

ELEVENTH REGULAR COMMON COUNCIL MEETING AGENDA

"THE SINGLE BIGGEST PROBLEM IN COMMUNICATION IS THE ILLUSION THAT IT HAS TAKEN PLACE" ~George Bernard Shaw

Notice of the 11th Regular Meeting of the 2016-2017 Common Council at 6:00 p.m., TUESDAY, September 6, 2016, in the Council Chambers of City Hall. Persons with disabilities who need accommodations to attend the meeting should contact the City Clerk's Office, at 828 Center Ave., Susan Richards, at 459-3361, as soon as possible

1. OPENING OF MEETING

1.1 NOTICE: ALDERPERSON DONOHUE WILL BE ATTENDING THE COUNCIL MEETING VIA CELL PHONE

1.2 PLEDGE OF ALLEGIANCE

1.3 APPROVAL OF MINUTES

1.4 RESIGNATIONS

1.5 MAYOR'S APPOINTMENTS

1.6 CONFIRMATION OF MAYOR'S APPOINTMENTS

1.7 PUBLIC FORUM

1.8 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, SUBSTITUTE RESOLUTIONS AND ORDINANCES.

2.2 An R. O. by the City Clerk submitting various licenses which have already be issued. ACCEPT AND FILE

ATTACHMENT: ALREADY ISSUED.pdf

2.3 An R. O. by the City Clerk granting various licenses. ACCEPT AND FILE

ATTACHMENT: UPDATED RO.pdf

2.4 A Resolution by Ald. Thiel and Lewandoske directing a public hearing to be held in connection with amending the Zoning Map to change the Use District Classification of property located at 1123 N. 29th St. from Class SO Suburban Office to Class MR Mixed Residential Classification. PASS RESOLUTION

ATTACHMENT: RES PUBLIC HEARING.pdf

2.5 A Resolution by Ald. Belanger authorizing executing a WICORS-NET Cooperative Agreement between the State of Wisconsin Department of

Transportation and the City of Sheboygan. PASS RESOLUTION

ATTACHMENT: RES WISCORS.pdf

2.6 An R. C. by Finance to whom was referred R. O. No. 54-16-17 by the City Clerk submitting a claim from Ronald Dewey for alleged damages to his vehicle when he hit a pothole at the corner of Michigan Ave. and Broughton Dr.; recommends denying claim and directing the City Atty. to send a Notice of Disallowance. ACCEPT AND ADOPT

ATTACHMENT: RO 54.pdf

2.7 An R. C. by Finance to whom was referred R. O. No. 67-16-17 by the City Clerk submitting a claim from Michaela Steinhardt for alleged damages to her car when a city tree branch fell on her car after a storm; recommends denying claim and directing the City Atty. to send a Notice of Disallowance. ACCEPT AND ADOPT

ATTACHMENT: RO 67.pdf

2.8 An R. C. by Finance to whom was referred R. O. No. 68-16-17 by the City Clerk submitting a claim from Samantha Dickie for alleged damages to her car when the police were chasing a male who tried to run from them and they tackled him into her car to apprehend him; recommends denying the claim and directing the City Atty. to send a Notice of Disallowance. ACCEPT AND ADOPT

ATTACHMENT: RO 68.pdf

2.9 An R. C. by Finance to whom was referred R. O. No. 74-16-17 by the City Clerk submitting a claim from Katherine Penkwitz for alleged damages to her parked car in the Wilson School parking lot by a baseball that cracked her windshield; recommends denying the claim and directing the City Atty. to send a Notice of Disallowance. ACCEPT AND ADOPT

ATTACHMENT: RO 74.pdf

2.10 An R. C. by Finance to whom was referred R. O. No. 84-16-17 by the City Clerk submitting a claim from Patricia Cesar for alleged damages to her vehicle when her tire hit a popped out manhole; recommends denying claim and directing the City Atty. to send a Notice of Disallowance. ACCEPT AND ADOPT

