

CITY OF SHEBOYGAN

AMENDED TWENTY-FIRST REGULAR COUNCIL MEETING MINUTES

Monday, February 6, 2017

ALDERPERSONS PRESENT: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh - 12. ALDERPERSONS EXCUSED: Jim Bohren, Todd Wolf, Tammy Rabe, Rosemary Trester - 4 .

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 Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh

1.4 RESIGNATIONS - None

1.5 MAYOR'S APPOINTMENTS - None

1.6 PRESENTATION - NOAA Representative Russ Green - Update on the Wisconsin Marine Sanctuary Nomination

1.7 PUBLIC FORUM - Debbie Desmoulin spoke.

## 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.

Resolution:

MOTION TO ACCEPT AND ADOPT ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh

2.2 R. O. No. 208 - 16 - 17 by the City Clerk granting various licenses. ACCEPT AND FILE

Resolution:

MOTION TO ACCEPT AND FILE Motion by Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh

2.3 Res. No. 180 - 16 - 17 by Ald. Donohue and Wolf in support of the designation of the Wisconsin-Lake Michigan National Marine Sanctuary. PASS RESOLUTION

Resolution:

MOTION TO PASS RESOLUTION Motion by Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh

2.4 R. C. No. 297 - 16 - 17 by Law and Licensing to whom was referred R. O. No. 188 - 16 - 17 by the City Clerk submitting various license applications; recommends granting the license. ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh

2.5 R. C. No. 298 - 16 - 17 by Law and Licensing to whom was referred R. O. No. 200 - 16 - 17 by the City Clerk submitting licenses applications; recommends that the various licenses be granted. ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh

2.6 R. C. No. 300 - 16 - 17 by Public Works to whom was referred Res. No. 172 - 16 - 17 by Ald. Belanger authorizing entering into contract for the purchase of an asphalt road paver; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh

2.7 R. C. No. 301 - 16 - 17 by Public Works to whom was referred Res. No. 173 - 16 - 17 by Ald. Belanger authorizing entering into contract for the purchase and installation of replacement floating river docks for the Sheboygan River; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh

2.8 R. C. No. 302 - 16 - 17 by Public Works to whom was referred Res. No. 174 - 16 - 17 by Ald. Belanger accepting a deed from the Sheboygan Area School District dedicating certain described property for right-of-way purposes; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh

2.9 R. C. No. 305 - 16 - 17 by Public Works to whom was referred Res. No. 177 - 16 - 17 by Ald. Belanger authorizing entering into contract for the purchase of (2) Zero turn commercial grade lawn mowers for the Motor Vehicle Department; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh

2.10 R. C. No. 308 - 16 - 17 by Public Works to whom was referred Gen. Ord. No. 38 - 16 - 17 by Ald. Belanger repealing and recreating Sec. 74 - 41 of the Municipal Code, relating to time restrictions and hours of operation of parks; recommends that the Ordinance be passed. ACCEPT AND ADOPT AND PASS ORDINANCE

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS ORDINANCE Motion by Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh

2.11 R. C. No. 309 - 16 - 17 by Law and Licensing to whom was referred R. O. No. 194 - 16 - 17 by the City Clerk submitting various licenses; recommends granting the license. ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh

3. REPORTS OF OFFICERS

3.1 R. O. No. 209 - 16 - 17 by the City Clerk submitting a communication from State Farm Claims on behalf of their insured Angela Allensworth regarding an alleged loss that happened at Taylor Dr. and Washington Ave. FINANCE

3.2 R. O. No. 210 - 16 - 17 by the City Clerk submitting a claim from Stuart and Lisa Cannon for alleged damages to their curb stop water valve causing a water leak when a City tree cutting crew drove over the curb stop valve. FINANCE

3.3 R. O. No. 211 - 16 - 17 by the City Clerk submitting a claim from Morgan Lee Hilbelink for alleged damages to her vehicle when she hit several unmarked potholes in the northbound lane of Taylor Dr. in front of Acuity. FINANCE

