE INSTRUCTIONS

10. Give a description of the injury, property damage or loss, so far as is known at this time. (If there were no injuries, state "NO INJURIES".)

11. Name and address of any other person injured:

12. Damage estimate: (You are not bound by the amounts provided here.)

Auto:	\$
Property:	\$
Personal injury:	\$
Other: (Specify below)	\$
TOTAL	\$

Damaged vehicle (if applicable):

Name and addresses of witnesses, doctors and hospitals:

Year: _____ Model: _____ Mileage: _____

NOTE: If diagrams below do not fit the situation, attach proper diagram and sign.

FOR ALL ACCIDENT NOTICES, COMPLETE THE FOLLOWING DIAGRAM IN DETAIL. BE SURE TO INCLUDE

NAME OF ALL PARTIES, HOUSE NUMBERS, LOCATION OF VEHICLES, INDICATING WHICH IS CITY VEHICLE

(IF APPLICABLE), WHICH IS DAMAGE VEHICLE, LOCATION OF INDIVIDUALS, ETC.

Witnesses: [Name] (12345) [Name] (67890)

Witnesses: [Name] (12345) [Name] (67890)

BY SIGNING THIS I ACKNOWLEDGE I HAVE READ AND UNDERSTAND THE INSTRUCTIONS

STATEMENT OF CLAIMANT

DATE: _____

DATE RECEIVED 1-28-13

RECEIVED BY L.S. Schroeder

CLAIM NO. 30-12

CLAIM

Claimant's Name: Mark & Mary Graves
 Claimant's Address: 1516 Eisner Ave
Sheboygan, WI 53083
 Claimant's Phone No. 920-208-8588

Auto \$ N/A
 Property \$ 550.00
 Personal Injury \$ N/A
 Other (Specify below) \$ 120.00 for 6 hrs. of work
TOTAL \$ 670.00

PLEASE INCLUDE COPIES OF ALL BILLS, INVOICES, ESTIMATES, ETC.

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM.
(WISCONSIN STATUTES 943.395)

The undersigned hereby makes a claim against the City of Sheboygan arising out of the circumstances described in the Notice of Damage or Injury. The claim is for relief in the form of money damages in the total amount of \$ 670.00.

SIGNED Mary Graves DATE: 1-24-13

ADDRESS: 1516 Eisner Avenue, Sheboygan, WI 53083

BY SIGNING THIS I ACKNOWLEDGE I HAVE READ AND UNDERSTAND THE INSTRUCTIONS.

GRAVES 1516 Fisher Ave 1-18-13



GRAVES

1516 Bismar Ave

1-18-13



GRAVES

1516 Eisen Ave.

1-18-13



II

R. O. No. _____ - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a claim for excessive assessment from Siegel-Gallagher, tenant of parcel 59281-215850, 3347 Kohler Memorial Drive.



City Clerk

II

about 1/2 hour



CLAIM # 29-12

Reinhart Boerner Van Deuren s.c.
P.O. Box 2018
Madison, WI 53701-2018

22 East Mifflin Street
Suite 600
Madison, WI 53703

Telephone: 608-229-2200
Fax: 608-229-2100
Toll Free: 800-728-6239
reinhartlaw.com

January 24, 2013

JAN 28 '13 PM 4:14

Don M. Millis, Esq.
Direct Dial: 608-229-2234
dmillis@reinhartlaw.com

CLAIM FOR EXCESSIVE ASSESSMENT

SERVED BY PROCESS SERVER

Sue Richards, Clerk
City of Sheboygan
828 Center Avenue, 2nd Floor
Sheboygan, WI 53081

Dear Clerk:

Re: Tax Parcel No. 59281-215850

Now comes Claimant, Siegel-Gallagher, tenant of parcel 59281-215850 (the "Property") in Sheboygan, Wisconsin, by Claimant's attorneys Reinhart Boerner Van Deuren s.c., and files this Claim for Excessive Assessment against the City of Sheboygan (the "City"), pursuant to Wis. Stat. §74.37. You hereby are directed to serve any notice of disallowance on the undersigned agent of the claimant.

1. This Claim is brought under Wis. Stat. § 74.37(3)(d), for a refund of excessive real estate taxes imposed on Claimant by the City for the year 2012, plus statutory interest, with respect to the Property.

2. Claimant is the tenant on the Property, is responsible for the payment of property taxes and the prosecution of property tax disputes involving the Property and is authorized to bring this claim in its own name.

3. The City is a body corporate and politic, duly organized as a municipal corporation under Wisconsin law, with its principal office located at 828 Center Avenue, in the City.

4. The Property is located at 3347 Kohler Memorial Drive within the City, and is identified in the City records as Tax Parcel No.: 59281-215850.

SCANNED: ATTY'S OFFICE, JIM AMODEO, LEE GROSENICK, LAURIE SUHRKE

5. For 2012, property in the City was assessed at 108.67% of its fair market value as of January 1, 2012.

6. For 2012, property tax was imposed on property in the City at the rate of \$23.78 per \$1,000 for of the assessed value for Property.

7. For 2012, the City's assessor set the assessment of the Property at \$12,424,400.

8. Claimant appealed the 2012 assessment of the Property by filing a timely objection with the City's Board of Review pursuant to Wis. Stat. § 70.47 and otherwise complying with all of the requirements of Wis. Stat. § 70.47, except Wis. Stat. § 70.47(13).

9. The City's Board of Review heard the Claimant's objection and sustained the assessment on the merits at \$12,424,400.

10. Based on the assessment, the assessment ratio and tax rate described in paragraphs 5, 6 and 7, the City imposed tax on the Property in the amount of \$295,452.

11. Claimant is timely paying the property taxes imposed by the City on the Property for 2012, or the required installment thereof.

12. The fair market value of the Property as of January 1, 2012 was no higher than \$4,600,000.

13. Based on the assessment ratio of 108.67%, the correct assessment of the Property for 2012 is no higher than \$4,998,820.

14. Based on the tax rate of \$23.78 per \$1,000 of assessed value, the correct amount of property tax on the Property for 2012 should be no higher than \$118,872.

15. The 2012 assessment of the Property, as set by the City's Board of Review was excessive and, upon information and belief, violated Article VIII, Section 1 (i.e., the Uniformity Clause) of the Wisconsin Constitution. As a result, the property tax imposed on the Property for 2012 was excessive in at least the amount of \$176,580.

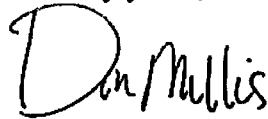
16. Claimant is entitled to a refund of 201 2 tax in the amount of \$176,580, or such greater amount as may be determined to be due to Claimant, plus statutory interest.

17. The amount of this claim is \$176,580, plus interest thereon.

Sue Richards, Clerk
January 24, 2013
Page 3

Dated at Madison, Wisconsin, this 24th day of January, 2013.

Sincerely yours,

A handwritten signature in black ink that reads "Don Millis". The signature is written in a cursive style with a large, prominent initial "D".

Don M. Millis
Agent for Claimant

9399275

II

R. O. No. _____ - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from the State of Wisconsin Department of Safety and Professional Services regarding the review of general administrative practices and record keeping for Uniform Dwelling Code (UDC) program (one and two family dwellings) and other UDC construction related issues.

Susan Richards

City Clerk

II

Handwritten text, possibly a signature or name, located in the lower-left quadrant of the page.



STATE OF WISCONSIN

Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

Governor Scott Walker

Secretary Dave Ross

Mail to:
PO Box 7162
Madison, WI 53707-7162

Email: dsp@wisconsin.gov
Web: <http://dsp.wi.gov>

January 4, 2013

Sue Richards
City Clerk
City of Sheboygan
828 Center Ave. Suite 100
Sheboygan, WI 53081

RE: Review of general administrative practices and record keeping for Uniform Dwelling Code (UDC) program (one and two family dwellings) and other UDC construction related issues

Dear Ms. Richards,

The following are the results of the general administrative audit conducted on October 11, 2012 in the City of Sheboygan for evaluating compliance with the Uniform Dwelling Code (UDC). The audit was performed by the department as per SPS 320.065 Wis. Adm. Code. The audit was carried out with Jack Vander Weele who is employed as a UDC building inspector directly by the city. One active construction site was audited for compliance with the erosion control rules of the UDC. Eight files of new home permits were examined as part of the UDC audit.