ATTACHMENT: RO 84.pdf

2.11 An R. C. by Finance to whom was referred R. O. No. 85-16-17 by the City Clerk submitting a claim from John Brunnbauer for alleged damages to his vehicle when a manhole cover came up under his truck during a storm; recommends denying claim and directing the City Atty. to send a Notice of Disallowance. ACCEPT AND ADOPT

ATTACHMENT: RO 85.pdf

2.12 An R. C. by Finance to whom was referred R. O. No. 94-16-17 by the City Administrator to review data in anticipation of review of the borrowing policy; recommends that the document be accepted and filed. ACCEPT AND ADOPT

ATTACHMENT: RO 94.pdf

2.13 An R. C. by Law and Licensing to whom was referred, pursuant to R. O. No. 95-16-17 by the City Clerk various license applications (Garcia,

S.);recommends granting licenses. ACCEPT AND ADOPT

ATTACHMENT: PURS TO RO 95 GARCIA S.pdf

2.14 An R. C. by Law and Licensing to whom was referred, pursuant to R. O. No. 75-16-17 by the City Clerk submitting various license applications; recommends that the licenses be granted (Barr). ACCEPT AND ADOPT

ATTACHMENT: PURS TO RO 75 BARR.pdf

2.15 An R. C. by Law and Licensing to whom was referred, pursuant to R. O. No. 95-16-17 by the City Clerk various license applications; recommends granting various licenses (8th St. Ale Haus). ACCEPT AND ADOPT

ATTACHMENT: PURS TO RO 95 8TH ST ALE.pdf

2.16 An R. C. by Public Works to whom was referred Res. No. 82-16-17 by Ald. Belanger authorizing entering into contract for the purchase of a salt brine manufacturing system; recommends passing the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 82.pdf

2.17 An R. C. by Public Works to whom was referred Res. No. 83-16-17 by Ald. Donohue urging the Governor and the State Legislature to agree upon a sustainable solution for road repairs across Wisconsin; recommends passing the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 83.pdf

2.18 An R. C. by Public Works to whom was referred Res. No. 84-16-17 by Ald. Belanger authorizing filing the Urban Forestry grant application for the purpose of receiving financial assistance for the management of the City's Urban Forest; recommends that the attached Substitute Resolution be passed. ACCEPT AND ADOPT AND PASS SUBSTITUTE RESOLUTION

ATTACHMENT: RES 84.pdf

3. REPORTS OF OFFICERS

3.1 An R. O. by the City Clerk submitting an application from Betty Grothe for a change in the zoning classification of property located at 1123 N. 29th St. from Class SO Suburban Office to MR Mixed Residential Classification. CITY PLAN COMMISSION

ATTACHMENT: RO GROTHE.pdf

3.2 An R. O. by the City Clerk submitting a Summons and Complaint in the matter of U.S. Bank National Association successor by merger with Firststar Bank, N.A. v Luis E. Olmedo et al. FINANCE

ATTACHMENT: SUMMONS AND COMPLAINT.pdf

3.3 An R. O. by the City Administrator submitting the attached summary of the 2017 Executive Budget for the General Fund, Special Revenue Funds, Debt Services Funds, Capital Projects Funds, Internal Service Funds, Enterprise Funds and Fiduciary Funds. The 2016 estimated, 2016 amended, 2015 actual and 2014 actual amounts are included for comparison. FINANCE, LAW AND LICENSING, PUBLIC PROTECTION AND SAFETY, PUBLIC WORKS AND SALARIES AND GRIEVANCES

ATTACHMENT: Executive Budget.pdf

3.4 An R. O. by the City Clerk submitting communications from Advanced Disposal, SACO AEO Polymers and American Excelsior Company requesting that the temporary stop lights installed at the intersection of Washington Ave. and S. 32nd St. during the Highway 28/I-43 reconstruction project be made permanent. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: COMMUNICATIONS X 3.pdf

3.5 An R. O. by the Fire Chief submitting his quarterly report for the period commencing April 1, 2016 and ending June 30, 2016. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: FIRE CHIEF.pdf

