

CITY OF SHEBOYGAN

AMENDED TWENTIETH REGULAR COUNCIL MEETING MINUTES

Thursday, January 19, 2017

ALDERPERSONS PRESENT:

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

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

1.4 RESIGNATIONS - None

1.5 MAYOR'S APPOINTMENTS - None

1.6 PUBLIC FORUM - Debbie Desmouline and Alizee Desmouline spoke.

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.

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 Jim Bohren.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

2.2 R. O. No. 195 - 16 - 17 by the City Clerk granting various licenses. ACCEPT AND FILE

Resolution:

MOTION TO ACCEPT AND FILE Motion by Todd Wolf, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

2.3 R. C. No. 285 - 16 - 17 by Law and Licensing to whom was referred R. O. No. 175 - 16 - 17 by the City Clerk submitting various license applications; recommends that the licenses be granted with various caveats (Forey). ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Todd Wolf, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

2.4 R. C. No. 288 - 16 - 17 by Law and Licensing to whom was referred, pursuant to R. O. No. 194 - 16 - 17 by the City Clerk, submitting various license applications; recommends granting licenses (Harvest Cafe). ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Todd Wolf, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

2.5 R. C. No. 289 - 16 - 17 by Law and Licensing to whom was referred, pursuant to R. O. No. 188 - 16 - 17 by the City Clerk various license applications; recommends granting the licenses with various caveats (JMKAC). ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Todd Wolf, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

2.6 R. O. No. 196 - 16 - 17 by the City Plan Commission to whom was referred Gen. Ord. No. 33 - 16 - 17 by Ald. Donohue and Hou-Seye and R. O. No. 184 - 16 - 17 by the City Clerk granting Viand Hospitality, LLC the privilege of encroaching on portions of Riverfront Dr. right-of-way at 705 Riverfront Dr. for the purpose of constructing and maintaining a dumpster enclosure. ACCEPT AND FILE AND PASS ORDINANCE

Resolution:

MOTION TO ACCEPT AND FILE AND PASS ORDINANCE Motion by Todd Wolf, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

2.7 Res. No. 170 - 16 - 17 by Ald. Thiel, Bitters, Hermann and Lewandoske declaring intent to exercise the police power to levy special assessments for the replacement of lead and/or galvanized iron water lateral in various streets. PASS RESOLUTION

Resolution:

MOTION TO PASS RESOLUTION Motion by Todd Wolf, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

2.8 R. C. No. 290 - 16 - 17 by Law and Licensing to whom was referred Res. No. 159 - 16 - 17 by Ald. Holzschuh and Draughon authorizing the City Atty. to enter into a Settlement Agreement with the United States of America regarding the accessibility of polling places; recommends that the Resolution be passed.

ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

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

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

2.9 R. C. No. 291 - 16 - 17 by Public Works to whom was referred Res. No. 160 - 16 - 17 by Ald. Belanger authorizing executing a one-year lease for agricultural property in the Town of Wilson, formerly owned by John Poth, Jr.; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

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

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

2.10 R. C. No. 292 - 16 - 17 by Public Works to whom was referred Res. No. 161 - 16 - 17 by Ald. Belanger to declare May 13, 2017, International Migratory Bird Day; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

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

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

2.11 R. C. No. 293 - 16 - 17 by Public Works to whom was referred Res. No. 168 - 16 - 17 by Ald. Belanger authorizing entering into a revised State/Municipal Agreement for design and construction for the North Avenue Reconstruction from Calumet Drive to N. 15 th St. scheduled for 2019 construction; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

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

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

2.12 R. C. No. 294 - 16 - 17 by Public Works to whom was referred Res. No. 169 - 16 - 17 DIRECT REFERRAL by Ald. Belanger authorizing advertising for bids for the 2017 Capital Improvement Projects; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

