

CITY OF SHEBOYGAN

TWENTY-THIRD REGULAR COMMON COUNCIL MEETING

Monday, March 5, 2018

ALDERPERSONS PRESENT Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

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 Roman Draughon.
Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

1.4 MAYOR'S APPOINTMENTS - Trent Rammer to the Mayor's International Committee.
Lays Over

1.5 MAYOR'S APPOINTMENTS - Thomas Michel to the Mayor's International Committee.
Lays Over

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

Mike Brunette, Dane Schaefer, and Jennifer Lehrke all spoke.

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

2. COMMUNICATIONS

2.1 Com. No. 5 - 17 - 18 presented to the Common Council by Alderpersons Bohren and Sorenson submitting a communication from Brad Robinson regarding the roadway at South 11 th Street between Forest Avenue and the entrance to the trailer park. REFER TO PUBLIC WORKS COMMITTEE

3. CONSENT AGENDA

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

Resolution:

MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

3.2 R. O. No. 297 - 17 - 18 by Board of Water Commissioners submitting the Board of Water Commissioners' Report for the Water Utility for the fourth quarter of 2017. ACCEPT AND FILE DOCUMENT

Resolution:

MOTION TO ACCEPT AND FILE DOCUMENT Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

3.3 R. O. No. 298 - 17 - 18 by City Clerk granting various license applications. ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron

Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

3.4 R. C. No. 239 - 17 - 18 by Finance and Personnel Committee to whom was referred various claims; recommends filing all documents. ACCEPT AND FILE

Resolution:

MOTION TO ACCEPT AND FILE Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

3.5 R. C. No. 240 - 17 - 18 by Law and Licensing Committee to whom was referred R. O. No. 261 - 17 - 18 by City Clerk submitting various license applications; recommends Massage Establishment license application No. 3306 (Best Asian Massage I) be denied based upon applicant operating the business without obtaining a license, permitting two separate unlicensed persons to perform massage without a license or a licensee present, improper and illegal behavior during massages, and applicant's failure to properly contest the denial. ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

3.6 R. C. No. 249 - 17 - 18 by Public Safety Committee to whom was referred R. O. No. 294 - 17 - 18 by Fire Chief submitting his annual report for the period commencing January 1, 2017 and ending December 31, 2017 ; recommends filing the document. ACCEPT AND FILE

Resolution:

MOTION TO ACCEPT AND FILE Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

3.7 R. C. No. 241 - 17 - 18 by Public Works Committee to whom was referred R. O. No. 295 - 17 - 18 by the City Clerk submitting a communication from Linda Shimon regarding handling of sewage issues; recommends filing the document. ACCEPT AND FILE

Resolution:

MOTION TO ACCEPT AND FILE Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

3.8 R. C. No. 242 - 17 - 18 by Law and Licensing Committee to whom was referred R. O. No. 296 - 17 - 18 (as amended) by the City Clerk, submitting various license applications; recommends granting all licenses. ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

3.9 R. C. No. 243 - 17 - 18 by Finance and Personnel Committee to whom was referred Res. No. 137 - 17 - 18 by Alderpersons Nelson, Bitters, Schneider, Holzschuh, Sorenson, and Bohren submitting a preliminary Resolution declaring intent to exercise the police power to levy special assessments for the replacement of lead and/or galvanized iron water laterals; recommends passing the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

3.10 R. C. No. 244 - 17 - 18 by Finance and Personnel Committee to whom was referred Res. No. 138 - 17 - 18 by Alderpersons Donohue and Bohren authorizing the Purchasing Agent to enter into a contract renewal for obtaining financial advisory services formerly referred to as bond counsel services; recommends passing the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

3.11 R. C. No. 245 - 17 - 18 by Finance and Personnel Committee to whom was referred Res. No. 139 - 17 - 18 by Alderpersons Donohue and Bohren authorizing

the continuation of the self-insured worker's compensation program; recommends passing the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

3.12 R. C. No. 246 - 17 - 18 by Public Safety Committee to whom was referred Res. No. 140 - 17 - 18 by Alderperson Draughon authorizing the Purchasing Agent to enter into contract for the complete restoration of the exterior masonry of Fire Station Number One; recommends passing the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

