

TWENTY-FIFTH REGULAR COMMON COUNCIL MEETING - 6:00 PM

"We cannot seek achievement for ourselves and forget about progress and prosperity for our community.....Our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own."
~ Cesar Chavez

Notice of the 25th meeting of the 2014-2015 Common Council at 6:00 p.m., WEDNESDAY, APRIL 8, 2015, 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 APPROVAL OF MINUTES

1.3 RESIGNATIONS - Tyler Ott from the Harbor Centre BID, Val Schultz from the Police and Fire Commission

ATTACHMENT: RESIGNATION - SCHULTZ.pdf

ATTACHMENT: RESIGNATION.pdf

1.4 COUNCIL APPOINTMENTS - Jane Davis-Wood to the Harbor Centre BID

ATTACHMENT: APPOINTMENT DAVID-WOOD.pdf

1.5 CONFIRMATION OF COUNCIL APPOINTMENTS

1.6 PUBLIC FORUM

1.7 MAYOR'S ANNOUNCEMENTS

2. HEARINGS

2.1 Hearing scheduled this evening relative to the proposed amendment to the City of Sheboygan's Comprehensive Plan Future Land Use Map to change the Land Use Classification of property located at 3306 Saemann Ave. from Public Parks and Open Space to Institutional Community Facilities Classifications.

ATTACHMENT: HEARING COMP PLAN.pdf

2.2 Hearing scheduled this evening to amend the City of Sheboygan Official Zoning Map to change the Use District Classification of property located at 3306 Saemann Ave. from Class SR-5 Suburban Residential to Class SO Suburban Office Classification.

ATTACHMENT: HEARING REZONE.pdf

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.

3.2 An R. O. by the City Clerk granting various license applications. ACCEPT AND FILE

ATTACHMENT: updated ro.pdf

3.3 An R. O. by City Plan Commission to whom was referred Res. No. 176-14-15 by Ald. Belanger authorizing acceptance of 1515 N. 11th St. from Sheboygan County to rehabilitate and re-sell to an owner occupied household; recommends that the Resolution be passed. FILE

ATTACHMENT: RES 176.pdf

3.4 An R. C. by Finance to whom was referred R. O. No. 171-13-14 and R. O. No. 153-14-15 regarding a claim for injuries in the matter of Kathleen Nickel as a result of falling on uneven sidewalk; recommends filing documents. ACCEPT AND ADOPT

ATTACHMENT: RO 171.pdf

3.5 An R. C. by Finance to whom was referred R. C. No. 353-13-14 by Finance, R. O. No. 238-13-14 and R. O. No. 330-13-14 by the City Clerk regarding Summons and Complaints in the matter of Donald Keniston v City of Sheboygan and Wisconsin Housing & Economic Development Authority v Estate of Catherine A. Kober et al.; recommends that the documents be placed on file. ACCEPT AND ADOPT

ATTACHMENT: RC 353.pdf

3.6 An R. C. by Public Protection & Safety to whom was referred Com. No. 6-14-15 from Dale Brant requesting signage in the alley between S. 13th St. and S. 14th St. due to speeding; recommends filing documents. ACCEPT AND ADOPT

ATTACHMENT: COM 6.pdf

3.7 An R. C. by Finance to whom was referred R. O. No. 13-14-15 and R. O. No. 235-14-15 by the City Clerk regarding claims from Kristi Potochnik for alleged injuries when she stepped on a curb drain with a missing bar; recommends that the claim be denied and to request that the City Attorney send a Notice of Disallowance. ACCEPT AND ADOPT

ATTACHMENT: RO 13.pdf

3.8 An R. C. by Finance to whom was referred R. O. No. 64-14-15 by the City Clerk submitting a Summons and Complaint in the matter of Bank of America, N.A. v Michelle M. Zabel et.; recommends that the document be placed on file. ACCEPT AND ADOPT

ATTACHMENT: RO 64.pdf

3.9 An R. C. by Finance to whom was referred R. O. No. 117-14-15 by the City Clerk submitting a Summons and Complaint in the matter of H&R Block Bank v Laura R. Beimel et al.; recommends that the document be placed on file. ACCEPT AND ADOPT

ATTACHMENT: RO 117.pdf

3.10 An R. C. by Finance to whom was referred R. O. No. 118-14-15 by the City

Clerk submitting a Motion to Modify Second Amended Plan of Reorganization regarding Michael H Dilwort, Debtor (United States Bankruptcy Court, Eastern District of Milwaukee); recommends that the document be placed on file. ACCEPT AND ADOPT