The City employs the following individuals to perform UDC inspections in accordance with their respective credentials:

Jack Vander Weele holds the following credentials relevant to UDC Inspection: UDC Construction, UDC HVAC Inspector Certifications

Pat Eirich holds the following credentials relevant to UDC Inspection: UDC Construction, UDC HVAC Inspector Certifications

Scott Winter holds the following credentials relevant to UDC Inspection: UDC Plumbing Inspector Certification

Mark Sommer holds the following credentials relevant to UDC Inspection: UDC Electrical, UDC HVAC Inspector Certification

Dean Hesselink holds the following credentials relevant to UDC Inspection: Commercial Electrical Inspector

General

1. The inspectors' office has a publically accessible telephone line and voice mail.
2. Inspectors utilize cell phones with voice mail capabilities when the phone is not answered.
3. Inspector utilizes desktop computers to manage inspection reports, scheduling, emails, and code retrieval.
4. Inspectors have access to e-mail accounts.
5. The office is equipped with a fax machine.
6. Inspectors have access to a digital camera.
7. Inspectors have current code books and commentaries printed and accessible.
8. Projects are within the scope of the ordinance.
9. Municipality implements a reasonable fee schedules.
10. City inspectors are properly certified in accordance with SPS 305 and SPS 320.10 (1) for the respective inspections performed.
11. Permit and inspection records are adequately maintained and organized by the city inspection officials.
12. The City of Sheboygan has adopted the UDC in their local ordinances.

Project Files and Permits

The following items mentioned are Code requirements found in the following sections of the department's codes: SPS 320.08, 320.09, SPS 302 and SPS 305 Wis. Adm. Code.

1. The city utilizes the department's 2005 version of the UDC Building Permit form in several of the files reviewed as per SPS 320.09 (1) Wis. Adm. Code. Permit forms need to be updated to the most recent versions, SBD-5823 (R.11/11). The city may choose to use their own building permit form provided that it is equivalent in content with SBD-5823 (R.11/11) and includes the language stated in ch. 101.02(23) Wi. State Stats.
2. All of the files that were reviewed contained the Wisconsin seal number on the permit application as well as the permit card as per SPS 320.09 (3)(a) 2. Wis. Adm. Code. Wisconsin seal sticker is put on the original permit card by the inspector per SPS 320.09 (9) 6(d) Wis. Adm. Code.
3. All of the eight files contained standard construction details for footings, foundations, and floor plans. Seven of the eight files contained cross section drawings. Seven of the eight files contained an erosion control plan. Seven of the eight files contained information regarding wall bracing. Five of these seven plans contained complete wall line detail and notation.

Complete sets of plans must be submitted prior to the issuance of the building permit.

SPS 320.09 (5) requires that complete and legible site plans, floor plans, and elevation drawings be submitted as part of the building permit application. SPS 320.09 (6) requires that all plans submitted for approval shall be accompanied by sufficient data, calculations and information to determine if the dwelling will meet the requirements of this code.

Beginning April 2009, detailed information for wall bracing has been required by SPS 320.09 (5) (b) d. Wis Adm. Code. The code requires that the specific location and construction details of all the structure's braced wall lines be shown on construction plans in accordance with SPS 321.25 (8) & (9) prior to issuance of the building permit. This includes showing dimensions and locations of the brace wall panels directly on the plans. The department considers this to be a standard requirement for plan submittal prior to issuing a UDC building permit.

A supplemental study guide is provided at the following link for review of the prescriptive code provisions relating to braced wall line plans:

<http://woodbywy.com/literature/wb401.pdf>

Another recommended study guide on this topic is provided by the American Plywood Association. Publication 430 "[Introduction to Wall Bracing](#)" can be downloaded free at the following link:

<http://apawood.org>

Additional information on braced wall line requirements can be found in the 2011 UDC Code Commentary provided by the department in the Appendix of the UDC document pps. 77-89.

Plan review notes were found in all of the files that were reviewed. All plans contained the signature of the inspector along with a stamp stating that the plans were "Conditionally Approved". Conditions of approval (with the corresponding code citation) are indicated at the time of issuance on the building permit form, these include requirements for: bath exhaust fan, attic access, fire separation between house and garage, detectors for smoke and carbon monoxide, installation and maintenance of erosion and sediment control measures.

Plan review notes should be present on all submittals where additional information is needed. SPS 320.09 states that the plans shall be stamped "conditionally approved" by a certified inspector who holds the respective credential for the plans reviewed.

All of the eight files were examined for the required erosion and sediment control (ESC) plan. Seven of the eight files contained the basic erosion control plan. All of these seven erosion control plans contained the basic required information. Basic information that should be provided on the erosion control plan includes: street locations, drainageways, waterbodies, perimeter control, stone tracking pad location, stockpile location, scale, north arrow, contours or directional flow lines, or notation that the site is flat, and dimensions from buildings to lot lines, or else drawn to scale.

SPS 320.09 requires that all of the required plans be submitted in a complete and satisfactory manner prior to issuance of the UDC building permit.

4. **The number of issued permits from the city's records reasonably matched the department's Amerifax data for the years requested (2009, 2010, 2011).**

SPS. 320.09 (2) 2. Wis. Adm. Code requires that the municipality or authorized UDC inspection agency shall forward a copy of all applications (including their state seal numbers) for new dwellings to the department within *30 business days after permit issuance*. This applies to all permit applications issued for new homes where a Wisconsin seal is required by the department.

Number of permits issued according to city's records vs. the number of permits reported to the department (entered into Amerifax database):

Year	2009	2010	2011
City Records	2	7	6
Department database	2	7	6

5. **ResCheck sheets (or other approved heat loss calc methods, example: RemRate) were present in all of the eight files examined.** All of these eight submittals using ResCheck contained the updated version required at the time of submittal. Two of the ResCheck reports lacked the required signature of the preparer of the report. The inspection checklist of the ResCheck report was included in seven of the eight files as required by SPS 322.52(2). It appears in some occasions that the input criteria (R-Values, square footage, window info, etc.) used in the heat loss calculations is not getting verified (*and corrected when necessary*) with information submitted in the plans in the files. One of the eight files lacked a cross section plan with which to verify the ResCheck data. The input data used in the spreadsheet did not match the information contained on the plan's cross section on four of the eight files.

All current submittals are currently required to use version 4.4.0 or more recent versions. Spreadsheet results should contain the submitter's signature. Verify that Res-Check input information (R-values, reported square footage, etc) match plans and calculations, and that on site materials match the plans. Updated versions of RemRate calcs or ACCA Manual J. are also acceptable methods, along with the prescriptive heat loss calculation method if it is done in a complete and thorough manner.

Plan Reviewers should be on the lookout for ResCheck spreadsheets containing R-value inputs for both cavity and/or continuous for the ceiling insulation. While this is not a prohibited method, it must match the information shown on the cross section plan. It is a commonly used method to erroneously alter (cheat) the spreadsheet output.

6. **As per SPS 320.10 (11), the municipality shall take action to approve or deny a uniform building permit application within 10 business days of receipt of all forms, fees, plans and documents required to process the application, and completion of other local prerequisite permitting requirements.**

All of the eight files had permits issued within 10 business days from the time of receipt of the *completed* application and plan submittal.

7. **Inspection notes and notices of non-compliance were reviewed for compliance with SPS 320.10(6) Wis. Adm. Code.**

All of the files examined indicated that city inspector maintains proper inspection records of each site visit in his files including times and dates of the inspection with pass/fail notation. Records are generally being kept for the following inspections: insulation, footings, ,all rough-ins, electrical service, foundations, and final to occupy.

All plumbing related inspections and notes are carried out and maintained by the city's plumbing inspector Scott Winter. These were not reviewed as part of this audit.

All electrical related inspections and notes are carried out and maintained by the city's electrical inspectors Dean Hesselink and Mark Sommer. These were not reviewed as part of this audit.

No inspection notes or references were found indicating the condition of the erosion control measures at the sites.

Although inspection records did not indicate the time that the inspection was performed in relation to the builder's request for inspection. It appears that responses to inspection requests are being carried out in a timely manner, within the required two day period for response.

City inspection staff mentioned that approved plans have been retained for 3 years as per city policy. Upon notification of the UDC requirement of a 4 year retention period, Development Manager Chad Pelishek stated that the city will update its current retention policy to reflect the requirements established in SPS 320.10(6) Wis. Adm. Code.

SPS 320.10(6) requires that a record shall be made of each visit to a site, each inspection type performed and the pass/fail results of each inspection. Application forms, correction orders, correspondence and inspection records shall be maintained for 7 years after completion of the dwelling. Approved plans shall be retained for 4 years after completion of the dwelling.

SPS 320.10 (3) (b) requires that erosion control inspections shall be performed concurrently with all other required construction inspections. Additional inspections for erosion control may also be necessary.

Erosion control inspections must be noted in the files and shall be performed for every project, and at every site visit. Notes of the erosion and sediment control measures should be made even when no violations are found. The documentation could be as simple as the statement, "No offsite soil erosion impacts noted. Erosion control measures well maintained". This is needed both as a basic requirement, but also as a matter of raising awareness and attention of this topic on behalf of the inspector and the builder.