3.13 R. C. No. 247 - 17 - 18 by Public Works Committee to whom was referred Res. No. 141 - 17 - 18 by Alderperson Wolf authorizing the Purchasing Agent to enter into contract for the complete replacement of the main electrical Switchgear at the Sheboygan Regional Wastewater Treatment Facility; recommends passing the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

3.14 R. C. No. 248 - 17 - 18 by Public Works Committee to whom was referred Res. No. 142 - 17 - 18 by Alderperson Wolf authorizing the appropriate City Officials to purchase the EZ Launch Commercial dock system for kayaks and canoes from Badger Docks and Lifts, through the Joint Power Alliant Association Contract; recommends passing the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Todd Wolf, second by

Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

4. REPORTS OF OFFICERS

4.1 R. O. No. 299 - 17 - 18 by City Plan Commission to whom was referred Gen. Ord. No. 39 - 17 - 18 by Alderpersons Draughon and Rindfleisch for an Ordinance amending the City of Sheboygan Future Land Use Map of the Sheboygan Comprehensive Plan to change the Land Use Classification of property located at 3226 - 3302 Superior Avenue from Class Multi-Family Residential to Class Community Mixed-Use Classification; recommends approval of the General Ordinance. LAYS OVER UNTIL MARCH 19, 2018

4.2 R. O. No. 300 - 17 - 18 by City Plan Commission to whom was referred Gen. Ord. No. 40 - 17 - 18 by Alderpersons Draughon and Rindfleisch and R. O. No. 288 - 17 - 18 by the City Clerk for an application from Derrek Lemahieu (Abacus Architects, Inc.) for a change in the zoning classification of property located at 3226 - 3302 Superior Avenue from Class Urban Residential (UR- 12) to Class Suburban Office (SO) Classification; recommends approval of the General Ordinance and R. O. LAYS OVER UNTIL MARCH 19, 2018.

4.3 R. O. No. 301 - 17 - 18 by City Clerk submitting a claim from David Dekker for alleged damages to his right front tire when he hit a pothole on South 18 th Street. REFER TO FINANCE AND PERSONNEL COMMITTEE

4.4 R. O. No. 302 - 17 - 18 by City Clerk submitting a claim from James Wiroll for alleged damages to the driver side mirror of his parked car by a snow plow. REFER TO FINANCE AND PERSONNEL COMMITTEE

4.5 R. O. No. 303 - 17 - 18 by City Clerk submitting a pending claim from Amica Mutual Insurance Company for alleged damages to the residence of their insured (Linda Shimon, 1326 North 27 th Street) due to a water back-up. REFER TO FINANCE AND PERSONNEL COMMITTEE

4.6 R. O. No. 304 - 17 - 18 by City Clerk submitting a pending claim from State Farm Mutual Automobile Insurance Company for alleged damages to their insured (Robert Littlefield) on February 11, 2018. REFER TO FINANCE AND PERSONNEL COMMITTEE

4.7 R. O. No. 305 - 17 - 18 by City Clerk submitting a claim from Acuity Insurance for alleged damages to their insured vehicle, owned by Heather and David Andrews, that occurred on January 16, 2018. REFER TO FINANCE AND PERSONNEL COMMITTEE

4.8 R. O. No. 306 - 17 - 18 by City Clerk submitting a communication from Eric

Mark Reineking requesting a waiver from the Sex Offender Residency requirements in order to reside at 1640 North 12 th Street. REFER TO PUBLIC SAFETY COMMITTEE

5. RESOLUTIONS

5.1 Res. No. 146 A- 17 - 18 by Alderpersons Donohue and Bohren authorizing the City of Sheboygan to enter into a contract for buildings and property insurance coverage. REFER TO FINANCE AND PERSONNEL COMMITTEE

5.2 Res. No. 147 - 17 - 18 by Alderperson Sorenson resolving that if the Common Council fails to make a decision regarding the armory by April 16, 2018, the City of Sheboygan shall have a city-wide, non-binding referendum to decide the future of the armory. REFER TO FINANCE AND PERSONNEL COMMITTEE

5.3 Res. No. 149 - 17 - 18 by Alderpersons Donohue and Bohren authorizing the Purchasing Agent to enter into contract for the relocation of the data center from city hall to the Waste Water Treatment Plant. REFER TO FINANCE AND PERSONNEL COMMITTEE

