

TWENTY-SIXTH REGULAR COMMON COUNCIL MEETING AGENDA - MONDAY AT 6:00 PM

"Any job very well done that has been carried out by people who are fully dedicated is always a source of inspiration."

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Notice of the 26th meeting of the 2015-2016 Common Council at 6:00 p.m., MONDAY, April 18, 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 PLEDGE OF ALLEGIANCE

1.2 ROLL CALL

1.3 APPROVAL OF MINUTES

1.4 RESIGNATIONS - Alderperson Don Hammond from the Sheboygan Common Council effective end of day April 18, 2016

ATTACHMENT: Don Hammond Resignation.pdf

1.5 PUBLIC FORUM

1.6 MAYOR'S ANNOUNCEMENTS

**2. HEARINGS**

2.1 A Hearing to amend the City's Zoning Map to change the Use District Classification of property located at 824 S. 8th St. from Class CC Central Commercial to Class CC with PUD overlay Classification.

ATTACHMENT: HEARING ZONING 630 RIVERFRONT DR.pdf

**3. CONSENT AGENDA - MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES**

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

ATTACHMENT: GRANT LICENSES.pdf

3.2 An R. C. by Law and Licensing to whom was referred R. O. No. 296-15-16 by the City Clerk submitting various license applications; recommends granting the licenses (Blakes). ACCEPT AND ADOPT

ATTACHMENT: RO 296.pdf

3.3 An R. C. by Public Works to whom was referred R. O. No. 332-15-16 DIRECT REFERRAL by the City Clerk submitting a communication from Robert Ries stating various concerns he has with the City re: streets, sidewalks, trees, etc.; recommends that the documents be filed. ACCEPT AND ADOPT

ATTACHMENT: RO 332.pdf

3.4 An R. C. by Public Works to whom was referred Res. No. 188-15-16 by Ald. Belanger authorizing entering into a State/Municipal Agmt. for design and construction of the Pennsylvania Ave. Bridge Project scheduled for 2019 construction; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 188.pdf

3.5 An R. C. by Public Works to whom was referred Res. No. 189-15-16 by Ald. Belanger authorizing entering into contract with Oneida Total Integrated Enterprises for construction management and oversight for the Sheboygan River, Area of Concern habitat restoration improvement projects for services conducted extending until 12/31/2016; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 189.pdf

3.6 An R. C. by Public Works to whom was referred Res. No. 190-15-16 by Ald. Belanger authorizing entering into contract with Applied Ecological Svcs. for the landscape maintenance and management for the Sheboygan River, Area of Concern habitat restoration improvement projects for services extending until 12/31/16; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 190.pdf

3.7 An R. O. by the City Plan Commission to whom was referred Res. No. 174-15-16 by Ald. Belanger adopting the City's Comprehensive Outdoor Recreation Plan; recommends passing the Resolution. ACCEPT AND FILE AND PASS RESOLUTION

ATTACHMENT: RES 174.pdf

ATTACHMENT: Comp Plan Parks updated 4-18-16.pdf

3.8 An R. C. by Public Works to whom was referred Res. No. 174-15-16 by Ald. Belanger adopting the City of Sheboygan Comprehensive Outdoor Recreation Plan; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 174 BD. OF MARINA.pdf

ATTACHMENT: Comp Plan Parks updated 4-18-16.pdf

3.9 An R. O. by Bd. of Marina, Parks and Forestry to whom was referred a copy of Res. No. 174-15-16 by Ald. Belanger adopting the City's Comprehensive Outdoor Recreation Plan; recommends passing the Resolution. ACCEPT AND FILE AND PASS RESOLUTION

ATTACHMENT: RES 174 BD. OF MARINA.pdf

ATTACHMENT: Comp Plan Parks updated 4-18-16.pdf

3.10 An R. C. by Finance to whom was referred R. O. No. 322-15-16 by the Dir. of Planning & Development submitting a communication on behalf of the City, Sheboygan County Economic Development Corp. and Sheboygan Squared, requesting use of one of the City's free days at Blue Harbor to host a reception as part of the Developer's/Retail Summit on August 8, 2016; recommends approving the request. ACCEPT AND ADOPT AND APPROVE REQUEST