8. Permit applications were reviewed for Dwelling Contractor and Dwelling Contractor Qualifier certifications as required by **SPS 320.09 (9)(a) 3. Wis. Adm. Code.** Seven of the eight permits contained information for the Dwelling Contractor where required. One of these permits was taken out by an owner/builder intending to occupy the dwelling, thus not requiring the credential to obtain the permit. Three of the eight permits contained the required Dwelling Contractor Qualifier (DCQ) number. Several of permits appeared to be taken out by the builder as the owner. However, from information found on various permits, it appeared very unlikely that this builder would ever be occupying the dwelling in the future. A permit taken out by the school district lacked the required DC and DCQ certifications. A permit taken out by Habitat for Humanity lacked the required DCQ certification.
9. Files were reviewed per **SPS 320.09 (9) (a) 6. Wis. Adm. Code.** Four of the eight files reviewed *lacked the state license number for the Master Plumber* as required on the UDC Building Permit application.

Reminder: As per SPS 305.40 (1) Except as provided under s. 101.862 (4), Stats., no person as of April 1, 2013 may install, repair or maintain electrical wiring unless the person holds a license or registration issued by the department as one of the following:

- (a) A licensed master electrician.

- (b) A licensed residential master electrician.
- (c) A licensed journeyman electrician.
- (d) A licensed industrial journeyman electrician.
- (e) A licensed residential journeyman electrician.
- (f) A registered beginning electrician.
- (g) A registered electrical apprentice.
- (h) A registered industrial electrical apprentice.
- (i) A registered residential electrical apprentice.

Comments/Administrative Issues:

The following general recommendations should be noted:

- The City of Sheboygan inspectors should continue their efforts to assure that complete and thorough information is submitted with the building permit application that describes the methods, location and construction details of the braced wall lines. Correspondingly, it's the inspector's responsibility to review these plans and require corrections, modifications, etc. prior to issuing the UDC building permit.
- ResCheck calculations should be reviewed to assure that the information (R-Values and reported square footage) entered matches what is provided in the plans and cross section details, as well as the final build out. Submittals that show both cavity and continuous insulation should be checked and questioned. Check installation of materials on site for compliance with ResCheck inputs. Heat loss spreadsheets need to show the signature of the preparer and contain the checklist that accompanies the printout.
- The enforcement of the erosion and sediment control rules continues to be a priority for the department. For greater detail on this issue, refer to the separate report from the field audit.
- Attend training opportunities organized by the department and regional building inspector associations.

From the information found in this audit, it appears that the UDC Building Permit records are properly organized and maintained by the city staff. **In summation, this audit indicates that that Mr. Vander Weele and the City carry out their role in administering the Uniform Dwelling code in a highly responsible and professional manner.**

It should also be mentioned that Mr. Vander Weele, and other city staff were very helpful and cooperative in facilitating the activities of the audit. This audit is part of an overall effort of our department to promote more consistent statewide code enforcement, better communication with municipal leaders, and to provide assistance in improving inspection services. The department appreciates the time and effort taken by the City of Sheboygan toward this end. We look forward to working together with Mr. Vander Weele and the City of Sheboygan in the future to maintain and improve the administration and enforcement of the UDC building inspection program.

Sincerely,



Lenny Kanter

**Engineering Consultant
Uniform Dwelling Code
Division of Safety and Buildings
Wisconsin Department of Safety and Professional Services
608-261-6541 ph**

II

R. O. No. _____ - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from the State of Wisconsin Department of Safety and Professional Services regarding the review of erosion and sediment control enforcement for uniform dwelling code program (one and two family buildings).



City Clerk

III

1917 A. 1000



STATE OF WISCONSIN
Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

Governor Scott Walker Secretary Dave Ross

Mail to:
PO Box 7162
Madison, WI 53707-7162

Email: robert.kanter@wi.gov
Web: <http://dsps.wi.gov>

January 4, 2013

Sue Richards
City Clerk
City of Sheboygan
828 Center Ave. Suite 100
Sheboygan, WI 53081

RE: Review of erosion and sediment control enforcement for uniform dwelling code program (one and two family buildings)

Dear Ms. Richards,

The following are the results of the erosion control audit conducted on October 11, 2012 in the City of Sheboygan. The audit in part, evaluates compliance with the erosion control portion of the Uniform Dwelling Code (UDC) as required under s. 101.653(5)(b) Wisconsin State Statutes and was performed by the department as per SPS 320.065 Wis. Adm. Code. The audit was carried out with Jack Vander Weele who is employed directly by the city. One active construction sites was available to audit. This site was inspected for compliance with the erosion and sediment control regulations contained in SPS 320 and 321, Wis. Adm. Code. Eight plan files were also examined as part of the audit.

EROSION CONTROL PLAN INFORMATION (UDC):

Eight plan file sets were reviewed. Seven of these eight files contained an erosion and sediment control site plan. All of these seven plans contained the basic information required by SPS 320.09(4) and SPS 321.125 of the Wis. Adm. Code. Generally speaking, common items often found lacking on plans are perimeter control measures, plans drawn to scale or fully dimensioned, proposed limits of disturbance, tracking pads, and other erosion and sediment control measures needed for use on the sites.

CONCERN: Files often fail to include complete plans indicating the proposed erosion and sediment control measures to be used.

SOLUTIONS: Require all plot plans to include erosion control information. (SPS 320.09 (5)). When site plans are submitted require that the proposed erosion and sediment control measures be shown on the plan. If existing vegetation is to be used as an erosion control measure it needs to be indicated on the plan, if this is included there should be no confusion if the area is disturbed and additional measures are then required.

PERIMETER MEASURES

CONCERN: The one site had silt fence installed to limit the discharge of sediment from part of the site. The material installed at this site complied with the material specifications established in the criteria of the DNR Technical Standard for Silt Fence (1056). A portion of the site incorporated a vegetative buffer for perimeter control. **The silt fence material installed on the site was in need maintenance.** Two of the six sites had no perimeter control measures installed. **There was no evidence of significant amounts of sediment being discharged to city streets and/or adjacent lots.**

Potential for off-site impact due to lack of properly installed downslope perimeter measures. (SPS 321.125 (1)a.)

SOLUTIONS: Installation of silt fence or other perimeter measures along the front of building sites, downslope lot lines, upslope of drainageways, and along water bodies will reduce sediment from reaching the streets and waters of the state. Also if there is any way possible to maintain a buffer strip of existing vegetation it will make compliance simpler (minimum of 25' wide buffer strip must be maintained - works on sites with slopes less than 5%).

Perimeter control measures must be in place on sites in accordance with the mandated practices established in SPS 321.125 Wis. Adm. Code. Installation of silt fence must be done according to BMP's as described in the DNR Technical Standards. Care should also be taken to eliminate silt fence from being installed up and down slopes. This channels the water and causes the area where the water is directed toward to fail. Silt fence needs to be installed on the contour with the ends turned upslope to prevent the runoff from flowing out around the ends.

Silt fence, silt socks, bale barriers or vegetative buffers should be installed in accordance with WDNR Technical Standard (1056, 1055, and 1054, respectively). In addition, **all silt fence materials must conform to the material specifications established in the criteria section of the DNR Technical Std. (1056).** While straw bale barriers are accepted as a means of perimeter control (and ditch checks), it should be noted that straw bales, when properly installed (trenched and staked), do not typically hold up for extended periods of time. Replacement is often required within 2 – 4 months of installation. Erosion control matting, properly installed as per the criteria of the DNR Technical Standard (1052) is also an adequate means of providing perimeter control. Under some conditions (steeper slopes) it may be a required means of compliance.

Areas of concentrated flow such as drainageways, including those located between adjacent lots or in road right of ways require additional sediment controls prior to the establishment of vegetation. Use of properly installed erosion control matting or staked sod may be necessary to provide permanent stabilization of the soils.

NON-COMPLIANCE ORDERS: Erosion control violations were found at the site which warranted the issuance of an Order of Non-Compliance (maintenance / repair of the silt fence). I am aware that Mr. Vander Weele makes efforts to attain compliance with the erosion and sediment control rules on the active construction sites in the city. Attaining compliance with these rules is a priority for the department.

Sites should be monitored through the construction season to assure that erosion control measures are maintained properly. A digital camera should be used by the inspector to document violations and corrections. If erosion control measures are not installed or are installed incorrectly, the builder/owner should be sent a written notice of noncompliance with a specified time for correction. Follow-up inspection should be done shortly after the proscribed compliance period has passed. Sites located adjacent to water bodies may pose an immediate risk of soil being discharged to waters of the state. As such SPS 320.10(4)(b)2. provides a delegated UDC inspection agency the authority to issue a special order directing an immediate cessation of all construction work on the site until compliance with the erosion and sediment control provisions under s. SPS 321.125 is attained. This authority should be exercised when necessary to attain timely compliance.

