

City of Sheboygan  
2018-12-17

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EIGHTEENTH REGULAR COMMON COUNCIL MEETING AGENDA - 6:00 P.M.

"WISHING YOU A SEASON OF GLADNESS, A SEASON OF CHEER, AND TO TOP IT ALL OFF - A WONDERFUL YEAR" Notice of the 18th Regular Meeting of the 2018-2019 Common Council at 6:00 p.m., MONDAY, December 17, 2018, at the Sheboygan County Courthouse, 5th Floor, 615 N. 6th St., Sheboygan, WI. Persons with disabilities who need accommodations to attend the meeting should contact Meredith DeBruin at the City Clerk's Office, 606 North 9th Street, (920) 459-3361 as soon as possible.

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This meeting may be viewed LIVE on Charter Spectrum Channel 990, AT&T U-Verse Channel 99 and [www.wcsssheboygan.com/programming/live-tv](http://www.wcsssheboygan.com/programming/live-tv)

**1. OPENING OF MEETING**

1.1 ROLL CALL - Alderperson Bohren may be attending meeting remotely.

1.2 PLEDGE OF ALLEGIANCE

1.3 HOLIDAY PROGRAM BY JON DOLL

1.4 APPROVAL OF MINUTES

ATTACHMENT: Minutes - Common Council 12-3-18.pdf

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

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

**2. CONSENT AGENDA**

2.1 MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES

2.2 R. O. No. 191-18-19 by City Clerk granting various license applications. ACCEPT AND FILE

ATTACHMENT: GRANTED.pdf

2.3 R. O. No. 192-18-19 by Board of Contractor's Examiners submitting applications for Building Contractor Licenses already granted. ACCEPT AND FILE

ATTACHMENT: CONTRACTORS.pdf

2.4 R. O. No. 193-18-19 by City Plan Commission to whom was referred Gen. Ord. No. 27-18-19 by Alderperson Bohren for an Ordinance repealing Resolution No. 457-83-84, Gen. Ord. No. 216-88-89, and Gen. Ord. No. 110-92-93 relating to the grants of encroachment privileges; recommends approval of the Ordinance. ACCEPT AND FILE AND PASS ORDINANCE.

ATTACHMENT: Gen. Ord. No. 27-18-19.pdf

2.5 R. O. No. 194-18-19 by City Plan Commission to whom was referred Gen. Ord. No. 28-18-19 by Alderperson Bohren and R. O. No. 186-18-19 by City Clerk whom submitted a communication from Robert J. Pasquesi, II, on behalf of Badger State Lofts, LP, requesting an encroachment surrounding the property located at 1031 Maryland Avenue (South 10th Street) for purpose of construction and vehicular and pedestrian ingress and egress (with landscaping); recommends approval of the Ordinance and R. O. ACCEPT AND FILE AND PASS ORDINANCE

ATTACHMENT: Gen. Ord. No. 28-18-19.pdf

2.6 R. O. No. 195-18-19 by City Plan Commission to whom was referred Gen. Ord. No. 29-18-19 by Alderperson Bohren and R. O. No. 187-18-19 by City Clerk whom submitted a communication from Robert J. Pasquesi, II, on behalf of Badger State Lofts, LP, requesting an encroachment surrounding the property located at 1031 Maryland Avenue (South 11th Street) for purpose of continuing overhang of the existing building; recommends approval of the Ordinance and R. O. ACCEPT AND FILE AND PASS ORDINANCE

ATTACHMENT: Gen. Ord. No. 29-18-19.pdf

2.7 R. O. No. 196-18-19 by City Plan Commission to whom was referred Gen. Ord. No. 30-18-19 by Alderperson Bohren and R. O. No. 188-18-19 by City Clerk whom submitted a communication from Robert J. Pasquesi, II, on behalf of Badger State Lofts, LP, requesting an encroachment surrounding the property located at 1031 Maryland Avenue (Maryland Avenue) for purpose of parking, construction, and vehicular and pedestrian ingress and egress; recommends approval of the Ordinance and R. O. ACCEPT AND FILE AND PASS ORDINANCE

ATTACHMENT: Gen. Ord. No. 30-18-19.pdf

2.8 R. O. No. 197-18-19 by City Plan Commission to whom was referred Gen. Ord. No. 31-18-19 by Alderperson Bohren and R. O. No. 189-18-19 by City Clerk whom submitted a communication from Robert J. Pasquesi, II, on behalf of Badger State Lofts, LP, requesting an encroachment surrounding the property located at 1031 Maryland Avenue (South 11th Street) for purpose of parking, construction, and vehicular and pedestrian ingress and egress; recommends approval of the Ordinance and R. O. ACCEPT AND FILE AND PASS ORDINANCE