ATTACHMENT: RO 322.pdf

3.11 An R. C. by Finance to whom was referred Gen. Ord. No. 54-15-16 by Ald. Hammond amending sections of the Municipal Code relating to petty cash funds; recommends that the Ordinance be passed. ACCEPT AND ADOPT AND PASS ORDINANCE

ATTACHMENT: GO 54.pdf

3.12 An R. C. by Public Protection and Safety to whom was referred R. O. No. 325-15-16 by the Chief of Police submitting the Sheboygan Police Department's Annual Report for 2015; recommends that the documents be accepted and placed on file. ACCEPT AND ADOPT

ATTACHMENT: RO 325.pdf

3.13 An R. C. by Public Protection and Safety to whom was referred Gen. Ord. No. 55-15-16 by Ald. Thiel repealing and recreating sections of the Municipal Code relating to measurement of distance in the sexual offender residency restrictions to conform with changes to the state statutes; recommends that the Ordinance be passed. ACCEPT AND ADOPT AND PASS ORDINANCE

ATTACHMENT: GO 55.pdf

3.14 An R. C. by Public Protection and Safety to whom was referred Gen. Ord. No. 56-15-16 by Ald. Thiel relating to adding no parking, stopping, standing anytime on the east side of S. 9th St. north of Indiana Ave.; recommends passing the Ordinance. ACCEPT AND ADOPT AND PASS ORDINANCE

ATTACHMENT: GO 56.pdf

#### **4. REPORTS OF OFFICERS**

4.1 An R. O. by the Redevelopment Authority to whom was DIRECTLY REFERRED Res. No. 191-15-16 by Ald. Hammond approving the terms and conditions of the Ground Lease Agmt. between the Redevelopment Authority and South Pier Sheboygan, LLC; recommends approval of the Resolution. ACCEPT AND FILE AND PASS RESOLUTION

ATTACHMENT: RES 191.pdf

ATTACHMENT: Negotiate - South Pier - Res 191-15-16.pdf

4.2 An R. O. by the Redevelopment Authority to whom was DIRECTLY REFERRED Res. No. 192-15-16 by Ald. Hammond approving the terms and conditions of the Development Agmt. between the City of Sheboygan, Redevelopment Authority and South Pier Sheboygan, LLC; recommends that the Resolution be passed. ACCEPT AND FILE AND PASS RESOLUTION

ATTACHMENT: RES 192.pdf

4.3 An R. O. by the City Clerk submitting a communication from Sheboygan Park Project in Partnership with the Sheboygan Jaycees proposing a universally designed playground to be located at Deland Park. BOARD OF MARINA, PARKS AND FORESTRY

ATTACHMENT: SHEBOYGAN PARK PROJECT.pdf

4.4 An R. O. by the City Clerk submitting a Summons and Complaint in the matter of Wells Fargo Bank, N.A. v Jason P. Hietala et al. FINANCE OF NEW COUNCIL

ATTACHMENT: Summons and Complaint Wells Fargo Bank.pdf

4.5 An R. O. by the Chief of Police submitting his quarterly report showing activities of the dept. for period commencing 1/1/16 and ending 3/31/16. PUBLIC PROTECTION AND SAFETY OF NEW COUNCIL

ATTACHMENT: CHIEF OF POLICE.pdf

4.6 An R. O. by the City Clerk submitting a communication from Bryan Fleming requesting a waiver to the Sex Offender Residency restrictions in order to live at 910 New York Ave. #A. PUBLIC PROTECTION AND SAFETY OF THE NEW COUNCIL

ATTACHMENT: FLEMING.pdf

4.7 An R. O. by the City Clerk submitting a communication from Rhyan Zimmerman requesting a waiver from the Sex Offender Residency restrictions in order to live at 1316 Indiana Ave. PUBLIC PROTECTION AND SAFETY OF NEW COUNCIL