ATTACHMENT: RO 118.pdf

3.11 An R. C. by Finance to whom was referred R. O. No. 152-14-15 by the City Clerk submitting a Summons and Complaint in the matter of Matrix Financial Services Corporation v Bonnie Baumgardt et al.; recommends that the document be placed on file. ACCEPT AND ADOPT

ATTACHMENT: RO 152.pdf

3.12 An R. C. by Finance to whom was referred R. O. No. 170-14-15 by the City Clerk submitting a Summons and Complaint in the matter of Steven M. Behrens v. Sheboygan Board of Appeals; recommends that the documents be placed on file. ACCEPT AND ADOPT

ATTACHMENT: RO 170.pdf

3.13 An R. C. by Finance to whom was referred R. O. No. 209-14-15 by the City Clerk submitting a communication from Trover Solutions, Inc., on behalf of their insured Mary Dolson and client IMT Insurance Co.; recommends that the claim be denied and to request that the City Atty. send a Notice of Disallowance. ACCEPT AND ADOPT

ATTACHMENT: RO 209.pdf

3.14 An R. C. by Law and Licensing to whom was referred, pursuant to R. O. No. 256-14-15 by the City Clerk submitting various licenses; recommends granting the license (Kohlmann). ACCEPT AND ADOPT

ATTACHMENT: PURS TO RO 256.pdf

3.15 An R. C. by Law and Licensing to whom was referred, pursuant to R. O. No. 268-14-15 by the City Clerk submitting various license applications; recommends granting various licenses (Transfer). ACCEPT AND ADOPT

ATTACHMENT: PURS RO 268.pdf

3.16 An R. C. by Public Protection and Safety to whom was referred R. O. No. 269-14-15 by the City Clerk submitting a communication from Lowther Bros., LLC, owners of 638 Riverfront Dr./615 S. 8th St., requesting that the City install no parking signs adjacent to the sidewalk entrance; recommends that the document be placed on file. ACCEPT AND ADOPT

ATTACHMENT: RO 269.pdf

3.17 An R. C. by Public Protection and Safety to whom was referred R. O. No. 270-14-15 by the Chief of Police submitting the annual report of the Police Dept. for the year 2014; recommends that the document be accepted and placed on file. ACCEPT AND ADOPT

ATTACHMENT: RO 270.pdf

3.18 An R. C. by Finance to whom was referred R. O. No. 301-14-15 by the City Clerk submitting a Notice of Claim and Claim from Atty. TeWinkle on behalf of

Coretta E. Munoz for alleged injuries sustained while riding a Sheboygan City bus; recommends that the document be placed on file. ACCEPT AND ADOPT

ATTACHMENT: RO 301.pdf

3.19 An R. C. by Finance to whom was referred R. C. No. 350-13-14 and R. C. No. 351-13-14 by Finance submitting various claims to the City; recommends that the documents be placed on file as all claims have been acted on. ACCEPT AND ADOPT

ATTACHMENT: RC 350.pdf

3.20 An R. C. by Finance to whom was referred Res. No. 177-14-15 by Ald. Hammond authorizing City departments to participate in the CVMIC Risk Reduction Grant Program and designating the City's Program Coordinator; recommends that the Resolution be passed. ACCEPT AND ADOPT

ATTACHMENT: RES 177.pdf

3.21 An R. C. by Public Works to whom was referred Res. No. 179-14-15 by Ald. Heidemann authorizing entering into an Agreement with Making Spirits Bright for use of Evergreen Park and the Quarryview Center for the annual Making Spirits Bright Drive Through Holiday Lights Display; recommends that the Resolution be passed and agreement be approved. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: Res 179-14-15.pdf

ATTACHMENT: RES 179.pdf

3.22 An R. C. by Public Works to whom was referred Res. No. 180-14-15 by Ald. Heidemann authorizing executing a contract between the City and Moss & Associates for real estate consulting services for the STH 42 DOT project. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 180.pdf

3.23 An R. C. by Public Works to whom was referred R. O. No. 276-14-15 by the Purchasing Agent submitting bids for the purchase of Zero-Turn Mowers and accessories and Res. No. 181-14-15 by Ald. Heidemann authorizing purchasing Zero Turn mowing equipment for the Motor Vehicle Dept.; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RO 276.pdf