TRACKING CONCERN: There was no evidence of sediment tracked by equipment on to paved public roadways at the sites. A tracking pad with the proper sized stone was installed and maintained correctly at the site.

The Department of Natural Resources' Conservation Practice Standard (1057) for Stone Tracking Pads states that, "Either a stone tracking pad or tire washing station shall be used at all points of construction egress. This standard applies where construction traffic is likely to transport sediment off site.

SOLUTIONS: Contractors need to be made aware of the section of the code that requires cleanup of off-site sediment occurring as a result of construction activities shall be cleaned up at the end of the work day (SPS 321.125 (6)(a)). All access drives must be designed, installed, and maintained to prevent tracking of sediment (SPS 321.125 (2)(a)). The recommended construction drive standards are **3 to 6 inch rock 12" deep of sufficient length to reach the foundation or 50 feet in length**. Another possible solution, that will ultimately reduce costs of cleanup and rock replacement, is to use a geotextile liner as a separation barrier to prevent the underlying soils from contaminating the rock.

Inlet Protection: There were on stormwater inlets on the site or in the nearby paved public roadway. Proper inlet protection (Type FF Geotextile Fabric) is required to be installed on inlets that discharge to waters of the state as per the Wisconsin DNR Technical Standard (1060) Storm Drain Inlet Protection for Construction Sites [PDF 379KB].

STOCKPILES EXISTING FOR MORE THAN 7 DAYS: The site contained an active soil stockpile. The pile was protected by silt fence that was properly installed and maintained.

SOLUTIONS: Silt fence, silt socks, bale barriers or vegetative buffers installed in accordance with WDNR Technical Standard (1056, 1055, and 1054, respectively) can provide protection of soil stockpiles at construction sites. Erosion control matting, tarping or the establishment of vegetation can all be used as means of stockpile protection. Properly installed silt sock products can also be used as an effective means of stockpile protection.

WEIGHTED EROSION AND SEDIMENT CONTROL AUDIT SCORE (UDC): 0.84

Maximum Average Weighted Score = 1.0

Erosion control is to be addressed the same as any other portion of the UDC.

A municipality that has adopted the UDC is required to enforce the erosion control rules on construction sites of one or two family homes. SPS 320.10 (3)(b) establishes that erosion control inspections shall be performed concurrently with all other required construction inspections. Inspection records lacked any notation regarding the condition of the erosion and sediment control installed (or not installed) on the sites.

Language in the UDC provides municipalities with specific enforcement authority regarding erosion and sediment control requirements.

SPS 320.10 (4) establishes authority in the UDC for issuance of compliance and non-compliance orders. It also provides the following language regarding the issuance of stop work orders:

Pursuant to s. 101.653 (7) (b), Stats., the department, a municipality or the designated UDC inspection agency may issue a special order directing an immediate cessation of construction work on other aspects of the dwelling until compliance with the erosion and sediment control provisions under s. SPS 321.125 is attained. Construction work may resume once the erosion and sediment control compliance corrections are completed.

Additionally: Wisconsin Statutes state violators of the UDC may be fined not less than \$25 nor more than \$500 for each violation. Each day that such violation continues constitutes a separate offense.

The department recommends the following areas for improvement:

- **Inspection notes should be taken and records kept regarding the condition of the erosion and sediment control measures observed at sites during each of the inspector's various site visits. Example: If all of the erosion control measures are installed and maintained properly at the time of inspection, this should be noted as well as any failures or shortcomings. If corrections are needed, this should be noted as well and conveyed to the builder along with the specific time frame allowed for compliance.**
- **Provide enforcement of the basic mandated practices established in SPS 321.125 with special attention made regarding the use of code compliant silt fence materials, and stone tracking pads**
- **Efforts need to be made to ensure that erosion and sediment measures are installed on construction sites prior to land disturbing activities.**
- **Attention should also be made to ensure that proper and timely maintenance of the erosion control practices are carried out.**
- **Particular attention should be placed on sites located directly on a waterbody or drainageway that discharges to a waterbody. Storm sewers that discharge to waters of the state are treated the same for this purpose.**

CONCLUSION: The audit report reflects a relatively random sample of site conditions found at a given time. The conditions described in the audit were typical of residential construction sites located in urban/suburban developments. Due to the limited number of active residential sites in the city at the time of the audit, this single site provided the measure for review of the inspection/enforcement of the erosion and sediment control rules by the city. By this measure, it appears that there is a high level of awareness and enforcement of this portion of the UDC on the part of the city's building inspection department.

I'd like to take this opportunity to thank Mr. Vander Weele and other city staff for taking the time to assist the department in this audit. This audit is part of an overall effort on the department's behalf to raise the statewide bar on the expectations for enforcement of the erosion control rules on residential construction sites. We look forward to working together with Mr. Vander Weele and the City of Sheboygan in the future to maintain and improve the administration and enforcement of the UDC building inspection program.

Sincerely,



Lenny Kanter

**Engineering Consultant
Uniform Dwelling Code
Division of Industry Services
Wisconsin Department of Safety and Professional Services**

**608-261-6541 office
608-225-1855 cell**

II

R. O. No. _____ - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from Donald Paul Savinski requesting a waiver from the Sex Offender Residency restrictions (wishes to discuss where he will live in person).



City Clerk

II

Handwritten text, possibly a signature or name, located in the lower-left quadrant of the page.

Date 12-26-2012

My name is DONALD PAUL SAVINSKI.

I am requesting a waiver to the Sexual Residency Requirements so I may live at Wish to discuss

in person.

Signature Donald Savinski.

Phone No 920-917-3904

II

R. O. No. _____ - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from Scott Deibert requesting a waiver from the Sex Offender Residency restrictions in order to live at 1813 S. 11th St.



City Clerk

II

Handwritten text, possibly a signature or name, located in the lower-left quadrant of the page.

Rec'd Jan 29, 2013
SCP.

Date January 29, 2013

My name is Scott Deibert.

I am requesting a waiver to the Sexual Residency
Requirements so I may live at 1813 S. 11th St.

Sheboygan.

Signature Scott Deibert

Phone No 920-946-1793

II

R. O. No. _____ - 12 - 13. By PURCHASING AGENT. February 4, 2013.

Submitting a report detailing the bid results for the purchase of (2) 2013 or 2014 Model Jeep Patriot four door, front wheel drive vehicles equipped with fuel efficient drivetrains. Bids received in response to request #1734-13 can be summarized as follows:

Dealer	Vehicle # 1	Vehicle # 2	Lead Time # 1	Lead Time #2
Russ Darrow West Bend	\$18,507.00 2013 Model	\$ 18,507.00 2013 Model	3 days	3 Days
5 Corners Dodge Jeep Cedarburg	\$ 18,684.00 2013 Model	\$ 18,684.00 2013 Model	20 Days	20 Days
Sheboygan Chrysler Dodge Jeep	\$ 17,256.56 2014 Model	\$ 17,256.56 2014 Model	60-90 days	60-90 days
Ewald Automotive Oconomowoc	\$ 17,120.00 2014 Model	\$17,120.00 2014 Model	60-90 days	60-90 days

While the vehicles from Ewald Automotive meet all of the specifications and are the lowest in cost, the recommendation is to award the bid to Sheboygan Chrysler Dodge and Jeep of Sheboygan as endorsed by Chief of Police Christopher Domagalski.

Respectfully submitted,

Bernard R. Rammer
Purchasing Agent

III

Res. No. _____ - 12 - 13. By Alderperson Roeseler. February 4, 2013.

A RESOLUTION to repeal Res. No. 139-11-12 approving the combining of dispatch services between the City of Sheboygan and Sheboygan County.

RESOLVED: That Res. 139-11-12 is hereby repealed as adopted February 6, 2012.

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

III

Res. No. _____ - 12 - 13. By Alderpersons Kath, Donohue, Van Akkeren and Vander Weele. February 4, 2013.

A RESOLUTION waiving the residency requirement in order to hire an Assistant Deputy Finance Director.

RESOLVED: That the Common Council hereby waives the residency requirement to accommodate the hiring of an Assistant Deputy Finance Director.

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

III

Res. No. _____ - 12 - 13. By Alderperson Hammond. February 4, 2013.

A RESOLUTION to authorize a transfer of appropriations in the 2012 Budget.

RESOLVED: That the Finance Director be and is hereby authorized and directed to make the following transfers of appropriations in the 2012 Budget for the purposes of:

Establishing appropriation for distribution of remaining increment in Tax Incremental District No. 3

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
TID III Debt Service Fund Unreserved Fund Balance 306-253000	TID III Debt Service Fund Interfund Expense-Debt Service Fund 30681101-811101	\$296,981
	Sheboygan County 30699340-540826	\$174,958
	Sheb Area School District 30699910-540826	\$228,796
	Kohler Area School District 30699355-540826	\$157,092
	Lakeshore Technical College 30699345-540826	\$ 53,223

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

III

Res. No. _____ - 12 - 13. By Alderperson Hammond. February 4, 2013.

