

City of Sheboygan  
2018-11-05

B5LSMR64885B

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

"LEARN FROM THE PAST. PREPARE FOR THE FUTURE. LIVE IN THE PRESENT" Notice of the 15th Regular Meeting of the 2018-2019 Common Council at 6:00 p.m., MONDAY, November 5, 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 Wolf may be attending the meeting remotely.

1.2 PLEDGE OF ALLEGIANCE

1.3 APPROVAL OF MINUTES

ATTACHMENT: Minutes - Common Council 10-15-18.pdf

1.4 PRESENTATION - Adopt-A-Park by Dawn Sokolowski and Nancy Maring

1.5 PRESENTATION - Third Quarter Strategic Plan Action Items and Critical Measurements by Darrell Hofland

ATTACHMENT: Q32018 Critical Measures and Action Items.pdf

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

1.7 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. 152-18-19 by Board of Water Commissioners submitting the Board of Water Commissioners' Report on the Water Utility for the third quarter of 2018. ACCEPT AND FILE

ATTACHMENT: water utility report.pdf

2.3 R. O. No. 153-18-19 by City Clerk submitting a communication from Lakeshore Technical College along with their Tax Levy Report. ACCEPT AND FILE

ATTACHMENT: Lakeshore College.pdf

2.4 R. O. No. 154-18-19 by City Clerk submitting a Tax Levy Certification for the 2018-2019 School Year from Kohler School District. ACCEPT AND FILE

ATTACHMENT: Kohler Tax.pdf

2.5 R. O. No. 155-18-19 by City Attorney submitting, as a matter of record, the original Easements (mini-storm sewer), executed in accordance with Res. Nos. 54-18-19 and 75-18-19, which have been recorded in the Sheboygan County Register of Deeds Office. ACCEPT AND FILE

ATTACHMENT: Res. No. 54-18-19.pdf

2.6 R. O. No. 156-18-19 by City Plan Commission to whom was referred Res. No. 103-18-19 by Alderperson Wolf authorizing the filing of an application with the United States of America Department of Transportation and authorizing the executing of the contract pertaining to grants for calendar year 2019, under former Section 9 (USC 5307) of the Federal Transit Act of 1964, as amended; recommends approving the Resolution. ACCEPT AND FILE AND PASS RESOLUTION

ATTACHMENT: RES 103.pdf

2.7 R. C. No. 162-18-19 by Finance and Personnel Committee to whom was referred R. O. No. 141-18-19 by City Clerk submitting an article published in the Milwaukee Journal Sentinel on October 4, 2018 at the request of Alderperson Bohren regarding health benefits; recommends filing the document. ACCEPT AND FILE

ATTACHMENT: R.O. No. 141-18-19.pdf

2.8 R. C. No. 163-18-19 by Finance and Personnel Committee to whom was referred R. O. No. 142-18-19 by City Clerk submitting a communication from Carol Lutz of Rockets for Schools requesting three of the City days for 2019, 2020, and 2021 for the Rockets for Schools Event at Blue Harbor; recommends approving the dates and filing the document. ACCEPT AND FILE

ATTACHMENT: R.O. No. 142-18-19.pdf

2.9 R. C. No. 164-18-19 by Public Works Committee to whom was referred R. O. No. 150-18-19 by City Clerk submitting a communication from Scott Jackett requesting permission from the City of Sheboygan to bow hunt on a parcel of land behind his property at 4447 South 8th Street; recommends denying the request. ACCEPT AND FILE

ATTACHMENT: R.O. No. 150-18-19.pdf

2.10 R. C. No. 165-18-19 by Licensing, Hearings, and Public Safety Committee to whom was referred, pursuant to R. O. No. 151-18-19 by the City Clerk submitting various license applications; recommends granting the license applications. ACCEPT AND FILE

ATTACHMENT: R.O. No. 151-18-19.pdf

2.11 R. C. No. 166-18-19 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 111-18-19 by Alderpersons Donohue and Sorenson authorizing the appropriate City officials to execute the Joint Powers Agreement for Sheboygan County and City of Sheboygan 911 Emergency Systems; recommends approving the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: Res. No. 111-18-19.pdf