5.4 Res. No. 148 - 17 - 18 by Alderpersons Donohue and Bohren authorizing a transfer of appropriations in the 2018 Budget. REFER TO FINANCE AND PERSONNEL COMMITTEE

5.5 Res. No. 150 - 17 - 18 by Alderperson Wolf submitting a Relocation Order in accordance with Subsection 32.05 (1), Wisconsin Statutes (Superior Avenue from North Taylor Drive to North 29 th Street). REFER TO PUBLIC WORKS COMMITTEE

5.6 Res. No. 151 - 17 - 18 by Alderperson Wolf authorizing the appropriate City Officials to enter into a contract with Vinton Construction for the North 3 rd Street Forcemain Relocation for \$423,805.83. REFER TO PUBLIC WORKS COMMITTEE

6. REPORT OF COMMITTEES

6.1 R. C. No. 250 - 17 - 18 by Finance and Personnel Committee to whom was referred Res. No. 134 - 17 - 18 by Alderpersons Donohue and Bohren authorizing city staff to negotiate a developer's agreement between the City of Sheboygan and Scott Crawford, Inc. for the redevelopment of the former Sheboygan Armory site; recommends passing the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Mary Lynne Donohue, second by Jim Bohren. Before action was taken, discussion to vote on

6.1 (R. C. No. 250 - 17 - 18) and

6.2 (R. C. No. 251 - 17 - 18) together.

6.2 R. C. No. 251 - 17 - 18 by Finance and Personnel Committee to whom was referred Res. No. 145 - 17 - 18 by Alderperson Donohue authorizing city staff to

negotiate a developer's agreement between the City of Sheboygan and representatives of the Armory Community Project for the redevelopment of the Sheboygan Armory and the surrounding site; recommends passing the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

MOTION TO AMEND RES. NO. 145 - 17 - 18 TO STRIKE THE WORD "WITHIN" FROM # 11. Motion by Rosemarie Trester, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, John Belanger, Todd Wolf, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 14. Nay: Mike Damrow, Rosemarie Trester - 2 .

MOTION TO DIVIDE R. C. No. 250 - 17 - 18 and R. C. No. 251 - 17 - 18 INTO TWO VOTES. Motion by Ryan Sorenson, second by Susan Holzschuh.

Final Resolution:

Motion Fails Aye: Mike Damrow, John Belanger, Rosemarie Trester, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson - 7. Nay: Roman Draughon, Todd Wolf, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 9 .

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION NO. 134 - 17 - 18 AND RESOLUTION NO 145 - 17 - 18 AS AMENDED.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 13. Nay: John Belanger, Scott Lewandoske, Andrew G Schneider - 3 .

6.3 R. C. No. 252 - 17 - 18 by Finance and Personnel Committee to whom was referred DIRECT REFERRAL Res. No. 146 - 17 - 18 by Alderpersons Holzschuh, Trester, and Damrow authorizing city staff to negotiate a developer's agreement between the City of Sheboygan and TDK Group, LLC for the development of the former Armory site; recommends filing the document. ACCEPT AND FILE

MOTION TO ACCEPT AND FILE Motion by Mary Lynne Donohue, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 14. Nay: Rosemarie Trester, Scott Lewandoske - 2 .

7. OTHER MATTERS RECEIVED AFTER THE AGENDA WAS PUBLISHED

7.1 R. O. No. 307 - 17 - 18 by City Clerk submitting various license applications. REFER TO LAW AND LICENSING COMMITTEE

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 for the possible sale of land in the new business park (SouthPointe Enterprise Campus) and sale of land in the Sheboygan Business Center.

MOTION TO CONVENE IN CLOSED SESSION Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16.

9. ADJOURN MEETING

9.1 Motion to Adjourn

MOTION TO ADJOURN AT 7: 22 PM Motion by Todd Wolf, second by Roman Draughon.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mary Lynne Donohue, Bryan Bitters, Jim Bohren, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Ryan Sorenson, Ron Rindfleisch, Markus Savaglio, Henry Nelson, Andy Ross - 16. Generated by City Clerk Meredith DeBruin on Tuesday, March 6, 2018