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

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

2.13 R. C. No. 286 - 16 - 17 by Public Works to whom was referred R. O. No. 189 - 16 - 17 by the City Clerk submitting a communication from Howard Worthey regarding alleged damages done by one of the snow plows when they hit his mailbox; recommends that the document be placed on file. ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Todd Wolf, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

2.14 R. C. No. 295 - 16 - 17 by Law and Licensing to whom was referred Gen. Ord. No. 34 - 16 - 17 by Ald. Donohue and Wolf repealing and recreating Sec. 2 - 35 of the Municipal Code relating to privilege of the floor at Common Council

meetings so as to give the city administrator and the director of planning and development the privilege of the floor; recommends that the Ordinance be passed. ACCEPT AND ADOPT AND PASS ORDINANCE

Motion by Job Hou-Seye to pull this document from the consent agenda for a separate vote.

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS ORDINANCE Motion by Todd Wolf, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Bryan Bitters, Bill Thiel, Jim Bohren, Scott Lewandoske - 10. Nay:

Job Hou-Seye, Tammy Rabe - 2 .

3. REPORTS OF OFFICERS

3.1 R. O. No. 197 - 16 - 17 by the City Clerk submitting a Notice of Claim from American Family Insurance on behalf of their insured Jairo A. and Alma D. Orozco. FINANCE

3.2 R. O. No. 198 - 16 - 17 by the City Clerk submitting a claim from Samuel Q. Rodriguez for alleged damages to his truck while parked when a snow plow rear-ended into back and left side of the truck. FINANCE

3.3 R. O. No. 199 - 16 - 17 by the City Clerk submitting a Complaint and four (4) Summons in the matter of Kurt R. Klessig and Mary A. Heitzmann v Anthony Hamilton, Brandon Kehoe, City of Sheboygan, City of Sheboygan Police Department and Wilson Mutual Insurance Company. FINANCE

3.4 R. O. No. 201 - 16 - 17 by the City Clerk submitting a communication from Curtis DeWitt requesting a waiver from the Sex Offender Residency restrictions in order to live at 1412 N. 16 th St. PUBLIC PROTECTION AND SAFETY

3.5 R. O. No. 202 - 16 - 17 by the City Clerk submitting a communication from Donald Lueck requesting a waiver from the Sex Offender Residency restrictions in order to live at 602 S. 22 nd St. PUBLIC PROTECTION AND SAFETY

3.6 R. O. No. 203 - 16 - 17 by the City Clerk submitting a communication from the State of Wis. Dept. of Corrections filing a request on behalf of State inmate Jeremiah J. Detiege for a waiver from the Sex Offender Residency

restrictions in order to be placed at a TLP at 930 A Michigan Ave. or 1123 / 1125 N. 14 th St. depending on availability. PUBLIC PROTECTION AND SAFETY

3.7 R. O. No. 204 - 16 - 17 by the City Clerk submitting a communication from Brian Fischer requesting a waiver from the Sex Offender Residency restrictions in order to live at 1021 N. 8 th St., Apt.

5. PUBLIC PROTECTION AND SAFETY

3.8 R. O. No. 205 - 16 - 17 by the City Clerk submitting a communication from the State of Wisconsin Dept. of Corrections on behalf of State inmate Wendell Anderson requesting a waiver from the Sex Offender Residency restrictions in order to be placed at a TLP at 930 A Michigan Ave. or 1123 / 1125 N. 14 th St. depending on availability. PUBLIC PROTECTION AND SAFETY

3.9 R. O. No. 206 - 16 - 17 by the City Clerk submitting a communication from the State of Wisconsin Dept. of Corrections on behalf of State inmate Dustin Courchaine requesting a waiver from the Sex Offender Residency restrictions in order to be placed at a TLP at 930 A Michigan Ave. or 1123 / 1125 N. 14 th St. depending on availability. PUBLIC PROTECTION AND SAFETY