3.4 R. O. No. 212 - 16 - 17 by the City Clerk submitting a claim from West Bend Claims for their insured Budget Blinds of Sheboygan, LLC (addressed to City of Sheboygan, 2026 New Jersey Ave.). FINANCE

3.5 R. O. No. 213 - 16 - 17 by the City Clerk submitting a communication from Christopher W. Fitzpatrick requesting a waiver from the Sex Offender Residency restrictions in order to live at 1622 Maryland Ave. PUBLIC PROTECTION AND SAFETY

3.6 R. O. No. 214 - 16 - 17 by the City Clerk submitting a communication from Timothy Johnnies requesting a waiver from the Sex Offender Residency restrictions in order to live at 926 Indiana Ave., Apt.

## 5. PUBLIC PROTECTION AND SAFETY

3.7 R. O. No. 215 - 16 - 17 by the City Clerk submitting a communication from the State of Wisconsin Dept. of Corrections on behalf of Bee Her requesting a waiver from the Sex Offender Residency restrictions in order to be placed at a TLP at either 930 A Michigan Ave. or 1123 / 1125 N. 14 th St. PUBLIC PROTECTION AND SAFETY

3.8 R. O. No. 216 - 16 - 17 by the City Clerk submitting a communication from Mumin Abd-Allah requesting waiver from the Sex Offender Residency restrictions in order to live at 1737 S. 13 th St. PUBLIC PROTECTION AND SAFETY

### Action:

3.9 R. O. No. 217 - 16 - 17 by the City Clerk submitting a communication from the Wis. Dept. of Corrections on behalf of Benjamin Baumann requesting a waiver from the Sex Offender Residency restriction in order to be placed at a TLP at either 1123 / 1125 N. 14 th St. or 930 A Michigan Ave. PUBLIC PROTECTION AND SAFETY

## 4. RESOLUTIONS

4.1 Res. No. 181 - 16 - 17 by Ald. Donohue, Wolf, Thiel, Belanger and Holzschuh eliminating and re-establishing various committees and amending the composition of others. STRATEGIC FISCAL PLANNING

4.2 Res. No. 182 - 16 - 17 by Ald. Thiel accepting a donation for support of the K- 9 Unit of the Sheboygan Police Dept. PUBLIC PROTECTION AND SAFETY

4.3 Res. No. 183 - 16 - 17 by Ald. Belanger authorizing entering into an intergovernmental cooperative agreement for the City of Sheboygan to maintain the Taylor Drive Multi-Purpose Trail. PUBLIC WORKS

4.4 Res. No. 184 - 16 - 17 by Ald. Belanger authorizing entering into contract with Wolter Group LLC dba Wisconsin Lift Truck for purchase of one 6000 # Capacity LP-Gas-powered lift truck. PUBLIC WORKS

4.5 Res. No. 185 - 16 - 17 by Ald. Belanger authorizing entering into contract for the purchase of 4 pickup trucks. PUBLIC WORKS

4.6 Res. No. 186 - 16 - 17 by Ald. Belanger authorizing entering into contract for a Boom Style Flail mower attachment. PUBLIC WORKS

4.7 Res. No. 188 - 16 - 17 by Ald. Belanger and Thiel pursuant to Sec.110 - 37 (3), Sheboygan Municipal Code, establishing a schedule of flat fees per foot to be levied as assessments for street improvements for the year 2017. PUBLIC WORKS

## 5. REPORTS OF COMMITTEES

5.1 R. C. No. 299 - 16 - 17 by Finance to whom was referred Res. No. 152 - 16 - 17 by Ald. Wolf authorizing entering into a promissory note with Gorman & Company for the former Washington School site development; recommends that the Resolution be placed on file. ACCEPT AND ADOPT TO FILE DOCUMENT

MOTION TO ACCEPT AND ADOPT TO FILE Motion by Mary Lynne Donohue, second by Joseph Heidemann.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh

5.2 R. C. No. 303 - 16 - 17 by Salaries and Grievances to whom was referred Res. No. 175 - 16 - 17 by Ald. Donohue amending Res. No. 67 - 16 - 17 so as to make certain changes to the City's Medical Benefit Plan for calendar year 2017 coverage; recommends that the attached Substitute Resolution be passed. ACCEPT AND ADOPT AND PASS SUBSTITUTE RESOLUTION

MOTION TO ACCEPT AND ADOPT AND PASS SUBSTITUTE RESOLUTION Motion by Mary Lynne Donohue, second by Joseph Heidemann.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh Nay: Job Hou-Seye

5.3 R. C. No. 304 - 16 - 17 by Finance to whom was referred Res. No. 176 - 16 - 17 by Ald. Wolf authorizing entering into an agreement with Ruckert Mielke for planning and preliminary engineering services related to the expansion of the Sheboygan Business Center; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Mary Lynne Donohue, second by Joseph Heidemann.

Final Resolution:

Motion Passes Aye: Roman Draughon, John Belanger, Mary Lynne Donohue, Mark Hermann, Bryan Bitters, Andrew G Schneider - 6 Nay: Mike Damrow, Joseph Heidemann, Job Hou-Seye, Bill Thiel, Scott Lewandoske, Susan Holzschuh - 6. The Mayor broke the tie and voted "Aye".

7 to  
6.

5.4 R. C. No. 306 - 16 - 17 by Finance to whom was referred Res. No. 178 - 16 - 17 by Ald. Wolf authorizing a transfer of appropriations in the 2017 Budget (establishing estimated revenue and appropriation for contracted services for planning and preliminary engineering services related to the expansion of the Sheboygan Business Center); recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Mary Lynne Donohue, second by Roman Draughon.

Final Resolution:

Motion Fails Aye: Roman Draughon, John Belanger, Mary Lynne Donohue, Mark Hermann, Bryan Bitters, Andrew G Schneider - 6. Nay: Mike Damrow, Joseph Heidemann, Job Hou-Seye, Bill Thiel, Scott Lewandoske, Susan Holzschuh - 6. The motion failed as a Resolution for a transfer of appropriations requires a 2 / 3 vote of the elected body (11 votes required).

5.5 R. C. No. 307 - 16 - 17 by Salaries and Grievances to whom was referred Res. No. 179 - 16 - 17 by Ald. Donohue approving a Human Resources Department Cell Phone Usage and Bring Your Own Device Policy; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Mary Lynne Donohue, second by Joseph Heidemann.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider Nay: Joseph Heidemann, Job Hou-Seye, Susan Holzschuh

## 6. ORDINANCES

6.1 Gen. Ord. No. 39 - 16 - 17 by Ald. Donohue, Wolf, Thiel, Belanger and Holzschuh repealing and recreating various sections of the Municipal Code so as to implement the provisions of Res. No. 141 - 16 - 17 implementing changes to the City of Sheboygan committee, commission and board structure, effective April 2017 and April 2018. STRATEGIC FISCAL PLANNING

6.2 Gen. Ord. No. 40 - 16 - 17 by Ald. Donohue, Wolf, Thiel, Belanger and Holzschuh repealing and recreating Section 74 - 2 of the Municipal Code relating to parks so as to implement the provisions of Res. No. 141 - 16 - 17 implementing changes to the City of Sheboygan committee, commission, and board structure, effective April 2017 and April 2018. STRATEGIC FISCAL PLANNING

6.3 Gen. Ord. No. 41 - 16 - 17 by Ald. Donohue, Wolf, Thiel, Belanger and Holzschuh repealing and recreating Sec. 15.915 of the City of Sheboygan Zoning Ordinance so as to remove the duties of the Housing Rehabilitation Loan Program from the Historic Preservation Commission. CITY PLAN COMMISSION AND STRATEGIC FISCAL PLANNING

