

FIFTEENTH REGULAR COMMON COUNCIL MEETING - 6: 00 PM (Monday, November 3, 2014)
Generated by Susan Richards on Tuesday, November 4, 2014 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele - 16. Meeting called to order at 6: 00 PM

1. OPENING OF MEETING

1.1 ROLL CALL

1.2 PLEDGE OF ALLEGIANCE

1.3 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

1.4 RESIGNATIONS - NONE

1.5 COUNCIL APPOINTMENTS - MAYOR'S NEIGHBORHOOD LEADERSHIP CABINET - Lies over

1.6 PROGRAM - SHEBOYGAN COUNTY UNITED WAY CAMPAIGN, EXECUTIVE DIRECTOR JON DOLL

1.7 PUBLIC FORUM - Joe Lamb, 4010 N. 30 th St., spoke.

1.8 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

2.2 R. O. No. 158 - 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

2.3 R. O. No. 159 - 14 - 15 by the City Clerk submitting a communication from Lakeshore Technical College District (LTC) along with their Tax Levy Report

for 2014 - 2015. 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

2.4 R. O. No. 160 - 14 - 15 by the Bd. of Water Commissioners submitting the Water Utility Budget for the year 2015. 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

2.5 R. O. No. 161 - 14 - 15 by the Bd. of Water Commissioners submitting the Water Utility's 3 rd quarter report for 2014. 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

2.6 R. O. No. 162 - 14 - 15 by the Bd. of Contractors Examiners submitting Building Contractor Licenses that have been granted. 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

2.7 R. O. No. 163 - 14 - 15 by the Fire Chief submitting his quarterly report for the period commencing July 1, 2014 and ending September 30, 2014. 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

2.8 R. O. No. 164 - 14 - 15 by the City Clerk submitting a communication from the Kohler School District being their 2014 - 2015 School Year Tax Levy Certification. ACCEPT AND FILE

2.9 Res. No.

82 - 14 - 15 by Ald. Carlson and Damrow directing a public hearing to be held in connection with the change of the City's Zoning Map for property located at 1238 Geele Ave. (Washington School). 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

2.10 R. C. No. 187 - 14 - 15 by Law and Licensing to whom was referred R. O. 154 - 14 - 15 recommends granting various licenses. ACCEPT AND ADOPT

Resolution:

MOTION TO 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

2.11 R. C. No. 188 - 14 - 15 by Law and Licensing to whom was referred R. O. No. 138 - 14 - 15 recommends granting various licenses (Heinen). ACCEPT AND ADOPT

Resolution:

MOTION TO 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

2.12 R. C. No. 189 - 14 - 15 by Public Works to whom was referred Res. No. 79 - 14 - 15 recommends entering into a State/Municipal Agmt. for design and reconstruction of the S. Business Dr. Bridge on S. Business Dr. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

2.13 R. C. No. 190 - 14 - 15 by Public Works to whom was referred Res. No 80 - 14 - 15 recommends entering into a State/Municipal Agmt. for the design and reconstruction of North Ave. from Calumet Dr. to N. 15 th St. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

2.14 R. C. No. 191 - 14 - 15 by Public Works to whom was referred Res. No. 81 - 14 - 15 recommends entering into a State/Municipal Agmt. for the design and reconstruction of Superior Ave. from N. Taylor Dr. to N. 29 th St. ACCEPT AND ADOPT AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

3. REPORTS OF OFFICERS

3.1 R. O. No. 177 - 14 - 15 by the City Clerk submitting a communication from the Sheboygan Jaycees requesting that the Council approve them making a donation of cross country ski trail grooming equipment to the Sheboygan Parks Dept. to be used beginning this winter at the Jaycee Trails located at Evergreen Park and Maywood. PUBLIC WORKS

3.2 R. O. No. 166 - 14 - 15 by the City Clerk submitting a claim from Stephan Brickson for alleged damages to her vehicle when she was stopped for a stop sign and was rear-ended by a City vehicle. FINANCE

