

CITY OF SHEBOYGAN

THIRTEENTH REGULAR COMMON COUNCIL MEETING

Monday, October 7, 2019

ALDERPERSONS PRESENT: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

ALDERPERSON ABSENT AND EXCUSED: Jim Bohren - 1 .

Meeting called to order at 6: 00 PM

1. OPENING OF MEETING

1.1 ROLL CALL

1.2 PLEDGE OF ALLEGIANCE

1.3 APPROVAL OF MINUTES

MOTION TO APPROVE MINUTES Motion by Todd Wolf, second by Mary Lynne Donohue.
Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

1.4 RESIGNATION - Jake DenBoer from the Board of License Examiners

MOTION TO RECEIVE AND FILE Motion by Todd Wolf, second by Mary Lynne Donohue.
Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

1.5 PUBLIC FORUM - Limit of five people having five minutes each with comments limited to items on this agenda. Mike Martin spoke.

1.6 PRESENTATION - Livable Communities Action Plan by Vicky Schneider, Director of Senior Services

1.7 MAYOR'S ANNOUNCEMENTS - UPCOMING COMMUNITY EVENTS, PROCLAMATIONS, EMPLOYEE RECOGNITIONS

2. HEARINGS

2.1 Hearing No. 2 - 19 - 20 pursuant to Chapter 65.90 of the Laws of Wisconsin, notice is given that the annual budget hearing will be held this evening and any taxpayer or resident of the governmental unit will have the opportunity to be heard on the proposed 2020 budget.

Sherry Crossley spoke. MOTION TO CLOSE HEARING Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

3. CONSENT AGENDA

3.1 MOTION TO RECEIVE AND FILE ALL RO'S, RECEIVE ALL RC'S AND ADOPT ALL RESOLUTIONS AND ORDINANCES

Resolution:

MOTION TO RECEIVE AND FILE ALL RO'S, RECEIVE ALL RC'S AND ADOPT ALL RESOLUTIONS AND ORDINANCES Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

3.2 R. O. No. 86 - 19 - 20 by Board of Contractors Examiners submitting application for Building Contractor Licenses already granted.

Resolution:

MOTION TO RECEIVE THE R. O. Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

3.3 R. O. No. 82 - 19 - 20 by City Clerk submitting various license applications (Bethlehem).

Resolution:

MOTION TO RECEIVE THE R. O. AND GRANT THE LICENSES Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

3.4 R. C. No. 138 - 19 - 20 by Licensing, Hearings, and Public Safety Committee to whom was referred pursuant to R. O. No. 80 - 19 - 20 by City Clerk submitting various license applications; recommends granting the licenses.

Resolution:

MOTION TO RECEIVE THE R. C. AND GRANT THE LICENSES Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

3.5 R. C. No. 139 - 19 - 20 by Finance and Personnel Committee to whom was referred DIRECT REFERRAL R. O. No. 81 - 19 - 20 by Finance Director submitting an action plan for the finance department related to but not limited to the audit findings from the 2018 Comprehensive Annual Financial Report ("CAFR"); recommends receiving the plan.

Resolution:

MOTION TO RECEIVE THE R. O. AND THE PLAN Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

3.6 R. C. No. 140 - 19 - 20 by Finance and Personnel Committee to whom was referred Res. No. 85 - 19 - 20 by Alderpersons Donohue and Bohren authorizing the acceptance of monies from Sheboygan Police Department personnel in the amount of \$3,334.50 ; recommends adopting the Resolution.

Resolution:

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

3.7 R. C. No. 141 - 19 - 20 by Finance and Personnel Committee to whom was referred Res. No. 86 - 19 - 20 by Alderpersons Donohue and Bohren authorizing

the acceptance of the State of Wisconsin WISGrant in the amount of \$4,000 ; recommends adopting the Resolution.

Resolution:

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

3.8 R. C. No. 142 - 19 - 20 by Finance and Personnel Committee to whom was referred Res. No. 87 - 19 - 20 by Alderpersons Donohue and Bohren authorizing an appropriation in the 2019 Budget (Honor Guard); recommends adopting the Resolution.

Resolution:

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

3.9 R. C. No. 143 - 19 - 20 by Finance and Personnel Committee to whom was referred Res. No. 88 - 19 - 20 by Alderpersons Donohue and Bohren authorizing an appropriation in the 2019 Budget (WISGrant); recommends adopting the Resolution.