6.4 Gen. Ord. No. 42 - 16 - 17 by Ald. Belanger and Thiel repealing and recreating Sec. 110 - 37 of the Municipal Code relating to special assessments for street construction and resurfacing. PUBLIC WORKS

#### 7. OTHER MATTERS RECEIVED AFTER AGENDA WAS PUBLISHED

7.1 Res. No. 187 - 16 - 17 by Ald. Belanger authorizing entering into a revised State/Municipal Agreement for design and construction for the STH 42 Calumet Drive Reconstruction from Main Ave. to N. 26 th St. PUBLIC WORKS

7.2 R. O. No. 218 - 16 - 17 by the City Clerk submitting a communication from Christopher Gable requesting a waiver from the Sex Offender Residency restrictions in order to live at 2501 N. 6 th St. PUBLIC PROTECTION AND SAFETY

7.3 Res. No. 189 - 16 - 17 by Ald. Thiel authorizing entering into contract for the purchase of (2) Full size pickup trucks and (1) compact pickup truck for the Police Dept. PUBLIC PROTECTION AND SAFETY

7.4 Res. No. 190 - 16 - 17 by Ald. Belanger authorizing entering into contract for the purchase of a Harper Dew-eze Slope Mower for Public Works. PUBLIC WORKS

7.5 Res. No. 191 - 16 - 17 by Ald. Wolf authorizing entering into contract for the provision and performance of a parking study for downtown Sheboygan. TRANSIT

7.6 R. O. No. 219 - 16 - 17 by the City Clerk submitting a communication from Charlie Klima requesting the opportunity to speak to the committee responsible for the policy concerning the cost of sidewalk repair after tree root problems.

PUBLIC WORKS

7.7 R. O. No. 220 - 16 - 17 by the Dir. of Public Works submitting a Traffic Signal Warrant Study for STH 28 /Washington Avenue at S. 32 nd St. Intersection. PUBLIC WORKS

7.8 R. O. No. 221 - 16 - 17 by the City Clerk submitting a communication from Adrian M. Reinwand requesting a waiver from the Sex Offender Residency restrictions in order to live at 815 St. Clair Ave. PUBLIC PROTECTION AND SAFETY

7.9 R. O. No. 222 - 16 - 17 by the City Clerk submitting a claim from Brittany Bremer for alleged damages to her parked vehicle when a snow plow hit a man hole cover and it flew into her car. FINANCE

7.10 Res. No. 192 - 16 - 17 by Ald. Wolf being a Declaration of Intent of the City of Sheboygan to reimburse an expenditure with proceeds of a borrowing or borrowing authorized by the Issuer for a 2017 Model Bomag CR 352 Paving machine. LIES OVER

7.11 R. O. No. 223 - 16 - 17 by the City Clerk submitting various license applications. LAW AND LICENSING

7.12 R. O. No. 224 - 16 - 17 by the City Clerk submitting, as a matter of record, the Sheboygan County Humane Society's Annual Finance Report for 2016 with the 2016 report to follow in May. LIES OVER

8. CLOSED SESSION

8.1 MOTION TO CONVENE IN CLOSED SESSION under the exemption provided in Sec. 19.85 (1)(e) of the Wis. Stats., where competitive and bargaining reasons require a closed session related to a development opportunity with the Founder's Club, 930 N. 6 th St. and a development opportunity on the city-owned 57 -acre parcel on CTH OK.

MOTION TO CONVENE IN CLOSED SESSION Motion by Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh Nay: Job Hou-Seye

9. ADJOURN MEETING

9.1 Motion to Adjourn Motion by Mary Lynne Donohue, second by Susan Holzschuh.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Mary Lynne Donohue, Mark Hermann, Joseph Heidemann, Bryan Bitters, Bill Thiel, Scott Lewandoske, Andrew G Schneider, Susan Holzschuh, Hou-Seye

Generated by City Clerk Susan Richards on Tuesday, February 7, 2017