ATTACHMENT: Gen. Ord. No. 31-18-19.pdf

2.9 R. C. No. 205-18-19 by Licensing, Hearings, and Public Safety Committee to whom was referred, pursuant to R. O. No. 181-18-19 by the City Clerk submitting various license applications; recommends denying Beverage Operator License Application No. 9829 (Kathleen A. Schroeder) based upon her ineligibility for a Beverage Operator's License and her failure to cooperate with staff for the committee. ACCEPT AND FILE

ATTACHMENT: R.O. No. 181-18-19.pdf

2.10 R. C. No. 206-18-19 by Finance and Personnel Committee to whom was referred R. O. No. 184-18-19 by Director of Human Resources submitting a letter from Diversified Benefit Services, Inc. regarding their services as a Third Party Administrator ("TPA") to provide Section 125 - Flexible Benefit Plan services for the health plan sponsored by the City of Sheboygan; recommends filing the document. ACCEPT AND FILE

ATTACHMENT: RO 184.pdf

2.11 R. C. No. 207-18-19 by Finance and Personnel Committee to whom was referred R. O. No. 185-18-19 by Director of Human Resources submitting a letter from Diversified Benefit Services, Inc. regarding their services administering the requirements of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and/or state insurance continuation on behalf of the City of Sheboygan and its group health program; recommends filing the document. ACCEPT AND FILE

ATTACHMENT: RO 185.pdf

2.12 R. C. No. 208-18-19 by Licensing, Hearings, and Public Safety Committee to whom was referred, pursuant to R. O. No. 190-18-19 by the City Clerk submitting various license applications; recommends granting the license applications. ACCEPT AND FILE

ATTACHMENT: R.O. No. 190-18-19.pdf

2.13 R. C. No. 209-18-19 by Finance and Personnel Committee to whom was referred Res. No. 139-18-19 by Alderpersons Rindfleisch and Bohren authorizing the City to enter into a renewal agreement for managed transplant program coverage with Optum for the calendar year 2019; recommends approving the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 139.pdf

2.14 R. C. No. 210-18-19 by Finance and Personnel Committee to whom was referred Res. No. 140-18-19 by Alderpersons Rindfleisch and Bohren authorizing the City to enter into a renewal agreement for medical stop-loss insurance with Sun Life for coverage during 2019; recommends approving the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 140.pdf

2.15 R. C. No. 211-18-19 by Finance and Personnel Committee to whom was referred Res. No. 141-18-19 by Alderpersons Rindfleisch and Bohren authorizing the City to enter into a contract with United Health Care (UMR) to provide administration services for the City's medical health benefit plan for calendar year 2019; recommends approving the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 141.pdf

2.16 R. C. No. 212-18-19 by Finance and Personnel Committee to whom was referred Res. No. 142-18-19 by Alderpersons Rindfleisch and Bohren authorizing the City to enter into a renewal agreement with Delta Dental to administer dental benefit plan services for the City for calendar years 2019 and 2020; recommends approving the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 142.pdf

2.17 R. C. No. 213-18-19 by Public Works Committee to whom was referred Res. No. 143-18-19 by Alderperson Wolf authorizing the appropriate City officials to execute an Underground Electric Easement to Wisconsin Power and Light Company with regard to Parcel Identification Number 59281108031; recommends approving the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 143.pdf

2.18 R. C. No. 214-18-19 by Public Works Committee to whom was referred Res. No. 144-18-19 by Alderperson Wolf authorizing the appropriate City officials to

execute an Underground Electric Easement to Wisconsin Power and Light Company with regard to Parcel Identification Numbers 59281107420 and 59281107440; recommends approving the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 144.pdf

2.19 R. C. No. 215-18-19 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 145-18-19 by Alderpersons Donohue and Sorenson authorizing the appropriate City officials to execute the Agreement for Use of Subscription Material between the Sheboygan Fire Department and Lexipol, LLC, with regard to fire policy manual and daily training bulletins; recommends approving the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: Res. No. 145-18-19.pdf

### **3. REPORTS OF OFFICERS**

3.1 R. O. No. 198-18-19 by City Plan Commission to whom was referred Res. No. 138-18-19 by Alderperson Bohren authorizing the appropriate City officials to execute an Easement Agreement between Badger State Lofts, LP and the City of Sheboygan, Wisconsin regarding the property located near 1031 Maryland Avenue, Sheboygan, Wisconsin; recommends approving the Resolution. ACCEPT AND FILE AND PASS RESOLUTION