A RESOLUTION authorizing entering into an amendment to the Participation Agreement for the Eisner Avenue Reconstruction Project.

RESOLVED: That the appropriate City officials are hereby authorized to execute the Amendment to Participation Agreement for the Eisner Avenue Reconstruction Projection, in form substantially similar to the attached.

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

AMENDMENT TO PARTICIPATION AGREEMENT
EISNER AVENUE RECONSTRUCTION PROJECT

THIS AMENDMENT is made by and between the CITY OF SHEBOYGAN, a municipal corporation of the State of Wisconsin (the "City"), and the TOWN OF SHEBOYGAN, a body corporate and politic of the State of Wisconsin (the "Town"), collectively, the "Parties".

RECITALS

A. The Parties entered into a Participation Agreement dated February 16, 2010 (the "Agreement"), wherein the Town agreed to participate and contribute financially in the Eisner Avenue Reconstruction Project in an amount not to exceed \$350,000.

B. The Parties at the time contemplated reconstruction to begin in 2011, and called for the Town's share to be payable in ten annual installments beginning at the same time that City property owners were required to begin paying their special assessments for the reconstruction work, but not later than March 31, 2013.

C. Given that the Project has taken longer to reach the point of actual reconstruction than originally contemplated, the Parties are willing to amend the Town's payment schedule so as to begin no later than March 31, 2015.

NOW, THEREFORE, in consideration of the Recitals herein set forth, and the agreement set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to amend the Participation Agreement-Eisner Avenue Reconstruction Project as follows:

1. The date of March 31, 2013, set forth at the end of the first sentence of Paragraph Number 3 of the Agreement shall be amended to read "March 31, 2015."

Except as otherwise specifically set forth herein, all other terms and conditions of the Participation Agreement-Eisner Avenue Reconstruction Project remain unmodified and in full force and effect.

IN WITNESS WHEREOF, the undersigned, acting pursuant to the enabling resolution adopted by their respective governing body, have subscribed this Amendment on the dates set forth.

CITY OF SHEBOYGAN

TOWN OF SHEBOYGAN

By: _____
Terry Van Akkeren
Mayor

By: _____
Daniel Hein
Town Chairman

Date: _____

Date: _____

ATTEST:

ATTEST:

Susan Richards
City Clerk

Cathy Conrad
Town Clerk

Date: _____

Date: _____

III

Res. No. _____ - 12 - 13. By Alderperson Van Akkeren. February 4, 2013.

A RESOLUTION authorizing the Purchasing Agent to enter into contract for the purchase of (2) 2014 Model fuel efficient four to five passenger administrative vehicles for the Sheboygan Police Department.

WHEREAS: The Sheboygan Police Department is in need of two smaller, fuel efficient vehicles to be used by the VIPS (Volunteers in Public Service) personnel as well as departmental employees required to travel for training opportunities and;

WHEREAS: The personnel assigned to these duties require a vehicle capable of accommodating up to five persons as well as luggage and equipment and;

WHEREAS: the vehicles currently used for this purpose are generally larger, former patrol or CID Vehicles that are typically less fuel efficient and comfortable for a wide range of drivers and equipped with Front wheel Drive and:

WHEREAS: The purchase of these vehicles is included in the 2013 budget and bids were solicited and received for the purchase.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into contract with Sheboygan Dodge, Chrysler Jeep for the purchase of the vehicle(s) described above at a cost of \$17,256.56 each including license and title fees;

BE IT FURTHER RESOLVED: That the appropriate City officials are authorized to draw the funds from Account 10121140-994000 in payment thereof.

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

III

Res. No. 12 - 13. By Alderperson Heidemann. February 4, 2013.

A RESOLUTION authorizing advertising for bids for the resurfacing of Erie Ave. from N. 14th St. to N. 8th St.

RESOLVED: That the Engineering Division is hereby authorized and directed to advertise for bids under the five percent (5%) alternative of Section 62.13(3), Wisconsin Stats, for the resurfacing of Erie Avenue from N. 14th St. to N. 8th St., according to the plans and specifications prepared by the City Engineer, and submit a resume of bids received and accepted to the Common Council for further consideration.

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor





Res. No. - 12 - 13 . By Alderperson Heidemann. February 4, 2013.

A PRELIMINARY RESOLUTION declaring intent to exercise the police power to levy special assessments for the reconstruction of Eisner Ave. from N. 21st St. to N. 8th St.

RESOLVED: That the reconstruction of Eisner Avenue from N. 21st St. to N. 8th St. is hereby proposed at the expense of the property to be benefited thereby, and that no part of the estimated aggregate cost shall be paid in advance under §66.0709, Stats.

BE IT FURTHER RESOLVED: That the City of Sheboygan does herewith intend to exercise its municipal police powers for the aforestated municipal purpose.

BE IT FURTHER RESOLVED: That the Engineering Dividsion is hereby authorized and directed to prepare a report in accordance with §66.0703(4) and §66.0703(5), 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 power
- e. A statement that the property against which the assessments are proposed is benefited

BE IT FURTHER RESOLVED: That the expenses so incurred, if in excess of one hundred dollars (\$100.00) may be paid in five (5) annual installments, then (10) annual installments if the expenses exceed five thousand dollars (\$5,000.00) for a single parcel of property, under §66.0715(3), Stats, with interest, rate thereon determined by the Finance Director/Treasurer at the beginning of each calendar year, commencing the first of the month after thirty (30) days following publication of the installment assessment notice.

BE IT FURTHER RESOLVED: That that Engineering Division is hereby authorized and directed to advertise for bids under the five percent (5%) alternative of §62.15(3) Stats, for the paving aforementioned according to the plans and specifications prepared by, or on behalf of, the City Engineer and submit a resume of bids received and accepted to the Common Council for further consideration.

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

III

Res. No. _____ - 12 - 13 . By Alderperson Hammond. February 4, 2013.

A RESOLUTION authorizing the submittal of a grant application for the former Kingsbury Brewery Property located at 739 North Water Street by the Redevelopment Authority and the subsequent appropriation of the City of Sheboygan funds for a Wisconsin Ready for Reuse Grant.

WHEREAS, the City of Sheboygan recognizes that the remediation and redevelopment of brownfields is an important part of protecting Wisconsin's resources; and

WHEREAS, in this action the City of Sheboygan Common Council has declared its intent to complete the Ready for Reuse Grant activities described in the application if awarded funds; and

WHEREAS, the City of Sheboygan will maintain records documenting all expenditures made during the Ready for Reused Grant period; and

WHEREAS, the City of Sheboygan will allow employees from the Department of Natural Resources access to inspect the grant site or facility and grant records; and

WHEREAS, the City of Sheboygan will submit a final report to the Department which will accompany the final payment request.

NOW, THEREFORE BE IT RESOLVED: That the City of Sheboygan Common Council request funds and assistance from the Wisconsin Department of Natural Resources under the Ready for Reuse Program and will comply with the state rules for the program, and Mayor and City Clerk to act on behalf of the Redevelopment Authority as authorized representatives.

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

VII

R. C. No. _____ - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 211-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Taxicab Driver's License #5902 be denied based upon her failure to accurately reveal all relevant convictions on her application, her record of violations related to the licensed activity and her failure to cooperate with the Committee.

Committee.

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk

Approved _____ 20____, _____, Mayor

VII

R. C. No. _____ - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 226-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Beverage Operator's License #8927 be denied based upon her record of violations related to the licensed activity.

_____ Committee.

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk
Approved _____ 20____. _____, Mayor

VIII

R. C. No. _____ - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 226-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Beverage Operator's License #9829 be denied based upon her ineligibility for the license.

_____ Committee.

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk
Approved _____ 20____, _____, Mayor

VII

R. C. No. _____ - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 236-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Taxicab Operator's License # 7760 be denied based upon her record of violations related to the licensed activity.

_____ Committee.

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk
Approved _____ 20____. _____, Mayor

IV

VII

R. C. No. _____ - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 236-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Taxicab Operator's License # 9791 be denied based upon his record of violations related to the licensed activity.

_____ Committee.

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk
Approved _____ 20____. _____, Mayor

VII

R. C. No. _____ - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 236-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Beverage Operator's License #9849 be denied based upon his failure to accurately reveal all relevant convictions on his application and record of violations related to the licensed activity.

_____ Committee.

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk
Approved _____ 20____, _____, Mayor

IV

VIII

R. C. No. _____ - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred R. C. No. 337-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Beverage Operator's License #6744 be denied based upon his failure to accurately reveal all relevant convictions on his application, his record of violations related to the licensed activity and his failure to cooperate with the Committee.

