

THIRD AMENDMENT TO
OPERATING AGREEMENT BETWEEN
CITY OF SHEBOYGAN
AND
POWER PUBS, LLC

This Third Amendment amends the Amended Operating Agreement (“Agreement”) between the City of Sheboygan (“City”), a Wisconsin municipal corporation with offices at 828 Center Avenue, Sheboygan, Wisconsin 53081, and Power Pubs, LLC (“Vendor”), a Wisconsin Limited Liability Company, with offices at 4792 N. Cramer Street, Whitefish Bay, Wisconsin 53211. The Agreement was originally executed on September 3, 2018 and amended on November 22, 2019 and July 2, 2020.

The parties hereto are the parties to the Agreement and, for good and valuable consideration, mutually agree to the following amendments to the Agreement.

1. Subsection 3.C is amended to read as follows, “Except as specifically provided in this Agreement, Vendor shall provide these services at least six hours per day between 10:00 a.m. and 10:00 p.m., weather permitting, and three days per week beginning no later than June 1 and ending no later than October 15, subject to the provisions of subparagraph 3.P. The precise hours shall be determined by Vendor but shall in no case include hours between 10:00 p.m. and 10:00 a.m. Vendor is not required to provide these services on Independence Day.”
2. Subsection 3.E is amended to replace “Sheboygan Municipal Code § 10-177(c)” with “Wis. Stat. § 125.07(3)(a)10.”
3. Subsection 3.N. is repealed.
4. Section 4 is amended to read as follows, “This Agreement shall commence on the Effective Date (but no earlier than the date of publication of the common council resolution authorizing this agreement) and shall expire on December 31, 2024. Should the parties agree, in their sole discretion, that the biergarten has been a success and a benefit to the parties and the community, the parties agree to begin good faith negotiations on a replacement contract, to be completed by October 31, 2024. If the parties cannot agree on terms to a replacement contract by October 31, 2024, this Agreement shall remain in full force and effect until December 31, 2024.”

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by their proper officers and this Amendment is entered into as of the date of the last signature below.

CITY OF SHEBOYGAN

By: _____
Ryan Sorenson, Mayor

Date Signed: _____

Attest: _____
Meredith DeBruin, City Clerk

Date Signed: _____

POWER PUBS, LLC

By: _____
John L. Powers, Sole Member

Date Signed: _____