4. RESOLUTIONS

4.1 A Resolution by Ald. Belanger authorizing entering into contract for the Deland Park and King Park Beach Restoration. SUSPEND AND PASS RESOLUTION

ATTACHMENT: Res 18-16-17.pdf

ATTACHMENT: RES PARKS RESTORATION.pdf

4.2 A Resolution by Ald. Donohue approving the Fourth Amendment to WB-13 Vacant Land Offer to Purchase between the John Michael Kohler Arts Center (JMKAC) and the City of Sheboygan. SUSPEND AND PASS RESOLUTION

ATTACHMENT: Fourth Amendment agreement (Res. 88-16-17).pdf

ATTACHMENT: 4th Amendment JMKAC.pdf

4.3 A Resolution by Ald. Donohue authorizing the execution of ingress/egress easements with Bank Mutual and Tom Kohlbeck properties as it relates to Parking Lot 14. SUSPEND AND PASS RESOLUTION

ATTACHMENT: RES INGRESS-EGRESS.pdf

4.4 A Resolution by Ald. Wolf authorizing executing a one-year lease for the agricultural property known as the Schuchardt Property and accepting prior years of of the 2014 and 2015. FINANCE

ATTACHMENT: DEMASTER RESOLUTION.pdf

4.5 A Resolution by Ald. Wolf authorizing entering into contract for professional services related to the inspection of the Digester #3 cover and preparation of a design plan associated with lifting, necessary repairs and permanent mounting of the cover and the Regional Wastewater Treatment Facility by the manufacturer of the digester. FINANCE

ATTACHMENT: RES DIGESTER #3.pdf

4.6 A Resolution by Ald. Wolf authorizing a transfer of appropriations in the 2016 Budget (establish advance from the General Fund to the Marina Fund for Marina de-icing aeration equipment). FINANCE

ATTACHMENT: TRANSFER MARINA.pdf

4.7 A Resolution by Ald. Belanger authorizing approving the selling of right-of-way from the City for purposes of reconstruction of widening Cty. Hwy. EE (.2201 acres). PUBLIC WORKS

ATTACHMENT: ROW .2201.pdf

4.8 A Resolution by Ald. Belanger authorizing approving the selling of right-of-way from the City for purposes of reconstruction and widening Cty. Hwy. OK (.581 acres). PUBLIC WORKS

ATTACHMENT: ROW .581.pdf

4.9 A Resolution by Ald. Belanger authorizing entering into contract for purchase and installation of seasonal and permanent aeration equipment at the Harbor Centre Marina. PUBLIC WORKS

ATTACHMENT: AERATION EQUIPMENT.pdf

5. REPORTS OF COMMITTEES

5.1 An R. C. by Law and Licensing to whom was referred R. O. No. 75-16-17 by the City Clerk submitting various license applications; recommends denying Beverage Operator's License application #1226 based upon his failure to accurately reveal all relevant convictions on his application, his record of violations related to the licensed activity, and his record as a repeat law violator. ACCEPT AND ADOPT TO DENY

ATTACHMENT: RO 75 DENY.pdf

5.2 An R. C. by Finance to whom was referred (DIRECT REFERRAL) Res. No. 75-16-17 by Ald. Wolf to authorize a transfer of appropriations in the 2016 Budget for 2016 Community Development Block Grant Entitlement Program; recommends passing the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 75.pdf

ATTACHMENT: RC 151-16-17.pdf

5.3 An R. C. by Committee of the Whole to whom was referred R. C. No. 131-16-17 by Law and Licensing and Charter Ord. No. 1-16-17 by Ald. Lewandoske, Hermann and Rabe (being subject to the home rule provisions of sec. 66.0101 of the Wisconsin Statutes) to maintain the number of alderpersons in the City of Sheboygan at 16; recommends that the Charter Ordinance be passed. ACCEPT AND ADOPT AND PASS CHARTER ORDINANCE