4. REPORTS OF OFFICERS

4.1 An R. O. by the City Plan Commission to whom was referred Gen. Ord. No. 48-14-15 by Ald. Belanger amending the text of the City of Sheboygan Zoning Ordinance in Sec. 15.034 Definitions so as to amend Section 15.034; recommends that the Ordinance be passed. LIES OVER TO APRIL 20TH

ATTACHMENT: GO 48.pdf

4.2 An R. O. by the City Plan Commission to whom was referred Gen. Ord. No. 49-14-15 by Ald. Belanger amending the text of the City of Sheboygan Zoning Ordinance in Section 15.206 Detailed Land Use Descriptions and Regulations so as to amend Section 15.206(8)(d); recommends that the Ordinance be passed. LIES OVER TO APRIL 20TH

ATTACHMENT: GO 49.pdf

4.3 An R. O. by the City Clerk submitting a claim from Donna Modiz for alleged damages to her basement when the sewer overflowed. FINANCE

ATTACHMENT: MODIZ.pdf

4.4 An R. O. by the City Clerk submitting a communication from St. Spyridon Greek Orthodox Church, requesting that the City waive the permit and fee for them to have a bouncy house at the Greekfest to be held in Deland Park at the end of June. PUBLIC WORKS

ATTACHMENT: Greekfest waiver.pdf

4.5 An R. O. by the City Clerk submitting a Summons and Complaint in the matter of Wells Fargo Bank, N.A. v Gayle Sebald et al. FINANCE

ATTACHMENT: SUMMONS AND COMPLAINT WELL FARGO.pdf

4.6 An R. O. by the City Clerk submitting a communication from Christopher Fitzpatrick requesting a waiver from the Sex Offender Residency restrictions in order to live at 420 Huron Ave. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: FITZPATRICK.pdf

5. RESOLUTIONS

5.1 A Resolution by Ald. Hammond, Belanger, Carlson, Donohue and Kath authorizing a transfer of appropriations in the 2015 Budget (establish appropriations for electrical equipment on 8th St. and advertising for the downtown trolley bus). LIES OVER

ATTACHMENT: TRANSFER ELECTRICAL EQUIP.pdf

6. REPORTS OF COMMITTEES

6.1 An R. C. by Law and Licensing to whom was referred R. O. No. 244-14-15 by the City submitting various license applications recommends that Taxicab Driver's License #0680 be denied based on 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

ATTACHMENT: RO 244.pdf

6.2 An R. C. by Finance to whom was referred R. O. No. 257-14-15 by the City Clerk submitting a communication from Atty. Sonnenburg regarding a claim from James Kuester for alleged injuries he sustained on a City bus. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 257.pdf

6.3 An R. C. by Finance to whom was referred R. O. No. 302-13-14 by the City Clerk submitting a Notice of Injury and Claim for Damages from Atty. Sonnenburg regarding James Kuester, Sr. for alleged injuries while being a passenger on a City Bus. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 302.pdf

6.4 An R. C. by Finance to whom was referred R. O. No. 10-14-15 by the City Clerk submitting a claim from Judith A. Grimm for alleged injuries when she was crossing in the crosswalk at 10th St. and Grand Ave. and tripped on an uneven section of the crosswalk. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 10.pdf

6.5 An R. C. by Finance to whom was referred R. O. No. 12-14-15 by the City Clerk submitting a claim from Terry Weimann for alleged injuries when they slipped on the ice in the Library parking lot. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 12.pdf

6.6 An R. C. by Finance to whom was referred R. O. No. 88-14-15 by the City Clerk submitting a Notice of Claim in the matter of Sharon Janey v City of Sheboygan et al. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 88.pdf

6.7 An R. C. by Finance to whom was referred R. O. No. 89-14-15 by the City Clerk submitting a Summons and Complaint in the matter of the Town of Sheboygan v. the City of Sheboygan. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 89.pdf

6.8 An R. C. by Finance to whom was referred R. O. No. 136-14-15 by the City Clerk submitting a claim from Barbara Behlke for alleged brain trauma/injury from electrical currents that are too strong on Bell Ave. and N. 10th St. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 136.pdf

6.9 An R. C. by Finance to whom was referred R. O. No. 151-14-15 by the City Clerk submitting a claim from Elvera Monson for alleged injuries at the Sheboygan Quarry's building entrance when she tripped and fell. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 151.pdf

6.10 An R. C. by Finance to whom was referred R. O. No. 167-14-15 by the City Clerk submitting a claim from Robert Lettre for alleged damages to his ceiling which cracked and fell during the 8th St. construction. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 167.pdf