ATTACHMENT: ZIMMERMAN.pdf

## **5. RESOLUTIONS**

5.1 A Resolution by Ald. Belanger declaring intent to exercise the police power to levy special assessments for the 2016 Bituminous Resurfacing Program for various streets. PUBLIC WORKS OF THE NEW COUNCIL

ATTACHMENT: BITUMINOUS.pdf

5.2 A Resolution by Ald. Hammond authorizing the purchasing of 605 S. Wildwood Ave. for future park expansion purposes. FINANCE OF THE NEW COUNCIL

ATTACHMENT: 605 S WILDWOOD AVE.pdf

## **6. REPORTS OF COMMITTEES**

6.1 An R. C. by Law and Licensing to whom was referred R. O. No. 296-15-16 by the City Clerk submitting various license applications; recommends that Taxicab Drivers License application #0565 be denied based upon his failure to accurately reveal all relevant convictions on his applications, his record of violations related to the licensed activity, his record as a repeat law violator and his failure to cooperate with the Committee. ACCEPT AND ADOPT

ATTACHMENT: DENY 0565.pdf

6.2 An R. C. by Law and Licensing to whom was referred R. O. No. 296-15-16 by the City Clerk submitting license applications; recommends that Beverage Operator's License application #1009 be denied 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

ATTACHMENT: DENY 1009.pdf

6.3 An R. C. by Law and Licensing to whom was referred, pursuant to R. O. No. 323-15-16 by the City Clerk, license applications for the period ending 12/31/16 and 6/30/17; recommends granting the licenses. ACCEPT AND ADOPT

ATTACHMENT: PURS TO RO 323 BRENNANS.pdf

6.4 An R. C. by Finance to whom was referred Res. No. 187-15-16 by Ald.

Hammond authorizing a transfer of appropriations in the 2016 Budget (establish appropriation for purchase of adjacent lot to Wildwood Athletic field); recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 187.pdf

6.5 An R. C. by Finance to whom was referred Res. No. 186-15-16 by Ald. Hammond authorizing a transfer of appropriations in the 2016 Budget (establish revenue and appropriation for donation from Webster Bank for Police Dept. Bike Rodeo and revenue and appropriation for advance to TID XVI for land improvements); recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 186.pdf

6.6 An R. C. by Finance to whom was referred Res. No. 193-15-16 by Ald. Hammond approving the First Amendment to Contract for Sale of Land for Private Development By and Between the City of Sheboygan and Eighth Street Housing Corporation; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: 1st Amendment - Eighth Street Hosing - Res 193-15-16.pdf

ATTACHMENT: RES 193.pdf

6.7 An R. C. by Finance to whom was referred Res. No. 192-15-16 (DIRECT REFERRAL) by Ald. Hammond approving the terms and conditions of the Development Agreement between the City of Sheboygan, Redevelopment Authority and South Pier Sheboygan, LLC; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 192.pdf

6.8 An R. C. by Finance to whom was referred Res. No. 191-15-16 (DIRECT REFERRAL) by Ald. Hammond approving the terms and conditions of the Ground Lease Agreement between the Redevelopment Authority and South Pier Sheboygan, LLC; recommends that the documents be accepted and placed on file. ACCEPT AND ADOPT TO FILE DOCUMENTS

ATTACHMENT: RES 191.pdf

6.9 An R. C. by Public Protection and Safety to whom was referred Gen. Ord. No. 58-15-16 by Ald. Thiel amending Subsection 26-1008(a) of the Municipal Code relating to certification of compliance with Clearwater requirements; wishes to send the document to Council with no recommendation. ACCEPT AND ADOPT

ATTACHMENT: GO 58.pdf

6.10 An R. C. by Strategic Fiscal Planning to whom was referred R. C. No. 366-15-16 by Committee of the Whole re: Building Use Committee's recommendation for a presentation to the Council advocating the renovation of the current City Hall; recommends to Strategic Fiscal Planning Committee to establish a budget for renovations of the existing building or a different location. STRATEGIC FISCAL PLANNING OF THE NEW COUNCIL