ATTACHMENT: RC 131.pdf

6. ORDINANCES

6.1 An Ordinance by Ald. Thiel and Lewandoske amending the City's Zoning Map to change the Use District Classification of property located at 1123 N. 29th St. from Class SO Suburban Office to Class MR Mixed Residential Classification. CITY PLAN COMMISSION

ATTACHMENT: ORD REZONE.pdf

6.2 An Ordinance by Ald. Belanger amending the Municipal Code entitled "Permit Fees" so as to increase certain fees and set an expiration period. PUBLIC WORKS

ATTACHMENT: ORD PERMIT FEES.pdf

6.3 An Ordinance by Ald. Donohue, Heidemann, Lewandoske and Wolf amending the Municipal Code so as to create a Budget Analyst position in the City Administrator's Department for the City of Sheboygan and create a job description. SALARIES AND GRIEVANCES

ATTACHMENT: GO BUDGET ANALYST.pdf

7. MATTERS LAID OVER

7.1 R. C. No. 130-16-17 by Law and Licensing to whom was referred, pursuant to R. O. No. 75-16-17 by the City Clerk, various license applications; recommends denying Beverage Operator's License application #9410 based upon her failure to accurately reveal all relevant convictions on her application, her record of violations related to the licensed activity, and her record as a repeat law violator. ACCEPT AND ADOPT TO DENY

ATTACHMENT: RC 130.pdf

8. OTHER MATTERS RECEIVED AFTER THE AGENDA WAS PUBLISHED

8.1 A Resolution by Ald. Belanger authorizing the acceptance of 1106, 1110, and 1114 N. 19th St. for the purposes of razing the property for new private investment as part of the Neighborhood Revitalization Strategy activities. CITY PLAN COMMISSION

ATTACHMENT: RAZING PROPERTIES.pdf

8.2 A Resolution by Ald. Wolf authorizing an application to the Wisconsin Coastal Management Program for an ADA canoe/kayak launch facility at Kiwanis Park. FINANCE

ATTACHMENT: ADA CANOE-KAYAK LAUNCH.pdf

8.3 An R. O. by the City Clerk submitting various license applications for the period ending Dec. 31, 2016, June 30, 2017 and June 30, 2018. LAW AND LICENSING

ATTACHMENT: REFERRED.pdf

8.4 An R. O. by the City Clerk submitting a communication from the President of Mid-Lake Softball Organization requesting an agreement between the City and the Wigg Brothers' Construction Co. as they have expressed an interest in donating the entire cost of a new scoreboard for Wildwood Softball Complex. BD. OF PARKS AND FORESTRY AND PUBLIC WORKS

ATTACHMENT: Lamb letter.pdf

9. CLOSED SESSION

9.0 Copy of MOTION TO CONVENE IN CLOSED SESSION pursuant to the exemption in sec. 19.85(1)(g) of the Wis. Stats., in order to confer with legal counsel for the City who is rendering oral advice concerning strategy to be adopted by the body with respect to litigation in which it is involved, to wit: (1) discussion and possible approval of a mediated settlement of the matter of Gilbertson, et al. vs. City of Sheboygan; (2) discussion and possible action regarding assessment litigation relating to the Memorial Mall, including JFM1 vs. City of Sheboygan (tax years 2010 - 2013) and NRFC Memorial Holdings vs. City of Sheboygan (tax years 2014-2015); and 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

redevelopment opportunities in the 600 block of N. 8th St.

9.1 MOTION TO CONVENE IN CLOSED SESSION pursuant to the exemption in sec. 19.85(1)(g) of the Wis. Stats., in order to confer with legal counsel for the City who is rendering oral advice concerning strategy to be adopted by the body with respect to litigation in which it is involved, to wit: (1) discussion and possible approval of a mediated settlement of the matter of Gilbertson, et al. vs. City of Sheboygan; (2) discussion and possible action regarding assessment litigation relating to the Memorial Mall, including JFM1 vs. City of Sheboygan (tax years 2010 - 2013) and NRFC Memorial Holdings vs. City of Sheboygan (tax years 2014-2015); and 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 redevelopment opportunities in the 600 block of N. 8th St.

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