3.3 R. O. No. 165 - 14 - 15 by the City Clerk submitting a communication from Gorman & Company, Inc., submitting an application to rezone the historic Washington School located at 1238 Geele Ave. CITY PLAN COMMISSION

3.4 R. O. No. 178 - 14 - 15 by the City Clerk submitting a communication from Ald. Bohren suggesting the attached revision of the Chief Administrative Officer's job description to be considered by the Salaries and Grievances Committee. WHOLE Motion by David Van Akkeren and second by Jim Bohren to refer

3.4,

6.1,

6.3 and

8.1 to the Committee of the Whole. Motion by Don Hammond and second by Darryl Carlson to divide the question to pull

6.1 out of the vote and have a separate vote. (Dividing the question to send 6.1 to Committee of the Whole was lost on call of the roll: Ayes:

Julie Kath, Jim Bohren, Joseph Heidemann, Mark Hermann, Kevin Matichek, David Van Akkeren - 6 . Nays:

Mike Damrow, Bryan Bitters, John Belanger, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Susan Lessard, Bil Thiel, Jodi VanderWeele - 10 .

6.1 will lie over to the next Council meeting. Motion by David Van Akkeren and second by Jim Bohren to refer

3.4,

6.3 and

8.1 to the Committee of the whole was passed on call of the roll: Ayes:

Mike Damrow, Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Mark Hermann, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele - 14. Nays:

Darryl Carlson, Susan Lessard - 2 . 3.5 R. O. No. 174 - 14 - 15 by the City Clerk submitting a petition from Richard Hendricks et al. requesting a 2 -hour parking restriction on the east side of N. 12 th St. between North Ave. and School Ave. REFER TO PUBLIC PROTECTION AND SAFETY

3.6 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 8 th St. construction. REFER TO FINANCE

3.7 R. O. No. 168 - 14 - 15 by the City Clerk submitting a claim from Rene Gallegos for alleged damages to his vehicle when a tree in Evergreen Park fell on his SUV. FINANCE

3.8 R. O. No. 169 - 14 - 15 by the Dir. of Planning and Development submitting the 2015 BID Statement of Purpose and the 2015 Operating Budget. FINANCE

3.9 R. O. No. 170 - 14 - 15 by the City Clerk submitting a Summons in the matter of Steven M. Behrens v Sheboygan Bd. of Appeals. FINANCE

3.10 R. O. No. 171 - 14 - 15 by the Purchasing Agent submitting bids for the installation of air conditioning chiller equipment including removal and lawful disposal of the current machinery at Mead Library. FINANCE

4. RESOLUTIONS

4.1 Res. No. 83 - 14 - 15 by Ald. Carlson officially recognizing the North Flats Neighborhood Association. LIES OVER

4.2 Res. No. 84 - 14 - 15 by Ald. Hammond authorizing entering into a contract with Mannenbach Mechanical, Inc., of Kiel for the complete installation of 3 Multi-Stack Chiller Modules for the Library. REFER TO FINANCE

4.3 Res. No. 86 - 14 - 15 by Ald. Heidemann authorizing the acceptance of a temporary limited easement for the S. 14 th St. Bridge project. PUBLIC WORKS

4.4 Res. No. 87 - 14 - 15 by Ald. Heidemann authorizing purchasing right-of-way for the S. 14 th St. Bridge project. PUBLIC WORKS

4.5 Res. No. 85 - 14 - 15 by Ald. Carlson authorizing executing the Joint Powers Agmt. for Sheboygan County and City of Sheboygan 911 Emergency Systems. PUBLIC PROTECTION AND SAFETY

4.6 Res. No. 88 - 14 - 15 by Ald. Donohue approving certain Human Resource Department procedures. SALARIES AND GRIEVANCES

5. REPORTS OF COMMITTEES

5.1 R. C. No. 184 - 14 - 15 by Law and Licensing to whom was referred R. O. No. 126 - 14 - 15 submitting various licenses recommends that Beverage Operator's License application # 6733 be denied 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 TO DENY MOTION TO ACCEPT AND ADOPT TO DENY Motion by Jodi VanderWeele, second by Bill Thiel.