_____ Committee.

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk
Approved _____ 20____, _____, Mayor

IV

VIII

5.3

R. C. No. 337 - 12 - 13. By LAW AND LICENSING. January 21, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 203-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Beverage Operator's License #6744 be denied based upon his failure to accurately reveal all relevant convictions on his Beverage Operator's License application, his record of violations related to the licensed activity, and his failure to cooperate with the committee.

*re-fer to
LxL
all eyes
deny*

Susan J. Gussard
Julie Kath
Scott Lovandore

Jodi VanderWee

Committee.

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk

Approved _____ 20____, _____, Mayor

12

IV

337

Handwritten text, possibly a signature or name, located in the lower right quadrant of the page.

COMMON COUNCIL

Official Proceedings of the 2012 - 2013 Common Council of the City of Sheboygan.

TWENTY- FIRST REGULAR MEETING

The Council met: Monday, February 4, 2013.

Mayor Terry Van Akkeren in the Chair:

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

Belanger, Bohren, Dekker, Donohue, Hammond, Heidemann, Kath, Lessard, Lewandoske, Matichek, Roeseler, Van Akkeren, VanderWeele, Versey, Wangemann - 15.

Absent and Excused: Carlson - 1.

On motion by Alderperson Hammond and second by Alderperson Bohren, the reading of the minutes of the Twentieth Regular Meeting held January 21, 2013, was approved as entered on the record, all Alderpersons present voting "Aye".

MAYOR'S APPOINTMENTS

February 4, 2013

HONORABLE MEMBERS OF THE COMMON COUNCIL:

BUSINESS IMPROVEMENT DISTRICT

<u>NAME</u>	<u>APPOINTED</u>	<u>EXPIRES</u>
Pamela Butler Channel (Business Owner)	2/04/13	12/31/14
Ryan Moeller (Business Owner)	2/04/13	12/31/14
David Gass (Business Owner)	2/04/13	12/31/14
Tom Brickley (Business Owner)	2/04/13	12/31/14
Mike Vandersteen (Business Owner)	2/04/13	12/31/14
Eileen Simenz (Property Owner)	2/04/13	12/31/14
William Holbrook (Property Owner)	2/04/13	12/31/14
Larry Schaefer (Property Owner)	2/04/13	12/31/14
David Haneman (Property Owner)	2/04/13	12/31/14
David Sanderson (Property Owner)	2/04/13	12/31/14
Chad Pelishek (City Government)	2/04/13	12/31/14

MAYOR TERRY VAN AKKEREN

Lies over under the rules.

COMMUNICATIONS AND PETITIONS

Com. No. 13 - 12 - 13. February 4, 2013.

Submitting a communication from Eric Bollar being an article from the Sheboygan Press entitled, "First commitment: Number of first responders dwindling in county communities."

Was referred to the Committee on Public Protection and Safety.

REPORTS OF OFFICERS

***R. O. No. 253 - 12 - 13. By CITY CLERK. February 4, 2013.**

Submitting various license applications.

TEMPORARY "CLASS B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2261	Brennans Womens Softball	1101 Michigan Ave. – one-day event to be held 4/6/2013 to include all of the premise.
2380	Sheboygan County Motorcycle	2601 N. 15 th St. – one-day event to be held 2/24/2013 to include all of the premise.

COMMERCIAL OPERATORS LICENSE (December 31, 2013)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2961	Eisentraut Lawn Care	404 Roosevelt Ave., Howards Grove

SECONDHAND JEWELRY/ARTICLE (December 31, 2013)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2917	Century Metal	1011 Belmar Ln., Buffalo Grove, IL
2906	Gaming Generations	1122 N. 8 th St.

February 4, 2013

*R.O. No. 254 - 12 – 13. By CHIEF OF POLICE. February 4, 2013.

Pursuant to section 54-65 of the Municipal Code, I herewith submit my quarterly report showing the activities of my department for the period commencing October 1, 2012 and ending December 31, 2012.

Part I Crimes	OCT		NOV		DEC		2012 TOTAL 4th QTR Reported	2011 TOTAL 4th QTR Reported
	Reported	Cleared	Reported	Cleared	Reported	Cleared		
Homicide	0	0	0	0	0	0	0	0
Rape	1	1	3	2	0	1	4	18
Robbery	1	1	3	1	1	1	5	5
Aggravated Assault	9	8	9	6	8	6	26	24
Simple Assault*	20	20	27	20	23	20	70	52
Burglary	27	4	40	8	18	3	85	67
Theft	111	42	76	39	79	38	266	369
Vehicle Theft	2	1	5	4	2	1	9	12
Arson	2	1	1	0	0	0	3	1
Total Part I Crimes	173	78	164	80	131	70	468	548
Total Current Reported		468	Total Current Cleared			228		
Same Quarter Last Year		548	Same Quarter Last Year			202		

*Part 2 Crime

Traffic Arrests	
October	247
November	243
December	213
Current Quarter	703
Same Quarter Last Year	752

Other Arrests	
October	385
November	366
December	375
Current Quarter	1126
Same Quarter Last Year	1066

Accidents Investigations	
Current Quarter	411
Same Quarter Last Year	346

Total Arrests	
Current Quarter	1829
Same Quarter Last Year	1818

Property	OCT	NOV	DEC	Current Quarter	Same Quarter Last Year
Value Property Stolen	36239	48395	30367	115,001	149,345
Value Property Recovered	13717	14720	3861	32,298	20,085

Percent Recovered	38	30	13	28	13.4
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R. O. No. 255 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a claim for excessive assessment from Walgreen Co., tenant of parcels 59281205930, 5928169780 and 59281431734, properties in Sheboygan, WI.

Was referred to the Committee on Finance.

R. O. No. 256 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a claim for excessive assessment from Sheboygan Orthopaedic Associates.

Was referred to the Committee on Finance.

R. O. No. 257 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a claim from Leon Kogler for alleged damages to his home when the sewer backed up due to the City main being clogged.

Was referred to the Committee on Finance.

R. O. No. 258 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from the American Planning Association Wisconsin Chapter requesting the use of the City's free days to hold their annual conference in Sheboygan at Blue Harbor Resort on June 13 and 14, 2013.

Was referred to the Committee on Finance.

R. O. No. 259 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from the Harbor Centre BID requesting that the City of Sheboygan release all funds collected on their behalf and those funds allocated to them for fiscal 2013.

Was referred to the Committee on Finance.

R. O. No. 260 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a Summons and Complaint Small Claims in the matter of Sheboygan Trades & Labor Hall Association vs. City of Sheboygan.

Was referred to the Committee on Finance.

R. O. No. 261 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a claim from Mark and Mary Graves for alleged damages to their home when they had a sewer backup into their basement.

Was referred to the Committee on Finance.

R. O. No. 262 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a claim for excessive assessment from Siegel-Gallagher, tenant of parcel 59281-215850, 3347 Kohler Memorial Drive.

Was referred to the Committee on Finance.

R. O. No. 263 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting various license applications for the period ending June 30, 2013 and June 30, 2014.

Was referred to the Committee on Law and Licensing.

R. O. No. 264 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from the State of Wisconsin Department of Safety and Professional Services regarding the review of general administrative practices and record keeping for Uniform Dwelling Code (UDC) program (one and two family dwellings) and other UDC construction related issues.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 265 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from the State of Wisconsin Department of Safety and Professional Services regarding the review of erosion and sediment control enforcement for uniform dwelling code program (one and two family buildings).

Was referred to the Committee on Public Protection and Safety.

R. O. No. 266 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from Donald Paul Savinski requesting a waiver from the Sex Offender Residency restrictions (wishes to discuss where he will live in person).

Was referred to the Committee on Public Protection and Safety.

R. O. No. 267 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from Scott Deibert requesting a waiver from the Sex Offender Residency restrictions in order to live at 1813 S. 11th St.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 268 - 12 - 13. By PURCHASING AGENT. February 4, 2013.

Submitting a report detailing the bid results for the purchase of (2) 2013 or 2014 Model Jeep Patriot four door, front wheel drive vehicles equipped with fuel efficient drivetrains. Bids received in response to request #1734-13 can be summarized as follows:

Was referred to the Committee on Public Protection and Safety.

R. O. No. 269 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from the State of Wisconsin Department of Corrections requesting a waiver from the Sex Offender Residency restrictions on behalf of state inmate Christopher Holmes in order for him to be placed in a TLP at either 930A Michigan Ave. or 1123/1125 N. 14th St. depending on availability.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 270 - 12 - 13. By CITY CLERK. February 4, 2013.

Submitting a communication from Alderperson Lewandoske stating concerns regarding the fact that the handicapped elevator lift on the north side of City Hall has been removed due to the lack of availability of parts to repair the lift and states that it is dangerous to have to park on the street, especially in the snow and ice in order to get to the handicapped ramp located on the south side of City Hall.