Resolution:

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

3.10 R. C. No. 144 - 19 - 20 by Public Works Committee to whom was referred Res. No. 91 - 19 - 20 by Alderpersons Wolf and Sorenson authorizing executing an easement for a mini-storm sewer (Vanginkle); recommends adopting the Resolution.

Resolution:

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

4. COMMUNICATIONS

4.1 Com. No. 1 - 19 - 20 by City Clerk submitting a communication from Chris Merklein, Director of Development, Van Horn Real Estate, requesting an encroachment for Kingsbury Village Apartments (Encroachment Area # 1 = 36.125 square feet). REFER TO CITY PLAN COMMISSION

4.2 Com. No. 2 - 19 - 20 by City Clerk submitting a communication from Chris Merklein, Director of Development, Van Horn Real Estate, requesting an encroachment for Kingsbury Village Apartments (Encroachment Area # 2 = 1939.61 square feet). REFER TO CITY PLAN COMMISSION

4.3 Com. No. 3 - 19 - 20 by City Clerk submitting a communication from Chris Merklein, Director of Development, Van Horn Real Estate, requesting an encroachment for Kingsbury Village Apartments (Encroachment Area # 3 = 1503.44 square feet). REFER TO CITY PLAN COMMISSION

5. REPORTS OF OFFICERS

5.1 R. O. No. 83 - 19 - 20 by Senior Services Commission to whom was referred R. O. No. 79 - 19 - 20 by Director of Senior Services submitting the final Livable Communities Action Plan, City of Sheboygan, Wisconsin, dated August 2019 ; recommends receiving the R. O. and Livable Communities Action Plan. RECEIVE THE R. O. AND LIVABLE COMMUNITIES ACTION PLAN

MOTION TO RECEIVE THE R. O. AND LIVABLE COMMUNITIES ACTION PLAN Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

5.2 R. O. No. 84 - 19 - 20 by City Attorney submitting, as a matter of record, a copy of the United States District Court, Eastern District of Wisconsin, Decision and Order Granting Defendant's Motion for Summary Judgment in the matter of Tyler Jones v. City of Sheboygan, Case No. 18 -CV- 709, which was issued on August 13, 2019, and became final on September 13, 2019. REFER TO FINANCE AND PERSONNEL COMMITTEE

5.3 R. O. No. 85 - 19 - 20 by City Clerk submitting a claim from Jane E. Stewart for alleged damages to her vehicle when it was hit by a street cleaner. REFER TO FINANCE AND PERSONNEL COMMITTEE

6. RESOLUTIONS

6.1 Res. No. 99 - 19 - 20 by Alderpersons Donohue and Bohren authorizing the appropriate City Officials to execute an engagement letter with Quarles & Brady LLP to serve as bond counsel with regard to Sewerage System Revenue Bonds.

REFER TO FINANCE AND PERSONNEL COMMITTEE

6.2 Res. No. 100 - 19 - 20 by Alderpersons Donohue and Bohren authorizing the issuance and sale of up to \$2,323,791 Sewerage System Revenue Bonds, Series 2019 D, and providing for other details and covenants with respect thereto. REFER TO FINANCE AND PERSONNEL COMMITTEE

6.3 Res. No. 94 - 19 - 20 by Alderpersons Donohue and Bohren authorizing the appropriate City officials to execute Vacant Land Offer to Purchase with Habitat for Humanity Lakeside, Inc. with regard to two City-owned vacant lots (Lots 11 and 12) on the northwest corner of Erie Avenue and North 10 th Street. REFER TO FINANCE AND PERSONNEL COMMITTEE

6.4 Res. No. 95 - 19 - 20 by Alderpersons Donohue and Bohren authorizing the appropriate City official to enter into an Intergovernmental Cooperative Agreement with Sheboygan County for Sales Tax Revenue-Sharing for Transportation Infrastructure Maintenance. REFER TO FINANCE AND PERSONNEL COMMITTEE

6.5 Res. No. 96 - 19 - 20 by Alderpersons Donohue and Bohren consenting to the Assignment of Incentive Payments between Van Horn Development, LLC and Bank First, N. A. REFER TO FINANCE AND PERSONNEL COMMITTEE

6.6 Res. No. 97 - 19 - 20 by Alderpersons Sorenson and Mitchell authorizing the appropriate City officials to execute the Joint Powers Agreement for Sheboygan County and City of Sheboygan 911 Emergency Systems. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