ATTACHMENT: RC 366.pdf

6.11 An R. C. by Law and Licensing to whom was referred R. O. No. 324-15-16

by the City Clerk submitting a communication from Anglers Ave. Pub & Grill to propose an expansion of operations on a seasonal basis. LAW AND LICENSING OF THE NEW COUNCIL

ATTACHMENT: RO 324.pdf

6.12 An R. C. by Law and Licensing to whom was referred R. O. No. 311-15-16 by the City Clerk submitting various license applications for the period ending 12/31/16 and 6/30/17; recommends that the remainder of the applicants (call-ins) be referred to Law and Licensing of the new Council. LAW AND LICENSING OF THE NEW COUNCIL

ATTACHMENT: RO 311.pdf

6.13 An R. C. by Law and Licensing to whom was referred, pursuant to R. O. No. 323-15-16 by the City Clerk, license applications for the period ending 12/31/16 and 6/30/17; recommends that the remaining application be referred to Law and Licensing of the new Council. LAW AND LICENSING OF THE NEW COUNCIL

ATTACHMENT: PURS TO RO 323.pdf

6.14 An R. C. by Public Works to whom was referred R. O. No. 331-15-16 by the City Clerk submitting an email from Ald. Bohren to City Atty. Adams regarding "Hot in Place Paving" legal options; recommends that the document be referred to Public Works of the new Council. PUBLIC WORKS OF THE NEW COUNCIL

ATTACHMENT: RO 331.pdf

## **7. ORDINANCES**

7.1 An Ordinance by Ald. Donohue, Hammond, Bohren, Heidemann and Kath amending sections of the Municipal Code so as to amend the Table of Organization in the Dept. of Public Works, Engineering Division. SUSPEND AND PASS ORDINANCE

ATTACHMENT: GO ENGINEERING DEPT.pdf

## **8. MATTERS LAID OVER**

8.1 R. O. No. 319-15-16 by the City Plan Commission to whom was referred Gen. Ord. No. 49-15-16 by Ald. Donohue and Hou-seye amending the zoning map to change the Use District Classification of property at 824 S. 8th St. from Class CC Central Commercial to Class CC with PUD overlay Classification; recommends that the Ordinance be passed. ACCEPT AND FILE AND PASS ORDINANCE

ATTACHMENT: RO 319.pdf

8.2 Res. No. 182-15-16 by Ald. Kath & Thiel directing a public hearing to change Future Land Use Map of the Comprehensive Plan to change Land Use Classification of property at 1524/1526 Saemann Ave. from Neighborhood Preservation to Employment Classification. PASS RESOLUTION

ATTACHMENT: RES 182.pdf

8.3 Res. No. 183-15-16 by Ald. Kath & Thiel directing a public hearing to change the zoning map for property located at 1524/1526 Saemann Ave. PASS RESOLUTION

ATTACHMENT: RES 183.pdf

8.4 Res. No. 184-15-16 by Ald. Kath & Thiel directing public hearing to

change zoning map for property at 1413 Erie Ave. and 1416 Ontario Ave. PASS RESOLUTION

ATTACHMENT: RES 184.pdf

8.5 Res. No. 185-15-16 by Ald. Kath & Thiel directing a public hearing to change Future Land Use Map of the Comprehensive Plan to change the Land Use Classification of property at 1413 Erie Ave. and 1416 Ontario Ave. from Neighborhood Preservation to Community Mixed Use. PASS RESOLUTION

ATTACHMENT: RES 185.pdf

**9. OTHER MATTERS**

9.1 An R. O. by the City Clerk submitting various license applications (Kwik Trip). LAW AND LICENSING OF NEW COUNCIL

ATTACHMENT: referred licenses.pdf

9.2 An R. O. by the City Clerk submitting a claim from Scott P. Mulder for alleged damages to his right hand side mirror struck by a bent over orange metal rebar marker. FINANCE OF NEW COUNCIL

ATTACHMENT: Mulder claim.pdf

**10. ADJOURN MEETING**

10.1 Adjourn sine die

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