ATTACHMENT: Res. No. 138-18-19.pdf

3.2 R. O. No. 199-18-19 by City Clerk submitting a claim from State Farm Insurance Agency, for their insured Ken Phillip, for alleged damages to his vehicle when it was hit by a Sheboygan Police vehicle door. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: PHILLIP CLAIM.pdf

### **4. RESOLUTIONS**

4.1 Res. No. 147-18-19 by Alderpersons Rindfleisch and Bohren expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2018 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 1. SUSPEND AND PASS RESOLUTION

ATTACHMENT: PAD 1.pdf

4.2 Res. No. 148-18-19 by Alderpersons Rindfleisch and Bohren expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2018 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 2. SUSPEND AND PASS RESOLUTION

ATTACHMENT: PAD 2.pdf

4.3 Res. No. 149-18-19 by Alderpersons Rindfleisch and Bohren expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2018 cost of operating and maintaining, and the prorated acquisition costs of the off-street parking facilities within the Parking Assessment District No. 4. SUSPEND AND PASS RESOLUTION

ATTACHMENT: PAD 4.pdf

4.4 Res. No. 150-18-19 by Alderpersons Rindfleisch and Bohren expressing the

intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2018 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 5. SUSPEND AND PASS RESOLUTION

ATTACHMENT: PAD 5.pdf

4.5 Res. No. 151-18-19 by Alderperson Wolf authorizing the appropriate City officials to execute a Stormwater Facilities Maintenance Agreement between the City of Sheboygan and Badger State Lofts, LP for the Badger State Lofts project. SUSPEND AND PASS RESOLUTION

ATTACHMENT: stormwater.pdf

4.6 Res. No. 152-18-19 by Alderperson Wolf authorizing the Finance Director to execute the Release for Property Damage with regard to Karla Willis and an automobile accident on May 11, 2018. SUSPEND AND PASS RESOLUTION

ATTACHMENT: WILLIS.pdf

4.7 Res. No. 153-18-19 by Alderperson Wolf authorizing entering into a Tentative Agreement with the International Association of Fire Fighters Local 483 for a successor contract. SUSPEND AND PASS RESOLUTION

ATTACHMENT: FIRE.pdf

4.8 Res. No. 154-18-19 by Alderperson Rindfleisch and Bohren supporting placing an Advisory Referendum question on the April, 2019 election ballot, to determine if the Wisconsin Legislature should consider and pass legislation requiring all businesses to pay their fair share of property taxes by closing perceived loopholes in the assessment process. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: Referendum.pdf

4.9 Res. No. 155-18-19 by Alderperson Wolf authorizing the appropriate City officials to execute an Underground Electric Easement to Wisconsin Power and Light Company regarding Mill Road at the Pigeon River bridge. REFER TO PUBLIC WORKS COMMITTEE

ATTACHMENT: EASEMENT MILL RD.pdf

## **5. REPORT OF COMMITTEES**

5.1 R. C. No. 216-18-19 by Finance and Personnel Committee to whom was referred Gen. Ord. No. 32-18-19 by Alderperson Rindfleisch amending Section 82-33 of the Sheboygan Municipal Code so as to amend the positions in the Fire Department Table of Organization; recommends approving the Ordinance. ACCEPT AND ADOPT AND PASS ORDINANCE

ATTACHMENT: Gen. Ord. 32.pdf

## **6. GENERAL ORDINANCE**

6.1 Gen. Ord. No. 34-18-19 by Alderpersons Rindfleisch and Bohren repealing and recreating Chapter 82 of the Sheboygan Municipal Code relating to personnel regulations and benefits. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: Chapter 82 Personnel Benefits.pdf

6.2 Gen. Ord. No. 33-18-19 by Alderpersons Donohue and Sorenson amending

various portions of Chapter 26 of the Municipal Code relating to fees for permits issued by the Building Inspection Division of the City of Sheboygan, and contractor's license application fees and re-examination fees. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

ATTACHMENT: PERMIT FEES.pdf

**7. OTHER MATTERS RECEIVED AFTER THE AGENDA WAS PUBLISHED**

7.1 R. O. No. 200-18-19 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

ATTACHMENT: referred.pdf

**8. CLOSED SESSION**

8.1 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 development opportunity at 908 Michigan Avenue.

**9. ADJOURN MEETING**

9.1 Motion to Adjourn

In compliance with Wisconsin's Open Meetings Laws, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

City Hall  
Mead Public Library  
Sheboygan County Administration Building  
City's website