6.11 An R. C. by Finance to whom was referred R. O. No. 186-14-15 by the City Clerk submitting a Summons and Complaint in the matter of the Estate of Jaime Olivas, Lisa Olivas, Alean Olivas v Cities and Towns Mutual Insurance Co. et al. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 186.pdf

6.12 An R. C. by Finance to whom was referred R. O. No. 192-14-15 by the City Clerk submitting a Summons and Complaint in the matter of the Jeffrey Hermann v the City of Sheboygan. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 192.pdf

6.13 An R. C. by Finance to whom was referred R. O. No. 213-14-15 by the City Clerk submitting a Summons and Complaint in the matter of Daniel Gilbertson et al. v City of Sheboygan. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 213.pdf

6.14 An R. C. by Finance to whom was referred R. O. No. 222-14-15 by the City Clerk submitting a Summons and Complaint in the matter of Coretta E. Munoz v City of Sheboygan et al. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 222.pdf

6.15 An R. C. by Finance to whom was referred R. O. No. 267-14-15 by the City Clerk submitting a claim from Rachel Colbath for alleged injuries when she slipped and fell on ice crossing the street on Michigan Ave. FINANCE OF THE NEW COUNCIL

ATTACHMENT: RO 267.pdf

7. MATTERS LAID OVER

7.1 R. O. No. 266-14-15 by the City Clerk submitting a protest petition to stop the rezoning of property located at 3306 Saemann Ave. (Field of Dreams).

ATTACHMENT: PETITION.pdf

7.2 R. O. No. 265-14-15 by the City Plan Commission to whom was referred Gen. Ord. No. 47-14-15 by Ald. VanderWeele and Van Akkeren amending the City of Sheboygan Future Land Use Map of the Sheboygan Comprehensive Plan to change the Land Use Classification of property located at 3306 Saemann Ave. from Public Parks and Open Space to Institutional and Community Facilities Classification; recommends that the Ordinance be passed. ACCEPT AND FILE AND PASS ORDINANCE

ATTACHMENT: GO 47.pdf

7.3 R. O. No. 254-14-15 by the City Plan Commission to whom was referred Gen. Ord. No. 46-14-15 by Ald. VanderWeele and Van Akkeren and R. O. No. 243-14-15 by the City Clerk amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of properties located at 3306 Saemann Ave. from Class SR-5 Suburban Residential to Class SO Suburban Office Classification; recommends that the attached Substitute Gen. Ord. No. 46-14-15 which conditions the zoning amendment upon the following: (1) purchase and sale of the former "Field of Dreams" property from the Sheboygan Area School District to Aurora Health Care, or related entity, for development of medical and office facilities, on or before December 31, 2016; and (2) the Future Land Use Map of the City of Sheboygan Comprehensive Plan being amended to a classification consistent with the proposed rezone. ACCEPT AND FILE AND PASS SUBSTITUTE ORDINANCE

ATTACHMENT: GO 46.pdf

8. OTHER MATTERS

8.1 A Resolution by Ald. Hammond authorizing a transfer of appropriations in the 2015 Budget (establish appropriation for boat facilities winterization to be repaid to the Capital Projects Fund from the Marina Fund). SUSPEND AND PASS RESOLUTION

ATTACHMENT: TRANSFER MARINA.pdf

8.2 An R. C. by Com. of the Whole to whom was referred a copy of Charter Ord. No. 1-14-15 by Ald. Donohue providing for the appointment of the City Attorney in lieu of the current method of election by the voters to such office; recommends that the document be placed on file as it has already been acted upon by the Council. ACCEPT AND ADOPT TO FILE

ATTACHMENT: copy of Charter 1.pdf

8.3 A Resolution by Ald. Donohue authorizing the City of Sheboygan to establish and maintain participant Traditional Roth IRA deferral features beginning May 1, 2015 under the ICMA-RC. SALARIES AND GRIEVANCES

ATTACHMENT: IRA.pdf

8.4 A Resolution by Ald. Hammond revising the travel expense guidelines adopted by Res. No. 64-78-79, as revised. FINANCE

ATTACHMENT: TRAVEL EXPENSES.pdf

8.5 An R. O. by the City Clerk submitting applications for Building Contractor License already granted. ACCEPT AND FILE

ATTACHMENT: GRANTED BD OF CONTRACTORS.pdf

8.6 A Resolution by Ald Heidemann authorizing the appropriate City officials to execute the Management Services Agreement regarding Quarryview Park. PUBLIC WORKS

