

City of Sheboygan  
2015-03-16

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

"THERE ARE TWO WAYS TO BE FOOLED. ONE IS TO BELIEVE WHAT ISN'T TRUE; THE OTHER IS TO REFUSE TO BELIEVE WHAT IS TRUE" ~Soren Kierkegaard

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Notice of the 24th meeting of the 2014-2015 Common Council at 6:00 p.m., MONDAY, MARCH 16, 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 COUNCIL APPOINTMENTS

1.4 CONFIRMATION OF COUNCIL APPOINTMENTS

1.5 PROGRAM - Sheboygan Police Department 2014 Annual Report - Chief Domagalsk

ATTACHMENT: SPD ANNUAL REPORT 2014.pdf

1.6 PUBLIC FORUM

1.7 MAYOR'S ANNOUNCEMENTS

**2. HEARINGS**

2.1 A Hearing is scheduled this evening regarding assessment for improvements of concrete paving of S. 32nd St. from Crocker Ave. to Washington Ave.

ATTACHMENT: HEARING S 32ND.pdf

2.2 A Hearing is scheduled this evening regarding levying special assessments for the calendar year 2014 against all benefited property in Parking District 1.

ATTACHMENT: PK DIST 1.pdf

2.3 A Hearing is scheduled this evening regarding levying special assessments for the calendar year 2014 against all benefited property in Parking District 2.

ATTACHMENT: PK DIST 2.pdf

2.4 A Hearing is scheduled this evening regarding levying special assessments for the calendar year 2014 against all benefited property in Parking District 4.

ATTACHMENT: PK DIST 4.pdf

2.5 A Hearing is schedule this evening regarding levying special assessments for the calendar year 2014 against all benefited property in Parking District 5.

ATTACHMENT: PK DIST 5.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 licenses. ACCEPT AND FILE

ATTACHMENT: GRANTED.pdf

3.3 An R. O. by City Plan Commission to whom was referred R. O. No. 255-14-15 by the City Clerk submitting a communication from CVS Store #10549 Sheboygan being a signed and notarized Certified Survey Map; recommends accepting and filing documents. ACCEPT AND FILE

ATTACHMENT: RO 255.pdf

3.4 A Resolution by Ald. Hammond confirming making assessments for those benefited properties for Parking District 1. PASS RESOLUTION

ATTACHMENT: RES DIST 1.pdf

3.5 A Resolution by Ald. Hammond confirming making assessments for those benefited properties for Parking District 2. PASS RESOLUTION

ATTACHMENT: RES DIST 2.pdf

3.6 A Resolution by Ald. Hammond confirming making assessments for those benefited properties for Parking District 4. PASS RESOLUTION

ATTACHMENT: RES DIST 4.pdf

3.7 A Resolution by Ald. Hammond confirming making assessments for those benefited properties for Parking District 5. PASS RESOLUTION

ATTACHMENT: RES DIST 5.pdf

3.8 A Resolution by Ald. Belanger directing a public hearing to be held in connection with a change in the text of the City's Zoning Ordinance in Section 15.206 Detailed Land Use Descriptions and Regulations so as to amend Section 15.206(9)(d). PASS RESOLUTION

ATTACHMENT: RES LAND USE.pdf

3.9 A Resolution by Ald. Belanger directing a public hearing to be held in connection with a change in the text of the City's Zoning Ordinance in Section 15.034 Definitions so as to amend Section 15.034. PASS RESOLUTION

ATTACHMENT: GO DEFINITIONS.pdf

3.10 A Resolution by Ald. Hammond and Carlson confirming exercising police power in making an assessment for those benefited properties against which assessments are proposed for concrete paving of S. 32nd St. from Crocker Ave. to Washington Ave. PASS RESOLUTION

ATTACHMENT: RES CONFIRMING.pdf

3.11 An R. C. by Law and Licensing to whom was referred R. O. No. 224-14-15 by the City Clerk submitting license applications; recommends granting various licenses (McKenzie). ACCEPT AND ADOPT

ATTACHMENT: RO 224.pdf

3.12 An R. C. by Law and Licensing to whom was referred, pursuant to R. O. No. 244-14-15 by the City Clerk, submitting various license applications; recommends granting various licenses (Gonzalez). ACCEPT AND ADOPT

ATTACHMENT: PURS TO RO 244.pdf

3.13 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 license applications; recommends granting various licenses (Phillips 66). ACCEPT AND ADOPT

ATTACHMENT: PURS TO RO 256.pdf

3.14 An R. C. by Finance to whom was referred R. O. No. 257-14-15 by the City Clerk submitting a communication from the Harbor Centre BID request that the City release all funds collected on their behalf and those funds allocated to them for fiscal 2015; recommends approving the request. ACCEPT AND ADOPT

ATTACHMENT: RO 257.pdf

3.15 An R. C. by Public Works to whom was referred a copy of R. O. No. 258-14-15 by the Dir. of Planning requesting to close various streets downtown all Thursdays from 6/25/15 to 9/10/15 for the Levitt AMP Sheboygan Concert Series; recommends approving the request. ACCEPT AND ADOPT

ATTACHMENT: RO 258.pdf

3.16 An R. C. by Public Protection and Safety to whom was referred R. O. No. 258-14-15 by the Dir. of Planning submitting a request to close N. 7th St. from New York Ave. to Wisconsin Ave. and New York Ave. from N. 7th St. to N. 8th St. all Thursdays from 6/25/15 to 9/10/15 for the Levitt AMP Sheboygan Concert Series; recommends approval of the request. ACCEPT AND ADOPT

ATTACHMENT: RO 258.pdf

3.17 An R. C. by Public Protection and Safety to whom was referred R. O. No. 259-14-15 by the City Clerk submitting a communication from Amanda Hildebrand requesting signs be posted on S. 12th St., Georgia Ave. and S. 11th St. indicating "Speed Limit is 15 mph when children are present"; recommends that the documents be filed. ACCEPT AND ADOPT

ATTACHMENT: RO 259.pdf

3.18 An R. C. by Public Works to whom was referred Res. No. 153-14-15 by Ald. Heidemann authorizing advertising for bids for the line striping of the rotary traffic circle located at the intersection of S. 8th St. and Indiana Ave.; recommends passing the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 153.pdf

3.19 An R. C. by Public Works to whom was referred Res. No. 154-14-15 by Ald.

Heidemann requesting the acceptance of a Conservancy Master Plan for Park property owned by the City, located at the intersection of Rangeline Rd. and CR J, known as Bur Oak Property; recommends passing the Resolution. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 154.pdf

3.20 An R. C. by Public Works to whom was referred Res. No. 155-14-15 by Ald. Heidemann authorizing advertising for bids for the 2015 Concrete Sidewalk Program; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 155.pdf

3.21 An R. C. by Finance to whom was referred Res. No. 161-14-15 by Ald. Hammond approving the Agreement between the John Michael Kohler Arts Center, Inc., and the City for Payments in Lieu of Taxes for the former Sentry Store; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 161.pdf

ATTACHMENT: Res 161-14-15.pdf

3.22 An R. C. by Finance to whom was referred Res. No. 162-14-15 by Ald. Hammond establishing the Commercial Facade Loan Program to be used in eligible areas to encourage revitalization of building facades in the downtown area; recommends that the Resolution be approved. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 162.pdf

3.23 An R. C. by Finance to whom was referred Res. No. 163-14-15 by the City Clerk approving amendments to the City of Sheboygan Economic Development Loan Program; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 163.pdf

3.24 An R. C. by Public Works to whom was referred Res. No. 164-14-15 by Ald. Heidemann authorizing the City's participation in the Wisconsin Small Cities Community Development Block Grant - Disaster Recovery Program; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: Res 164-14-15.pdf

ATTACHMENT: RES 164.pdf

3.25 An R. C. by Public Works to whom was referred Res. No. 165-14-15 by Ald. Heidemann authorizing the appropriate City Officials to execute a contract between the City and Ayres & Associates for engineering consulting services for the S. 8th St. Bridge Project; recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 165.pdf