ATTACHMENT: RC 166 - signed contract.pdf

2.12 R. C. No. 167-18-19 by Public Works Committee to whom was referred Gen. Ord. No. 22-18-19 by Alderperson Wolf limiting parking to two hours between 8:00 a.m. and 5:00 p.m. Monday through Friday on the north side of Cooper Avenue between Calumet Drive and North 20th Street; recommends approving the Ordinance. ACCEPT AND ADOPT AND PASS ORDINANCE

ATTACHMENT: Gen. Ord. No. 22-18-19.pdf

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

3.1 R. O. No. 157-18-19 by City Clerk submitting a communication from David Gass, Rohde Dales LLC, on behalf of Water's Edge Development of Sheboygan, LLC, requesting an encroachment upon and into the Wisconsin Avenue right-of-way located just to the South of Parcel No. 59281500560 for purposes of driveway access, parking and landscaping. REFER TO CITY PLAN COMMISSION

ATTACHMENT: RO ENCROACHMENT.pdf

3.2 R. O. No. 158-18-19 by City Clerk submitting a Summons and Complaint in the matter of Nationstar Mortgage LLC vs. Bobby C. Wildman et al. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: Nationstar Mortgage.pdf

3.3 R. O. No. 159-18-19 by City Administrator submitting a request on behalf of the Wisconsin City/County Management Association for three of the City days for 2019 for the Wisconsin City/County Management Association Winter Conference at Blue Harbor. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: Blue Harbor Days.pdf

3.4 R. O. No. 160-18-19 by Fire Chief, pursuant to section 50-564 of the Municipal Code submitting the quarterly report of Benchmark Measurements for the Fire Department, for the period commencing July 1, 2018 and ending September 30, 2018. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

ATTACHMENT: Fire Dept. Benchmark.pdf

3.5 R. O. No. 161-18-19 by Chief of Police Christopher Domagalski, pursuant to section 54-65 of the Municipal Code, submitting the quarterly report showing the Benchmark Measurements for the Police Department for the period commencing July 1, 2018 and ending September 30, 2018. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

ATTACHMENT: Police quarterly report.pdf

3.6 R. O. No. 162-18-19 by City Clerk submitting a communication from Joshua T. Martin requesting a waiver from the Sex Offender Residency requirements in order to reside at 1627 South 12th Street. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

ATTACHMENT: Joshua Martin.pdf

3.7 R. O. No. 163-18-19 by City Clerk submitting a communication from Robert T. Henricks requesting a waiver from the Sex Offender Residency requirements in order to reside at 1537 North 20th Street. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

ATTACHMENT: Robert Henricks.pdf

3.8 R. O. No. 164-18-19 by City Clerk submitting a communication from Travis Mojeck requesting a waiver from the Sex Offender Residency requirements in order to reside at 1504 Illinois Avenue. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

ATTACHMENT: Travis Mojeck.pdf

3.9 R. O. No. 165-18-19 by City Clerk submitting a communication from Ricardo Lopez requesting a waiver from the Sex Offender Residency requirements in order to reside at Superior Manor - 1427 North 10th Street. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

ATTACHMENT: LOPEZ WAIVER.pdf

3.10 R. O. No. 166-18-19 by City Clerk submitting a communication from Nick Weisberg requesting a waiver from the Sex Offender Residency requirements in order to reside at Superior Manor. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

ATTACHMENT: WEISBERG WAIVER.pdf

#### **4. RESOLUTIONS**

4.1 Res. No. 113-18-19 by Alderperson Wolf authorizing the removal of Paragraph 5(f) from the Harbor Centre Marina Management Agreement dated October 12, 2018. SUSPEND AND PASS RESOLUTION

ATTACHMENT: HARBOR CENTRE.pdf

4.2 Res. No. 114-18-19 by Alderperson Wolf authorizing the appropriate City Officials to execute the Agreement for Transit Service between the City of Sheboygan and the Village of Kohler. SUSPEND AND PASS RESOLUTION

ATTACHMENT: TRANSIT CITY KOHLER.pdf

ATTACHMENT: Village of Kohler transit agreement dated 10-5-18.pdf

4.3 Res. No. 115-18-19 by Alderperson Bohren approving the SouthPointe Enterprise Campus Protective Covenants and authorizing staff to record said covenants as deed restrictions against the property. REFER TO CITY PLAN COMMISSION

ATTACHMENT: SOUTHPOINTE.pdf

4.4 Res. No. 116-18-19 by Alderpersons Wolf and Bohren terminating the current agreement with the Armory Community Project for redevelopment of the former Sheboygan Municipal Armory. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: TERMINATE ARMORY.pdf

4.5 Res. No. 117-18-19 by Alderpersons Wolf and Bohren authorizing city staff to renegotiate the terms and conditions of a contract for the sale of land for private development with Scott Crawford, Inc. at the former Sheboygan Municipal Armory. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: CRAWFORD ARMORY.pdf

4.6 Res. No. 118-18-19 by Alderpersons Wolf and Bohren authorizing the Purchasing Agent to prepare and issue a request for bids for the demolition of the Sheboygan Municipal Armory. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: DEMO ARMORY.pdf

4.7 Res. No. 119-18-19 by Alderpersons Rindfleisch and Bohren authorizing a transfer of appropriations in the 2018 Budget. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: TRANSFER.pdf

4.8 Res. No. 120-18-19 by Alderperson Wolf authorizing the appropriate City Officials to enter into a contract for the design, provision and complete installation of technology improvements and enhancements for the newly renovated City Hall. REFER TO PUBLIC WORKS COMMITTEE

ATTACHMENT: CITY HALL TECH.pdf

4.9 Res. No. 121-18-19 by Alderperson Wolf authorizing the appropriate City officials to enter into a revised State/Municipal Agreement (revised date October 23, 2018), I.D. 4996-25-00/71 for the construction of the Pennsylvania Avenue bridge scheduled for 2019 construction. REFER TO PUBLIC WORKS COMMITTEE

ATTACHMENT: Penn Avenue Bridge.pdf

4.10 Res. No. 122-18-19 by Alderpersons Wolf and Sorenson supporting the Rotary Club of Sheboygan and the Lakeshore Natural Resource Partnership, Inc. Restoration of our Trees Sheboygan (ROOTS) Program to mitigate effects of the emerald ash borer in Sheboygan County, Wisconsin. REFER TO PUBLIC WORKS COMMITTEE

ATTACHMENT: ROOTS.pdf

4.11 Res. No. 123-18-19 by Alderperson Wolf authorizing the appropriate City Officials to enter into a contract for the provision and complete installation of furnishings for the newly renovated City Hall. REFER TO PUBLIC WORKS COMMITTEE

ATTACHMENT: CITY HALL FURNISHINGS.pdf

## **5. REPORT OF COMMITTEES**

5.1 R. C. No. 168-18-19 by Finance and Personnel Committee to whom was referred Res. No. 108-18-19 by Alderpersons Bohren and Rindfleisch authorizing the Contract Extension by and between Grota Appraisals, LLC (Assessor) and the City of Sheboygan, Sheboygan County, Wisconsin (City); recommends approving the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: Res. No. 108-18-19.pdf

ATTACHMENT: 2019 Contract Extension.pdf

5.2 R. C. No. 169-18-19 by Finance and Personnel Committee to whom was referred Res. No. 109-18-19 by Alderperson Rindfleisch awarding the sale of \$3,800,000 Taxable General Obligation Refunding Bonds; recommends approving the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: Res. No. 109-18-19.pdf

5.3 R. C. No. 170-18-19 by Finance and Personnel Committee to whom was referred Res. No. 110-18-19 by Alderperson Rindfleisch awarding the sale of \$5,100,000 General Obligation Refunding Bonds; recommends approving the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: Res. No. 110-18-19.pdf

5.4 R. C. No. 171-18-19 by Finance and Personnel Committee to whom was referred DIRECT REFERRAL Res. No. 112-18-19 by Alderpersons Rindfleisch and Bohren authorizing entering into a Development Agreement with Badger State Lofts, Limited Partnership;

ATTACHMENT: DR RES 112-18-19.pdf

ATTACHMENT: badge agreement.pdf

5.5 R. C. No. 172-18-19 by Licensing, Hearings, and Public Safety Committee to whom was referred Gen. Ord. No. 21-18-19 by Alderpersons Donohue and Rindfleisch repealing and recreating Article VIII of Chapter 70 of the Municipal Code entitled "Sexual Offender Residency Restrictions."; recommends approving the Ordinance. ACCEPT AND ADOPT AND PASS ORDINANCE