6.7 Res. No. 98 - 19 - 20 by Alderpersons Wolf and Sorenson authorizing entering into a Mooring Agreement with South Pier Family Investments Inc. REFER TO PUBLIC WORKS COMMITTEE

7. REPORT OF COMMITTEES

7.1 R. C. No. 145 - 19 - 20 by Finance and Personnel Committee to whom was referred Res. No. 89 - 19 - 20 by Alderpersons Wolf and Sorenson imposing a residential Recycling Fee for services provided by the City; recommends adopting the Resolution. RECEIVE THE R. C. AND ADOPT THE RESOLUTION

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Mary Lynne Donohue, second by Todd Wolf.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

7.2 R. C. No. 146 - 19 - 20 by Public Works Committee to whom was referred a copy of Res. No. 89 - 19 - 20 by Alderpersons Wolf and Sorenson imposing a

residential Recycling Fee for services provided by the City; recommends adopting the Resolution. RECEIVE THE R. C. AND ADOPT THE RESOLUTION

Resolution:

MOTION TO RECEIVE THE R. C. AND FILE THE COPY OF THE RESOLUTION Motion by Mary Lynne Donohue, second by Todd Wolf

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

7.3 R. C. No. 147 - 19 - 20 by Public Works Committee to whom was referred Res. No. 90 - 19 - 20 by Alderpersons Wolf and Sorenson authorizing the appropriate City officials to enter into a Recycling Partnership Grant Agreement with The Recycling Partnership, Inc.; recommends adopting the Resolution. RECEIVE THE R. C. AND ADOPT THE RESOLUTION

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Todd Wolf, second by Ryan Sorenson.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

7.4 R. C. No. 148 - 19 - 20 by Finance and Personnel Committee to whom was referred DIRECT REFERRAL Res. No. 93 - 19 - 20 by Alderpersons Donohue and Bohren authorizing adjustments in the 2020 budget requested; recommends adopting the Resolution. RECEIVE THE R. C. AND ADOPT THE RESOLUTION

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Mary Lynne Donohue, second by Todd Wolf.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

7.5 R. C. No. 149 - 19 - 20 by Public Works Committee to whom was referred Gen. Ord. No. 19 - 19 - 20 by Alderpersons Wolf and Sorenson repealing and recreating Chapter 102 of the Sheboygan Municipal Code relating to solid waste and recycling and amending Section 1 - 14 (a)(2) regarding issuance of citations; recommends adopting the Ordinance with the addition of a sentence to Section 102 - 45 (a) that provides "The Department of Public Works issued container shall be removed from the location designated for pickup in subsection (b) prior to 6: 00 p.m. on the scheduled collection date". RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE ORDINANCE

MOTION TO RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE ORDINANCE Motion by Todd Wolf, second by Ryan Sorenson.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara

Felde - 9 .

8. GENERAL ORDINANCES

8.1 Gen. Ord. No. 20 - 19 - 20 by Alderpersons Donohue and Wolf amending Section 82 - 33 of the Sheboygan Municipal Code so as to modify the City Hall Departments' Table of Organization. SUSPEND AND ADOPT ORDINANCE

MOTION TO SUSPEND AND ADOPT ORDINANCE Motion by Mary Lynne Donohue, second by Todd Wolf.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley - 8. Nay: Barbara Felde - 1 .

8.2 Gen. Ord. No. 21 - 19 - 20 by Alderpersons Donohue and Bohren repealing and recreating Section 74 - 82 of the Sheboygan Municipal Code regarding the imposition of impact fees to reflect changes in how the Federal government reports the Consumer Price Index. REFER TO FINANCE AND PERSONNEL COMMITTEE

9. OTHER MATTERS AUTHORIZED BY LAW

9.1 R. O. No. 87 - 19 - 20 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

10. CLOSED SESSION

10.1 MOTION TO CONVENE IN CLOSED SESSION under the exemption provided in Sec. 19.85 (1)(e), Wis. Stats., where competitive or bargaining reasons require a closed session related to a possible development incentive for the project known as The Oscar on the VanderVaart Property.

Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .

11. ADJOURN MEETING

11.1 Motion to Adjourn

MOTION TO ADJOURN at 7: 33 p.m. Motion by Todd Wolf, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Todd Wolf, Mary Lynne Donohue, Ryan Sorenson, Markus

Savaglio, Dean Dekker, Rose Phillips, Trey Mitchell, Betty Ackley, Barbara Felde - 9 .