ATTACHMENT: QUARRYVIEW.pdf

8.7 A Resolution by Ald. Hammond opposing any attempt by the State Legislature to eliminate the personal property tax and the computer aid payments local governments receive. FINANCE

ATTACHMENT: PERSONAL PROPERTY TAX.pdf

8.8 An R. C. by Com. of the Whole to whom was referred Res. No. 166-14-15 by Ald. Donohue adopting an official mission/vision statement and core values; recommends that the document be referred to the Committee of the Whole of the new Common Council. COMMITTEE OF THE WHOLE

ATTACHMENT: RES 166.pdf

8.9 An R. O. by the City Clerk submitting a communication from Jonathan L. Boeldt requesting a waiver from the Sex Offender Residency restrictions in order to live at 1920 N. 12th St. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: BOELDT.pdf

8.10 An R. O. by the City Clerk submitting a petition on March 27, 2015 (2nd submission) protesting the amendment to rezone the "Field of Dreams" property located at 3306 Saemann Ave. ACCEPT AND FILE

ATTACHMENT: 2nd petition.pdf

9. OTHER MATTERS RECEIVED AFTER AGENDA WAS PUBLISHED

9.1 An R. O. by the Purchasing Agent submitting costs for Professional Consulting Services related to development of an Urban Forestry Plan. PUBLIC WORKS

ATTACHMENT: RO URBAN FORESTRY.pdf

9.2 An R. O. by the City Clerk submitting a communication from Tre-Vaughn Poe requesting a waiver from the Sex Offender Residency restrictions in order to live at 1123/1125 N. 14th St. or 930A Michigan Ave. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: POE.pdf

9.3 An R. O. by the City Clerk submitting a communication from Angel Ramirez Sr. requesting a waiver to the Sex Offender Residency restrictions in order to live at 1123/1125 N. 14th St. or 930A Michigan Ave. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: RAMIREZ, ANGEL.pdf

9.4 A Resolution by Ald. Heidemann authorizing entering into contract for Professional Services related to Urban Forestry Planning. PUBLIC WORKS

ATTACHMENT: RES URBAN FORESTRY.pdf

9.5 An R. O. by the City Clerk submitting a Notice of Claim regarding Ricky Van Der Vaart against the City of Sheboygan. FINANCE

ATTACHMENT: VAN DER VAART.pdf

9.6 An R. O. by the City Clerk submitting a "Historical Designation Application - Sheboygan Municipal Auditorium and Armory" by Collin Kachel on March 31, 2015. HISTORIC PRESERVATION COMMISSION

ATTACHMENT: HISTORIC DESIGNATION.pdf

9.7 An R. O. by the City Clerk submitting various license applications. LAW AND LICENSING

ATTACHMENT: REFERRED RO.pdf

9.8 An R. O. by the City Clerk submitting petitions to save the Field of Dreams containing signatures collected between mid-February thru March, 2015, to not rezone it.

ATTACHMENT: SIGNATURES.pdf

9.9 A Resolution by Ald. Hammond authorizing entering into agreement with the State Dept. of Agriculture, Trade and Consumer Protection for provision of weights and measures inspection services. FINANCE

ATTACHMENT: WEIGHTS AND MEASURES.pdf

9.10 A Resolution by Ald. Hammond accepting \$23,000 in grant monies from the US Bank Foundation for playground equipment at King Park. FINANCE

ATTACHMENT: RES ACCEPT GRANT.pdf

ATTACHMENT: ATTACHMENT TO RES FOR GRANT.pdf

9.11 A Resolution by Ald. Hammond authorizing a transfer of appropriations in the 2015 Budget (establish revenue and appropriation for grant from the US Bank Foundation for playground equipment at King Park). FINANCE

ATTACHMENT: RES TRANSFER GRANT.pdf

9.12 An R. O. by the City Clerk submitting a communication from Collin Kachel, President of the Armory Foundation, requesting that they be allowed to lease the Armory for \$1 per year for 3 years and at the end of three years have the option to purchase the Armory for \$2. FINANCE

ATTACHMENT: COLLIN KACHEL - ARMORY.pdf

ATTACHMENT: FIRST FLOOR SHEET JPG - Sheet - A101 - THE ARMORY FOUNDATION.pdf

ATTACHMENT: Basement Sheet JPG - Sheet - A101 - THE ARMORY FOUNDATION.pdf

ATTACHMENT: Second Floor Sheet JPG - Sheet - A101 - THE ARMORY FOUNDATION.pdf

10. ADJOURN

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