Was referred to the Committee on Public Works.

RESOLUTIONS INTRODUCED

***Res. No. 132 - 12 - 13. By Alderperson Carlson. February 4, 2013.**

A RESOLUTION in recognition of the service of Sharon Winkle to Mead Public Library.

WHEREAS, Sharon Winkle was hired by the Board of Trustees on January 21, 1991, and will retire effective February 1, 2013 with a total of 22 years of service to the library.

WHEREAS, Sharon Winkle has served as an exemplary model for the conduct of the responsibilities of the Director. The Mead Public Library has served area residents for over 115 years, and it is highly regarded by members of this community today in no small part because of the direction of Sharon Winkle; and,

WHEREAS, she has served as an advocate and a mentor for the Mead Public Library staff and recognized for her fair, assertive, responsive, and kind management style.

WHEREAS, Sharon Winkle is credited for developing comprehensive five-year strategic direction plans and yearly initiatives with the Mead Public Library Board of Trustees which has resulted in the high success rate of accomplishing goals on behalf of the customers served at the Mead Public Library; and,

WHEREAS, with Sharon Winkle's leadership Mead Public Library strove to stay abreast of digital technology, preserve local history, provide quality resources and materials, organize relevant programming for all ages, and promote a 21st- century literate society which has resulted in yearly visits surpassing 340,000; and

WHEREAS, Sharon Winkle diligently pursued opportunities for Mead Public Library by carefully merging the interest of the private sector with the goals of the library which has resulted in improving library collections, facilities and services. She was instrumental in working with citizens to add the third floor to the library in The Centennial Building Project (1995-1997). This blended public/private funding project increased access to the library's wonderful collections and provided more space for programs; and

WHEREAS, Sharon Winkle carefully analyzed the needs of the library and utilized private sector gifts to create dedicated space for the teens in our community. This resulted in the Myrtle and Hazel Hansen Teen Library Center and the Dr. Jerome M. Maas Teen Learning Center both of which involved a teen advisory board in its design and function; and,

WHEREAS Sharon Winkle has strived to maintain a professional working relationship with the City of Sheboygan administration and Common Council; and,

WHEREAS, during her tenure as Director Sharon Winkle served as a member and secretary to both the Mead Public Library Board of Trustees and the Foundation, Inc. She additionally enthusiastically supported the efforts of the Friends Organization.

February 4, 2013

NOW THEREFORE BE IT RESOLVED THAT the Mead Public Library Board of Trustees commends Sharon Winkle on her service to the community as the Director of the library for 22 years. Her visionary leadership has contributed to our library being the true educational and cultural gem of our community. She began her tenure in a two-story building that had the card catalog stored in wooden cabinets, and she is leaving Mead Public Library as an extraordinary three-story building filled with an amazing collection of books and materials that can be accessed digitally. The Board thanks her for her commitment and recognizes her service through this resolution. The Mead Public Library Board of Trustees wishes Sharon all the best as she retires from her service to the Library, Board, staff and Sheboygan residents as the Library Director.

Res. No. 133 - 12 - 13. By Alderperson Roeseler. February 4, 2013.

A RESOLUTION to repeal Res. No. 139-11-12 approving the combining of dispatch services between the City of Sheboygan and Sheboygan County.

RESOLVED: That Res. 139-11-12 is hereby repealed as adopted February 6, 2012.

On motion by Alderperson Roeseler and second by Alderperson Van Akkeren, the Resolution was passed on call of the roll:

Ayes: Belanger, Bohren, Dekker, Hammond, Heidemann, Kath, Lessard, Lewandoski, Matichek, Roeseler, Van Akkeren, Wangemann • 13.

Nays: Versey • 1.

Abstain: Donohue • 1.

Res. No. 134 - 12 - 13. By Alderpersons Kath, Donohue, Van Akkeren and Vander Weele. February 4, 2013.

A RESOLUTION waiving the residency requirement in order to hire an Assistant Deputy Finance Director.

RESOLVED: That the Common Council hereby waives the residency requirement to accommodate the hiring of an Assistant Deputy Finance Director.

On motion by Alderperson Donohue and second by Alderperson Roeseler, the Resolution lost on call of the roll:

Ayes: Belanger, Donohue, Hammond, Lessard, Roeseler, Van Akkeren, Wangemann • 7.

Nays: Bohren, Dekker, Heidemann, Kath, Lewandoski, Matichek, VanderWeele, Versey • 8.

Res. No. 135 - 12 - 13. By Alderperson Hammond. February 4, 2013.

A RESOLUTION to authorize a transfer of appropriations in the 2012 Budget.

RESOLVED: That the Finance Director be and is hereby authorized and directed to make the following transfers of appropriations in the 2012 Budget for the purposes of:

Was referred to the Committee on Finance.

Res. No. 136 - 12 - 13. By Alderperson Hammond. February 4, 2013.

A RESOLUTION authorizing entering into an amendment to the Participation Agreement for the Eisner Avenue Reconstruction Project.

Was referred to the Committee on Finance.

Res. No. 137 - 12 - 13. By Alderperson Van Akkeren. February 4, 2013.

A RESOLUTION authorizing the Purchasing Agent to enter into contract for the purchase of (2) 2014 Model fuel efficient four to five passenger administrative vehicles for the Sheboygan Police Department.

Was referred to the Committee on Public Protection and Safety.

Res. No. 138 • 12 • 13. By Alderperson Heidemann. February 4, 2013.

A RESOLUTION authorizing advertising for bids for the resurfacing of Erie Ave. from N. 14th St. to N. 8th St.

Was referred to the Committee on Public Works.

Res. No. 139 - 12 - 13. By Alderperson Heidemann. February 4, 2013.

A PRELIMINARY RESOLUTION declaring intent to exercise the police power to levy special assessments for the reconstruction of Eisner Ave. from N. 21st St. to N. 8th St.

Was referred to the Committee on Public Works.

Res. No. 140 - 12 - 13. By Alderperson Hammond. February 4, 2013.

A RESOLUTION authorizing the submittal of a grant application for the former Kingsbury Brewery Property located at 739 North Water Street by the Redevelopment Authority and the subsequent appropriation of the City of Sheboygan funds for a Wisconsin Ready for Reuse Grant.

Was referred to the Redevelopment Authority.

REPORTS OF COMMITTEES

***R. C. No. 341 - 12 - 13. By LAW AND LICENSING. February 4, 2013.**

Your Committee to whom was referred R. O. No. 211-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that the following license be granted:

TAXICAB OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>
9812	Kropuenske, Vincent E.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper license.

***R. C. No. 342 - 12 - 13. By LAW AND LICENSING. February 4, 2013.**

Your Committee to whom was referred R. O. No. 226-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that the following licenses be granted:

BEVERAGE OPERATOR'S LICENSE (June 30, 2014)

<u>No.</u>	<u>Name</u>
2195	Kussard, Heidi K.
9825	Meise, John A.
4338	Roerdink, Sherri L.

TAXICAB OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>
8177	McKenzie, David J.
9833	Post, Duane T.

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. 343 - 12 - 13. By LAW AND LICENSING. February 4, 2013.**

Your Committee to whom was referred, pursuant to R. O. No. 246-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that the following licenses be granted:

BEVERAGE OPERATOR'S LICENSE (June 30, 2014)

<u>No.</u>	<u>Name</u>
9856	Babino, Kayla N.
9857	Campbell, Jennifer K.
9850	Daugherty, Tanner D.
6242	Garza, Maricela
9859	Hoepfner, Danielle N.
9852	Huenink, Carter G.
9860	Kelly, Shane P.
9855	Krase, Sarah
9862	Kunstman, Ashley M.
4769	Meifert, Lisa M.
6306	Vallejo, Virginia
9853	Wehmeyer, Jessica M.
9854	Williams, John S.

TAXICAB OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>
9851	Mathis, Al
9858	Wicker, Verlin C.

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. 344 - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 211-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Taxicab Driver's License #5902 be denied based upon her failure to accurately reveal all relevant convictions on her application, her record of violations related to the licensed activity and her failure to cooperate with the Committee.

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

Ayes: Belanger, Bohren, Dekker, Donohue, Hammond, Heidemann, Kath, Lessard, Lewandoske, Matichek, Roeseler, Van Akkeren, VanderWeele, Versey, Wangemann - 15.

Nays: None.

R. C. No. 345 - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 226-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Beverage Operator's License #8927 be denied based upon her record of violations related to the licensed activity.

Kendra Udovich spoke.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was accepted and adopted to deny the Beverage Operator's license on call of the roll:

Ayes: Bohren, Heidemann, Kath, Lessard, Lewandoski, VanderWeele, Versey, Wangemann • 8.

Nays: Belanger, Dekker, Donohue, Hammond, Matichek, Roeseler, Van Akkeren • 7.