ATTACHMENT: Gen. Ord. No. 21-18-19.pdf

## **6. GENERAL ORDINANCE**

6.1 Gen. Ord. No. 23-18-19 by Alderperson Bohren granting Water's Edge Development of Sheboygan, LLC, its successors and assigns, the privilege of encroaching upon described portions of Wisconsin Avenue right-of-way located on vacant land on North 15th Street across from 822 North 14th Street (Parcel No. 59281500560) in the City of Sheboygan for the purpose of driveway access, parking and landscaping for the Water's Edge Condominium development project. REFER TO CITY PLAN COMMISSION

ATTACHMENT: GO ENCROACHMENT.pdf

6.2 Gen. Ord. No. 24-18-19 by Alderperson Phillips repealing Section 2 of Gen. Ord. No. 153-77-78 and creating new parking restrictions to provide that parking is permitted on the west side of Spruce Court from Broadway Avenue to S. 12th Street between December 1st and April 1st and prohibited on the east side of Spruce Court from Broadway Avenue to S. 12th Street between December 1st and April 1st. REFER TO PUBLIC WORKS COMMITTEE

ATTACHMENT: Gen. Ord. No. 153-77-78.pdf

## **7. MATTERS LAID OVER**

7.1 R. O. No. 123-18-19 by City Administrator as part of the budget process, the attached listing of the Estimated Unreserved Fund Balances at December 31, 2019 and outstanding debt as of December 31, 2018. ACCEPT AND FILE

ATTACHMENT: R.O. No. 123-18-19.pdf

7.2 R. C. No. 159-18-19 by Committee of the Whole to whom was referred R. C. No. 139-18-19 by Finance and Personnel Committee and Res. No. 94-18-19 by Alderpersons Rindfleisch and Bohren establishing the 2019 Budget appropriations and the 2018 Tax Levy for use during the calendar year; recommends approving the Resolution with amendment to the Cable TV Fund. ACCEPT AND ADOPT AND PASS RESOLUTION WITH AMENDMENT

ATTACHMENT: R.C. No. 159-18-19.pdf

ATTACHMENT: IFC-COUNCIL-Budget Changes.docx

7.3 R. C. No. 161-18-19 by Committee of the Whole to whom was referred R. C.

No. 141-18-19 by Public Works Committee and a copy of Res. No. 94-18-19 by Alderpersons Rindfleisch and Bohren establishing the 2019 Budget appropriations and the 2018 Tax Levy for use during the calendar year; recommends to accept and file documents. ACCEPT AND FILE

ATTACHMENT: R.C. No. 161-18-19.pdf

7.4 R. C. 160-18-19 by Committee of the Whole to whom was referred R. C. No. 140-18-19 by Licensing, Hearings, and Public Safety Committee and a copy of Res. No. 94-18-19 by Alderpersons Rindfleisch and Bohren establishing the 2019 Budget appropriations and the 2018 Tax Levy for use during the calendar year; recommends to accept and file documents. ACCEPT AND FILE

ATTACHMENT: R.C. No. 160-18-19.pdf

#### **8. OTHER MATTERS RECEIVED AFTER THE AGENDA WAS PUBLISHED**

8.1 R. O. No. 167-18-19 by the City Clerk submitting a Summons and Complaint in the matter of TCF National Bank vs. Brett J. Lettenberger et al. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: Summons.pdf

8.2 R. O. No. 168-18-19 by the City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

ATTACHMENT: REFERRED.pdf

8.3 Res. No. 124-18-19 by Alderpersons Rindfleisch and Bohren authorizing the appropriate City officials 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

ATTACHMENT: Sales Tax Revenue Sharing.pdf

#### **9. CLOSED SESSION**

9.1 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 opportunities at the former VanderVaart property and Piggly Wiggly Midwest, possible purchase of public property known as parcel number 59030454450, 59030454460, 59030454462, 59030454421, and 59030454520.

#### **10. ADJOURN MEETING**

10.1 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