#### **4. COMMUNICATIONS**

4.1 A Communication from Dale Brant requesting speed limit or slow down signs in the alley between S. 13th St. and S. 14th St. due to speeding and the danger to all the children that play there or walk to Franklin Park. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: BRANT.pdf

4.2 A Communication from Roni Anderson, Sheboygan Pops Concert, looking for a new location for storage of their files of their music library and multiple percussion instruments. PUBLIC WORKS

ATTACHMENT: ANDERSON.pdf

## **5. REPORTS OF OFFICERS**

5.1 An R. O. by the City Clerk submitting a communication from Melissa Braesch regarding issues she has with Ald. Hammond about the selling of "Field of Dreams" and the pending rezoning of the property by the Council.

ATTACHMENT: BRAESCH.pdf

ATTACHMENT: 2nd letter.pdf

5.2 An R. O. 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 at 3306 Saemann Ave. from Public Parks and Open Space to Institutional and Community Facilities Classification; recommends approval of the Ordinance. LIES OVER TO APRIL 8TH

ATTACHMENT: GO 47.pdf

5.3 An R. O. by the City Clerk submitting a communication from Lowther Brothers, LLC, owners of the Riverfront building at 638 Riverfront Dr./615 S. 8th St., requesting no parking signs be installed adjacent to the sidewalk entrance such that it remains unobstructed for pedestrian traffic to enter building. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: LOWTHER.pdf

5.4 An R. O. by the Chief of Police submitting the annual report of the Sheboygan Police Department for the year 2014. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: POLICE DEPT REPORT.pdf

5.5 An R. O. by the City Clerk submitting a communication from Micheal Brown requesting a waiver from the Sex Offender Residency restrictions in order to live at 1720A N. 11th St. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: BROWN.pdf

5.6 An R. O. by the City Clerk submitting a communication from Paul Hilbelink requesting a waiver to the Sex Offender Residency restrictions in order to live at 926 St. Clair Ave. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: HILBELINK.pdf

5.7 An R. O. by the City Clerk submitting a communication from the State of Wisconsin Dept. of Corrections on behalf of Andrew Tershner requesting a waiver from the Sex Offender Residency restrictions in order to be placed in a TLP residence at 1123/1125 N. 14th St. or 930A Michigan Ave. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: TERSHNER.pdf

5.8 An R. O. by the City Clerk submitting a communication from Michael Tuel requesting a waiver from the Sex Offender Residency restrictions in order to live at 1720 N. 11th St. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: TUEL.pdf

5.9 An R. O. by the City Clerk submitting a communication from the Town of Sheboygan Board requesting that the City evaluate the area of the accident that occurred on Mill Rd. involving a vehicle exiting the roadway and striking a tree resulting in the loss of a life and requesting that a guardrail be placed there. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: TOWN OF SHEBOYGAN BOARD.pdf

5.10 An R. O. by the Dir. of Planning & Development requesting adoption of the City of Sheboygan Green Tier Legacy Communities Annual Report, 2014. SUSTAINABLE TASK FORCE

ATTACHMENT: GREEN TIER.pdf

## **6. RESOLUTIONS**

6.1 A Resolution by Ald. Hammond, Belanger, Carlson, Donohue, Kath and Heidemann authorizing a transfer of appropriations in the 2015 Budget (appropriation for New York Ave. and Lot 13 Parking reconstruction and parking lot lights - Finance, Public Works and Transit all recommends approval)). SUSPEND AND PASS RESOLUTION

ATTACHMENT: TRANSFER LOT 13.pdf

6.2 A Resolution by Ald. Hammond, Belanger, Carlson, Donohue, Kath, Heidemann entering into contract with Vinton Construction for street improvement projects on S. 32nd St., New York Ave., 8th St. and Parking Lot 13 - Finance, Public Works and Transit all recommend approval. SUSPEND AND PASS RESOLUTION

ATTACHMENT: RES VINTON.pdf

ATTACHMENT: Res 175-14-15.pdf

6.3 A Resolution by Ald. Belanger accepting 1515 N. 11th St. from Sheboygan County to rehabilitate and re-sell to an owner-occupied household. CITY PLAN COMMISSION

ATTACHMENT: 1515 N 11TH.pdf

6.4 A Resolution by Ald. Hammond authorizing City departments to participate in the CVMIC Risk Reduction Grant Program and designating the City's Program Coordinator. FINANCE

ATTACHMENT: CVMIC.pdf

6.5 A Resolution by Ald. Heidemann authorizing the appropriate City officials to co-sign with the Sheboygan Area School District the conversion evaluation application for the WiDNR Stewardship Grant Program. PUBLIC WORKS

ATTACHMENT: Co-sign SASD.pdf

6.6 A Resolution 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 Through Holiday Lights Display. PUBLIC

## WORKS

ATTACHMENT: MAKING SPIRITS BRIGHT.pdf

6.7 A Resolution by Ald. Heidemann authorizing executing a contract between the City and Moss & Associates for real estate consulting services for the STH 42 (Calumet Dr. from N. 26th St. to Main Ave) DOT Project. PUBLIC WORKS

ATTACHMENT: MOSS AND ASSOCIATES.pdf

## 7. REPORTS OF COMMITTEES

7.1 An R. C. by Law and Licensing to whom was referred R. O. No. 236-14-15 by the City Clerk submitting various license applications; recommends denying Taxicab Driver's License No. 0665 based on her failure to accurately reveal all relevant convictions on her application, her record of violations related to the licensed activity, her record as a repeat law violator, and her failure to cooperate with the Committee. ACCEPT AND ADOPT

ATTACHMENT: RO 236.pdf

7.2 An R. C. by Public Works to whom was referred R. O. No. 261-14-15 by the City Clerk submitting a communication from Timothy Halada request to have a fundraiser for the Sheboygan Area School District's Music and Arts Departments at the Armory; recommends the the request be approved. ACCEPT AND ADOPT

ATTACHMENT: RO 261.pdf

## 8. ORDINANCES

8.1 An Ordinance by Ald. Belanger amending the text of the City's Zoning Ordinance in Section 15.034 Definitions so as to amend Section 15.034 regarding garages, building accessory, utility shed, gazebo and greenhouse. CITY PLAN COMMISSION

ATTACHMENT: ORD DEFINITIONS.pdf

8.2 An Ordinance by Ald. Belanger amending the text of the City's Zoning Ordinance in Section 15.206 Detailed Land Use Descriptions and Regulations so as to amend Section 15.206(8)(d). CITY PLAN COMMISSION

ATTACHMENT: ORD LAND USE.pdf

## 9. MATTERS LAID OVER

9.1 Res. No. 160-14-15 by Ald. Hammond, Belanger, Carlson, Donohue and Kath authorizing a transfer of appropriations in the 2015 Budget (2015 Contracted services in Attorney's office; 2015 Sidewalk and Mini Storm Sewer Projects; 8th Street Bridge Project). PASS RESOLUTION

ATTACHMENT: RES 160.pdf

## 10. OTHER MATTERS RECEIVED AFTER PUBLISHING THE AGENDA

10.1 An R. O. by the Purchasing submitting bids for the purchase of Zero turn mowers. PUBLIC WORKS

ATTACHMENT: RO BID.pdf

10.2 A Resolution by Ald. Heidemann authorizing purchasing replacement zero turn mowing equipment for the Motor Vehicle Dept. PUBLIC WORKS

ATTACHMENT: RES MOWER.pdf

10.3 An R. O. by the City Clerk submitting a petition to stop the rezoning of property located at 3306 Saemann Ave. (Field of Dreams). LIES OVER TO APRIL 8TH

ATTACHMENT: PETITION.pdf

10.4 An R. O. 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

ATTACHMENT: COLBATH.pdf

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

ATTACHMENT: REFERRED LICENSES.pdf

## **11. CLOSED SESSION**

11.1 MOTION TO CONVENE IN CLOSED SESSION under the exemption in Section 19.85(1)(e) Wis. Stats., for the purpose of discussion and formulation of negotiating strategies relative to the Natural Resource Damage Assessment where bargaining reasons require a closed session.

## **12. ADJOURN**

12.1 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