4. RESOLUTIONS

4.1 Res. No. 171 - 16 - 17 by Ald. Donohue and Wolf authorizing retaining outside legal counsel in the matter of Kurt R. Klessig and Mary A. Heitzmann v. Anthony Hamilton, Brandon Kehoe, City of Sheboygan, City of Sheboygan Police Department, et al. SUSPEND AND PASS RESOLUTION

MOTION TO SUSPEND AND PASS RESOLUTION Motion by Todd Wolf, second by Jim Bohren. Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

4.2 Res. No. 172 - 16 - 17 by Ald. Belanger authorizing entering into contract for the purchase of an asphalt road paver. PUBLIC WORKS

4.3 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. PUBLIC WORKS

4.4 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. PUBLIC WORKS

4.5 Res. No. 175 - 16 - 17 by Ald. Donohue and Heidemann amending Res. No. 67 - 16 - 17 so as to make changes to the City's Medical Benefit Plan for calendar year 2017 coverage. SALARIES AND GRIEVANCES

5. REPORTS OF COMMITTEES

5.1 R. C. No. 287 - 16 - 17 by Law and Licensing stating at its meeting on January 10, 2017, your Committee, to whom was referred R. O. No. 163 - 16 - 17 by the City Clerk, voted to conditionally recommend that the Common Council not renew Taxicab Driver License No. 0741 held by Jason J. Sarabia. ACCEPT AND ADOPT

MOTION TO ACCEPT AND ADOPT Motion by Roman Draughon, second by Rosemarie Trester.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

5.2 R. C. No. 296 - 16 - 17 by Public Works to whom was referred Gen. Ord. No. 36 - 16 - 17 by Ald. Belanger and Thiel creating Article III of Chapter 74 of the Municipal Code relating to impact fees; recommends that the attached Substitute Ordinance be passed. ACCEPT AND ADOPT AND PASS SUBSTITUTE ORDINANCE

MOTION TO ACCEPT AND ADOPT AND PASS SUBSTITUTE ORDINANCE Motion by John Belanger, second by Bill Thiel.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

6. ORDINANCES

6.1 Gen. Ord. No. 37 - 16 - 17 by Ald. Belanger repealing and recreating Sec. 74 - 56 of the Municipal Code relating to alcohol possession/consumption in parks. PUBLIC WORKS

6.2 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. PUBLIC WORKS

7. OTHER MATTERS RECEIVED AFTER THE AGENDA WAS PUBLISHED

7.1 R. O. No. 200 - 16 - 17 by the City Clerk submitting various license applications. LAW AND LICENSING

7.2 R. O. No. 207 - 16 - 17 by the City Clerk submitting a Summons and Complaint in the matter of Wells Fargo Bank, N.A. v Janice M. Scheibl et al. FINANCE

7.3 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. FINANCE

7.4 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 Dept. PUBLIC WORKS

7.5 Res. No. 178 - 16 - 17 by Ald. Wolf authorizing a transfer of appropriations in the 2017 Budget (establish revenue and appropriations for contracted services for planning and preliminary engineering services related to the expansion of the Sheboygan Business Center). FINANCE

7.6 Res. No. 179 - 16 - 17 by Ald. Donohue approving a Human Resources Department Cell Phone Usage and Bring Your Own Device Policy. SALARIES AND GRIEVANCES

8. ADJOURN MEETING

8.1 Motion to Adjourn

MOTION TO ADJOURN Motion by Todd Wolf, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Roman Draughon, Mike Damrow, John Belanger, Todd Wolf, Rosemarie Trester, Mark Hermann, Job Hou-Seye, Bryan Bitters, Bill Thiel, Jim Bohren, Tammy Rabe, Scott Lewandoske

NOTE:

The Twentieth Regular Common Council meeting was not held on its normal day/date of Monday, January 16, 2017 due to inclement weather thus the inability to reach a quorum of the Council members. The majority of documents/attachments in BoardDocs reflect the original date of the meeting (January 16, 2017).

The only thing that changed in the "Amended agenda" was the date of the meeting.

Generated by City Clerk Susan Richards on Friday, January 20, 2017