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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

5.2 R. C. No. 185 - 14 - 15 by Law and Licensing to whom was referred R. C. No. 163 - 14 - 15 submitting various licenses recommends that Beverage Operator's License application # 0537 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 failure to cooperate with the Committee. ACCEPT AND ADOPT TO DENY MOTION TO ACCEPT AND ADOPT TO DENY Motion by Jodi VanderWeele, second by Bill Thiel.

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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

5.3 R. C. No. 186 - 14 - 15 by Law and Licensing to whom was referred R. O. No. 138 - 14 - 15 submitting various license applications recommends that Beverage Operator's License application # 8464 be denied based on 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 MOTION TO ACCEPT AND ADOPT TO DENY Motion by Jodi VanderWeele, second by Bill Thiel.

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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

6. ORDINANCES

6.1 Gen. Ord. No. 34 - 14 - 15 by Ald. Donohue, Dassler, Hammond and VanderWeele amending the Municipal Code so as to extend the expiration date of the initial Chief Administrative Officer appointee's term to August 23, 2016. LIES OVER

6.2 Gen. Ord. No. 35 - 14 - 15 by Ald. Carlson and Damrow amending the City's Zoning Map to change the Use Classification of property located at 1238 Geele Ave. from Class NR- 6 Neighborhood 6 to Class UR- 12 Urban Residential Classification. CITY PLAN COMMISSION

6.3 Gen. Ord. No. 37 - 14 - 15 by Ald. Kath re-establishing the salary schedule for the office of alderperson commencing in council year 2017 - 2018. WHOLE

6.4 Gen. Ord. No. 36 - 14 - 15 by Ald. Lessard amending the Municipal Code so as to add a Part-Time code enforcement officer in the City Development Dept. for the City of Sheboygan. SALARIES AND GRIEVANCES

6.5 Charter Ord. No. 3 - 14 - 15 Ald. Bohren and Kath (being subject to the home rule provisions of sec. 66.0101 of the Wis. Stats.) to reduce the number

of alderpersons in the City of Sheboygan from 16 to 8 by the 2017 - 2018 council year. WHOLE

7. MATTERS LAID OVER

7.1 Gen. Ord. No. 32 - 14 - 15 by Ald. Donohue, Dassler, Bohren, Hammond and VanderWeele amending the Municipal Code so as to add a Part-Time Permit Clerk in the Building Inspection Division/City Planning Department. PASS ORDINANCE MOTION TO PASS ORDINANCE Motion by Mary Lynne Donohue, second by Ty Dassler.

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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

8. OTHER MATTERS

8.1 R. C. No. 192 - 14 - 15 by Salaries and Grievances recommending amending the Municipal Code, that James Amodeo is hereby appointed as Chief Administrative Officer for the City of Sheboygan until August 23, 2016 and that this extension of employment may require a Memo of Understanding that will include all the necessary time frames. WHOLE

9. OTHER MATTERS RECEIVED AFTER THE AGENDA WAS PUBLISHED

9.1 R. O. No. 173 - 14 - 15 by the City Clerk submitting various licenses. LAW AND LICENSING

9.2 R. O. No. 175 - 14 - 15 by the City Clerk submitting a communication from Alexis Torres requesting a waiver from the Sex Offender Residency restrictions in order to live at 1127 N. 8 th St. PUBLIC PROTECTION AND SAFETY

9.3 R. O. No. 176 - 14 - 15 by the City Clerk submitting a communication from Alexis Torres requesting a waiver from the Sex Offender Residency restrictions in order to live at a TLP at 930 A Michigan Ave. or 1123 / 1125 N. 14 th St. depending upon availability. PUBLIC PROTECTION AND SAFETY

9.4 R. O. No. 172 - 14 - 15 by the City Clerk submitting a claim from Luciano Gallego for alleged damages to his vehicle when he was parked at his home address and a City truck struck his car. FINANCE

10. ADJOURN

10.1 Motion to adjourn 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, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele