

MINUTE OF THE TWENTY-THIRD REGULAR COMMON COUNCIL MEETING - 6: 00 PM (Monday, March 2, 2015) Generated by Susan Richards on Tuesday, March 3, 2015 Members present Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele - 14. Members excused Bill Thiel - 1 . Meeting called to order at 6: 00 PM

1. OPENING OF MEETING

1.1 PLEDGE OF ALLEGIANCE

1.2 APPROVAL OF MINUTES MOTION TO APPROVE MINUTES Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

1.3 COUNCIL APPOINTMENTS Suspend and motion to confirm appointments - No objections to suspension.

Aldersperson Julie Kath to be appointed to Law and Licensing Committee to fill the unexpired term of Kevin Matichek, whose term expires 4 / 20 / 15. Amy Horst to be appointed to the Business Improvement District Board, term to expire on 12 / 31 / 16.

Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

1.4 CONFIRMATION OF COUNCIL APPOINTMENTS

1.5 PUBLIC FORUM Jane Martin, 2326 W. Shelley Ct. Joe Voelkner, 4214 North Field Dr. John Revelis, 1739 N. 6 th St. Jason Peters, 1225 Kaufmann Ave.

1.6 MAYOR'S ANNOUNCEMENTS

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 TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

2.2 R. O. No. 251 - 14 - 15 by the City Clerk granting various licenses.

ACCEPT AND FILE

Resolution:

MOTION TO ACCEPT AND FILE MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

2.3 R. O. No. 252 - 14 - 15 by City Plan Commission to whom was referred G. O. No. 45 - 14 - 15 rededicating the vacated portion of N. 8 th Street from a point 6 feet south of the north line of Wisconsin Avenue to a point 38.5 feet south of the north line of Lot 7, Block 129, Original Plat; recommends approval of the Ordinance. ACCEPT AND FILE AND PASS THE ORDINANCE.

Resolution

: ACCEPT AND FILE AND PASS THE ORDINANCE. MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

2.4 Res. No. 156 - 14 - 15 by Ald. VanderWeele and Van Akkeren directing a public hearing be held regarding amending the City's Comprehensive Plan Future Land Use Map to change the Land Use Classification of property at 3306 Saemann Ave. from Public Parks and Open Space to Institutional and Community Facilities Classification. PASS RESOLUTION

Resolution:

MOTION TO PASS RESOLUTION MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

2.5 Res. No. 157 - 14 - 15 by Ald. VanderWeele and Van Akkeren directing a public hearing be held regarding amending the City's Zoning Map to change the Use District Classification of property located at 3306 Saemann Ave. from SR- 5 Suburban Residential to Class SO Suburban Office Classification. PASS RESOLUTION

Resolution:

MOTION TO PASS RESOLUTION MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

2.6 R. C. No. 295 - 14 - 15 by Law and Licensing to whom was referred, pursuant to R. O. No. 224 - 14 - 15 license applications for period ending Dec. 31, 2015 and June 30, 2016 ; recommends that the licenses be granted (Kropuenske). ACCEPT AND ADOPT

Resolution:

ACCEPT AND ADOPT. MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

2.7 R. C. No. 296 - 14 - 15 by Law and Licensing to whom was referred, pursuant to R. O. No. 244 - 14 - 15 various license applications for the period ending December 31, 2015 and June 30, 2016 ; recommends that the licenses be granted (VFW). ACCEPT AND ADOPT.

Resolution:

ACCEPT AND ADOPT. MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

2.8 R. C. No. 294 - 14 - 15 by Finance to whom was referred R. O. No. 223 - 14 - 15 submitting a claim from Jerome A. Duenk for alleged damages to his vehicle when a snow plow struck his vehicle; recommends that the claim be denied (maintain offer of \$1,250) and to direct the City Attorney to send a Notice of Disallowance. ACCEPT AND ADOPT.

Resolution:

ACCEPT AND ADOT. MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

2.9 R. C. No. 297 - 14 - 15 by Finance to whom was referred R. O. No. 234 - 14 - 15 submitting a communication from Reinhart Attorneys at Law being a Claim for Excessive Assessment regarding NRFC Memorial Holdings, LLC, owner of parcel No. 59281 - 215850 ; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance. ACCEPT AND ADOPT.

Resolution:

ACCEPT AND ADOPT. MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

2.10 R. O. No. 253 - 14 - 15 by City Plan Commission to whom was referred R. O. No. 242 - 14 - 15 submitting a communication from EHS Specialists-Air & Landfill Management, Kohler Co., recommends approval of the document and to have a letter be drafted by the City Attorney to Kohler Co. stating no City approvals are required. ACCEPT AND FILE.

Resolution:

ACCEPT AND FILE. MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

2.11 R. C. No. 298 - 14 - 15 by Public Protection and Safety to whom was referred R. O. No. 245 - 14 - 15 by the Fire Chief submitting his quarterly report for October 1, 2014, and ending December 31, 2014 ; recommends that the document be accepted and placed on file. ACCEPT AND ADOPT

Resolution:

ACCEPT AND ADOPT MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

2.12 R. C. No. 299 - 14 - 15 by Public Protection and Safety to whom was referred Com. No. 5 - 14 - 15 submitted by Ald. Carlson regarding concerns Bill Dreps has regarding the food trucks; recommends that the document be placed on file. ACCEPT AND ADOPT.

Resolution:

ACCEPT AND ADOPT. MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS AND ORDINANCES Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

### 3. REPORTS OF OFFICERS

3.1 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 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 and recommending passing attached Substitute Ordinance. LIES OVER TO APRIL 8 TH

3.2 R. O. No. 258 - 14 - 15 by Director of Planning and Development submitting a request from Chad Pelishek, Director of Planning & Development, to close N. 7 th Street from New York Avenue to Wisconsin Avenue and New York Avenue from N. 7 th Street to N. 8 th Street all Thursdays from June 25, 2015 to September 10, 2015 from 1: 00 PM to 11: 00 PM for the Levit AMP Sheboygan Concert Series. PUBLIC PROTECTION AND SAFETY AND PUBLIC WORKS.

3.3 R. O. No. 259 - 14 - 15 by the City Clerk submitting a communication from Amanda Hildebrand requesting bringing more awareness and caution to the area

Bethlehem Lutheran School by having signs posted on S. 12 th ST., Georgia Ave. and S. 11 th St. indicating the "Speed Limit is 15 mph When Children Are Present". PUBLIC PROTECTION AND SAFETY.

3.4 R. O. No. 260 - 14 - 15 by the City Clerk submitting a communication from Christopher Wilsing requesting a waiver to the Sex Offender Residency restrictions in order to live at 930 A or 1123 / 1125 N. 14 th St. PUBLIC PROTECTION AND SAFETY

3.5 R. O. No. 261 - 14 - 15 by the City Clerk submitting a communication from Timothy J. Halada requesting to have a fundraiser for the Sheboygan Area School District's Music and Arts Departments at the Armory before it gets torn down. PUBLIC WORKS.

#### 4. RESOLUTIONS

4.1 Res. No. 158 - 14 - 15 by Ald. Hammond, VanderWeele, Heidemann, Donohue and Carlson approving the FY 2015 One-Year Annual Action Plan for the Community Development Block Grant (CDBG) Program Submission. SUSPEND AND PASS THE RESOLUTION. SUSPEND AND PASS THE RESOLUTION - No objection to the suspension. Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren Abstain: Jodi VanderWeele

4.2 Res. No. 159 - 14 - 15 by Ald. Hammond accepting a donation of 1222 Huron Ave. for rehabilitation and re-sale from Wells Fargo, N.A. SUSPEND AND PASS RESOLUTION MOTION TO SUSPEND AND PASS RESOLUTION - No objection to the suspension. Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

4.3 Res. No. 160 - 14 - 15 by Ald. Hammond, Belanger, Carlson, Donohue and Kath authorize a transfer of appropriations in the 2015 Budget. LIES OVER.

4.4 Res. No. 161 - 14 - 15 by Ald. Hammond approving the Agreement between the John Michael Kohler Arts Center, Inc. and the City of Sheboygan for Payments in Lieu of Taxes for the former Sentry Store located at 725 - 737 S. Taylor Drive. FINANCE.

4.5 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. FINANCE.

4.6 Res. No. 164 - 14 - 15 by Ald. Heidemann authorizing the City of Sheboygan's participation in the Wisconsin Small Cities Community Development Block Grant - Disaster Recovery Program. PUBLIC WORKS.

4.7 Res. No. 165 - 14 - 15 by Ald. Heidemann authorizing the appropriate City Officials to execute a contract between the City of Sheboygan and Ayres and Associates for engineering consulting services. PUBLIC WORKS.

4.8 Res. No. 166 - 14 - 15 by Ald. Donohue adopting an official mission/vision statement and core values. COMMITTEE OF THE WHOLE.

#### 5. REPORTS OF COMMITTEES

5.1 R. C. No. 300 - 14 - 15 by Finance to whom was referred Res. No. 144 - 14 - 15 by Alderperson Hammond authorizing a transfer of appropriations in the 2014 Budget (establish revenue and appropriations for 2014 Community Development Block Grant Entitlement Program); recommends that the Resolution be passed. ACCEPT AND ADOPT AND PASS THE RESOLUTION. ACCEPT AND ADOPT AND PASS THE RESOLUTION. Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

## 6. ORDINANCES

6.1 Gen. Ord. No. 47 - 14 - 15 by Ald. VanderWeele and Van Akkeren amending the City's 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.

CITY PLAN COMMISSION

## 7. MATTERS LAID OVER

7.1 Res. No. 151 - 14 - 15 by Alderpersons Heidemann, Belanger and Thiel authorizing entering into contract for purchase of Vermeer tow behind stump cutter. PASS THE RESOLUTION. PASS THE RESOLUTION. Motion by Joseph

Heidemann, second by John Belanger.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

7.2 Res. No. 152 - 14 - 15 by Alderpersons Hammond, Belanger, Carlson, Donohue and Kath authorizing a transfer of appropriations in the 2015 Budget (establish appropriation for purchase of Kawasaki Mule multi-use vehicle; purchase of Vermeer stump cutter). PASS THE RESOLUTION. PASS THE RESOLUTION. Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

## 8. OTHER MATTERS RECEIVED AFTER THE AGENDA WAS PUBLISHED

8.1 R. O. No. 256 - 14 - 15 by the City Clerk submitting various license applications (Phillips 66). LAW AND LICENSING

8.2 Res. No. 163 - 14 - 15 by Ald. Hammond approving amendments to the City of Sheboygan Economic Development Loan Program. FINANCE

8.3 R. O. No. 255 - 14 - 15 by the City Clerk submitting a communication from CVS Store Sheboygan, being a signed and notarized Certified Survey Map. CITY PLAN COMMISSION

8.4 R. O. No. 257 - 14 - 15 by the City Clerk submitting a communication from the Harbor Centre Business Improvement District requesting that the City of Sheboygan release all funds collected on their behalf and those funds allocated to them for fiscal 2015. FINANCE

## 9. CLOSED SESSION

9.1 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 and a development agreement where bargaining reasons require a closed session.

MOTION TO CONVENE IN CLOSED SESSION Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Susan Lessard, David Van Akkeren, Jodi VanderWeele

10. ADJOURN

10.1 Motion to adjourn

Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:  
Motion Passes

Aye: Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren,  
Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann,  
Mark Hermann, Susan Lessard, David Van Akkeren,

Jodi VanderWeele