R. C. No. 346 - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 226-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Beverage Operator's License #9829 be denied based upon her ineligibility for the license.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was accepted and adopted to deny the Beverage Operator's license on call of the roll:

Ayes: Belanger, Bohren, Dekker, Donohue, Hammond, Heidemann, Kath, Lessard, Lewandoske, Matichek, Roeseler, Van Akkeren, VanderWeele, Versey, Wangemann - 15.

Nays: None.

R. C. No. 347 - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 236-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Taxicab Operator's License # 7760 be denied based upon her record of violations related to the licensed activity.

Brenda Villareal spoke.

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

Ayes: Bohren, Dekker, Donohue, Heidemann, Kath, Lessard, Lewandoski, Roeseler, Van Akkeren, VanderWeele, Versey, Wangemann • 12.

Nays: Belanger, Hammond, Matichek • 3.

R. C. No. 348 - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 236-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Taxicab Operator's License # 9791 be denied based upon his record of violations related to the licensed activity.

Angel Esteves spoke.

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

Ayes: Heidemann, Kath, Lessard, Lewandoski, Matichek, Roeseler, VanderWeele, Wangemann • 8.

Nays: Belanger, Bohre, Dekker, Donohue, Hammond, Van Akkeren, Versey • 7.

R. C. No. 349 - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred, pursuant to R. O. No. 236-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Beverage Operator's License #9849 be denied based upon his failure to accurately reveal all relevant convictions on his application and record of violations related to the licensed activity.

Mark Prucha spoke.

A motion by Alderperson VanderWeele and second by Alderperson Kath was made to accept and adopt the Report of Committee lost on call of the roll:

Ayes: Donohue, Kath, Lessard, Lewandoski, Roeseler, Wangemann • 6.

Nays: Belanger, Bohren, Dekker, Hammond, Matichek, Van Akkeren, VanderWeele, Versey • 8.

Abstain: Heidemann • 1.

On motion by Alderperson VanderWeele and second by Alderperson Matichek to grant the Beverage Operator's license, passed on call of the roll:

Ayes: Belanger, Bohren, Dekker, Hammond, Matichek, Roeseler, Van Akkeren, VanderWeele, Versey • 9.

Nays: Donohue, Kath, Lessard, Lewandoski, Wangemann • 5.

Abstain: Heidemann • 1.

R. C. No. 350 - 12 - 13. By LAW AND LICENSING. February 4, 2013.

Your Committee to whom was referred R. C. No. 337-12-13 by the City Clerk, submitting license applications for the period ending June 30, 2013 and June 30, 2014; recommends that Beverage Operator's License #6744 be denied based upon his failure to accurately reveal all relevant convictions on his application, his record of violations related to the licensed activity and his failure to cooperate with the Committee.

Was re-referred to the Committee on Law and Licensing, all Alderpersons present voting "Aye".

MATTERS LAID OVER

***R. C. No. 351 - 12 - 13. By LAW AND LICENSING. February 4, 2013.**

Your Committee to whom was referred Gen. Ord. No. 47-12-13 by Alderperson VanderWeele repealing and recreating Article III of Chapter 30 of the Municipal Code relating to regulation and licensing of massage technicians and massage establishments; recommends that the Ordinance be passed.

***Gen. Ord. No. 47 - 12 - 13. By Alderperson VanderWeele. January 21, 2013.**

AN ORDINANCE repealing and recreating Article III of Chapter 30 of the Municipal Code relating to regulation and licensing of massage technicians and massage establishments.

WHEREAS, the State of Wisconsin has preempted municipal regulation and licensing of the practice of massage therapy and bodywork therapy through the creation of Chapter 460 of the Wisconsin Statutes.

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

Section 1. Article III entitled "Massage Parlors" of Chapter 30 of the Sheboygan Municipal Code is hereby repealed in its entirety and recreated to read as follows:

"Chapter 30 - BUSINESSES

ARTICLE III. MASSAGE ESTABLISHMENTS

DIVISION 1. GENERALLY

Sec. 30-96. Penalties for violation of article.

A violation of any of the provisions of this article shall subject the violator to a forfeiture of not less than \$50.00 and not more than \$200.00 and in default of payment thereof imprisonment for not to exceed 30 days.

Sec. 30-97. Inspection of licensed premises.

The licensed premises shall be open at all times to inspection by the police officers of the city and the building inspection division for the purpose of determining whether the premises and licensee are complying with the provisions of this article.

Sec. 30-98. Regulation of massage establishments.

- (a) *Supervision by therapist.* There shall be on the licensed premises at all times a massage therapist or bodywork therapist licensed under Chapter 460, Wis. Stats. The licensee of the establishment shall personally supervise the conduct of the business thereon and shall not violate or permit any therapist or employee in his employ to violate any provision of this article. A violation of any provision of this article by an officer, employee or therapist shall constitute a violation by the licensee of the establishment.
- (b) *Alcohol beverages.* No alcohol beverages shall be sold or used on the licensed premises.
- (c) *Hours of operation.* No licensed premises shall be open for business except between 8:00 a.m. and 10:00 p.m.
- (d) *Maintenance in sanitary condition.* All licensed premises shall be maintained in a clean and sanitary condition and in compliance with all city ordinances and state laws and regulations.
- (e) *Display of certificate.* The massage establishment license shall be conspicuously displayed in the licensed establishment so that the license can easily be seen and read.

Secs. 3-99 — 3-120. Reserved.

DIVISION 2. LICENSE

Sec. 30-121. Required for operation of establishment.

No person shall operate an establishment within the city where massage therapy or bodywork therapy is provided by one person to another for compensation without a license therefor.

Sec. 30-122. Exemptions.

No massage establishment license shall be required under this article where massage therapy or bodywork therapy is engaged in in the performance of the duties of their respective professions:

- (1) Hospitals, medical clinics, surgical centers, or offices of physicians, surgeons, chiropractors, osteopaths or physical therapists licensed or registered to practice their respective professions under the laws of the state, or nurses or nurse practitioners registered under the laws of the state acting under their discretion or control;
- (2) Barbershops and beauty parlors, provided such massage therapy or bodywork therapy, as practiced, is limited to the head and scalp.

Sec. 30-123. Fees.

The annual license fee for a massage establishment shall be \$100.00. Such license shall run from January 1 to December 31.

Sec. 30-124. Application.

Application for a license under this article shall be made on a form furnished by the city clerk, which shall contain the following information:

- (1) Name and address of the proposed massage establishment and the name and address of each individual who will have or has any financial interest, direct or indirect, in the proposed establishment;
- (2) Previous employment of every such individual for the preceding three years;
- (3) Date of birth of any such person;
- (4) Whether the applicant is a natural person, corporation, limited liability company, or partnership, and:
 - a. If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.
 - b. If the applicant is a partnership, the names and addresses of all partners.
 - c. If the applicant is a limited liability company, the names and addresses of all members.
 - d. The name of the manager or proprietor of the business.
 - e. Any other information that the clerk may reasonably require.
- (5) A statement as to whether the applicant, including an individual, agent, officer, director, member, partner, manager or proprietor has, within the previous ten years, been convicted of any crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.
- (6) Whether the applicant or any other person listed in subsection (5) above has ever used or been known by a name other than the name set forth on the application, and if so, the name or names used and information concerning dates and places used.
- (7) Whether the applicant or any other person listed in subsection (5) above has previously been denied, or had revoked or suspended, a massage establishment license or similar license from any other governmental unit. If so, the applicant must furnish information as to the date, location and reason for the action.
- (8) The names and addresses of all persons proposed to be employed therein.

Sec. 30-125. Investigation of application.

The city clerk shall refer the application to the police department which shall investigate and determine whether the applicant and the establishment proposed to be licensed conform to the requirements of this article. The police department shall refer the application to the building inspection division who shall investigate the premises proposed to be licensed to determine whether the premises conform to the requirements of this article, the rules and regulations of the department of health and social services, and any other applicable laws and ordinances. The police department and the building inspection division shall report their findings and recommendations to the city clerk for consideration by the common council.

Sec. 30-126. Grant; right of hearing upon denial.

The council shall grant or deny the application no later than 60 days after submittal of a completed application. If the application for a license is denied, the applicant shall be given written notice of the reasons for denial and shall be given an opportunity to be heard thereon.

Sec. 30-127. Suspension and revocation.

The common council may suspend or revoke a massage establishment license after notice and opportunity for hearing, for fraud, misrepresentation, or false statement contained in the application for a license, for a violation of any provision of this article, or subject to Sections 111.321, 111.322 and 111.335, Wis. Stats., upon conviction of an offense the circumstances of which substantially relate to the operation of a massage establishment.

Secs. 30-128 — 30-160. Reserved."

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.

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

Mayor

City Clerk