

FOURTEENTH REGULAR COMMON COUNCIL MEETING - 6: 00 PM (Monday, October 20, 2014) Generated by Susan Richards on Tuesday, October 21, 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, Jodi VanderWeele - 15 . Members excused David Van Akkeren - 1 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, Jodi VanderWeele - 15 .

1.4 RESIGNATIONS - NONE

1.5 COUNCIL APPOINTMENTS - NONE

1.6 PRESENTATION - PROCLAMATION FOR THE 25 TH ANNIVERSARY OF SHEBOYGAN YOUTH SAILING CLUB

1.7 PUBLIC FORUM - Jim Smith, 6314 S. 18 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, Jodi VanderWeele

2.2 R. O. No. 146 - 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, Jodi VanderWeele

2.3 R. O. No. 145 - 14 - 15 by the Chief of Police submitting his quarterly report showing activities of the department for the period commencing 7 / 1 / 14

14. ACCEPT AND FILE

2.4 R. O. No. 147 - 14 - 15 by the City Clerk submitting a communication from AT&T wishing to withdraw their claim (# 16 - 14) filed with the City. 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, Jodi VanderWeele

2.5 R. O. No. 148 - 14 - 15 by the City Plan Commission recommending Res. No. 74 - 14 - 15 approving the Capital Improvements Program for 2015 be approved. ACCEPT AND FILE AND PASS RESOLUTION

Resolution:

MOTION TO ACCEPT AND FILE 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, Jodi VanderWeele

2.6 R. O. No. 149 - 14 - 15 by the City Plan Commission recommending Gen. Ord. No. 30 - 14 - 15 relative to creating a shoreland zoning ordinance for the City of Sheboygan in conformance with Sections 62.23 and

62.233, Wis. Stats. be approved. ACCEPT AND FILE AND PASS ORDINANCE

Resolution:

LIES OVER

2.7 R. C. No. 178 - 14 - 15 by Law and Licensing to whom was referred R. O. No. 119 - 14 - 15 recommending granting Beverage Operator's License # 7647 (Orr-Sanchez). 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, Jodi VanderWeele

2.8 R. C. No. 179 - 14 - 15 by Law & Licensing to whom was referred R. O. No. 126 - 14 - 15 recommends granting Beverage Operator's License # 8330

(Grobman) contingent on the application being corrected, and with a warning to include all violations on future applications. ACCEPT AND ADOPT
2.9 R. C. No. 180 - 14 - 15 by Law & Licensing pursuant to R. O. No. 138 - 14 - 15 recommends granting various licenses contingent upon the applications be corrected and with a warning to include all violations on future applications (Bustamante). ACCEPT AND ADOPT

2.10 R. C. No. 174 - 14 - 15 by Public Protection and Safety to whom was referred R. O. No. 139 - 14 - 15 by Building Inspection submitting their department's reports for the months of July and August, 2014 ; recommends that the document be placed on file. 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, Jodi VanderWeele

2.11 R. C. No. 175 - 14 - 15 by Public Protection and Safety to whom was referred R. O. No. 140 - 14 - 15 submitting a communication from Mary Beth Martin putting the City on notice of a dangerous condition at the intersection of N. 6 th St. and Superior Ave. recommends filing the document. 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, Jodi VanderWeele

2.12 R. C. No. 182 - 14 - 15 by Public Works to whom was referred Res. No. 76 - 14 - 15 authorizing filing the Urban Forestry grant application for the purpose of receiving financial assistance for the management of the City's Urban Forest. 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, Jodi VanderWeele

2.13 R. C. No. 183 - 14 - 15 by Salaries and Grievances to whom was referred Gen. Ord. No. 31 - 14 - 15 creating Division 6, Section 2 - 420 of Article IV of Chapter 2 of the Municipal Code relating to the director of human resources and labor relations. ACCEPT AND ADOPT AND PASS ORDINANCE

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS 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, Kevin Matichek, Bill Thiel, Jodi VanderWeele

3. REPORTS OF OFFICERS 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 R. O. No. 152 - 14 - 15 by the City Clerk submitting a Summons and Complaint in the matter of Matrix Financial Services Corp. v Bonnie Baumgardt et al. FINANCE R. O. No. 153 - 14 - 15 by the City Clerk submitting a Claim for Injuries in the matter of Kathleen Nickel for alleged injuries when she fell on an uneven sidewalk (Claim # 9 - 13). FINANCE R. O. No. 155 - 14 - 15 by the City Clerk submitting a communication from Travis Mojeck requesting a waiver from the Sex Offender Residency restrictions in order to live at 918 B Michigan Ave. PUBLIC PROTECTION AND SAFETY R. O. No. 156 - 14 - 15 by the City Clerk submitting a communication from Daniel Wagner requesting a waiver from the Sex Offender Residency restrictions in order to live at 1614 A Division Ave. PUBLIC PROTECTION AND SAFETY R. O. No. 157 - 14 - 15 by the City Clerk submitting a communication from Benjamin Heyman requesting a waiver from the Sex Offender Residency restrictions in order to live at 2521 S. 8 th St. PUBLIC PROTECTION AND SAFETY

4. RESOLUTIONS

4.1 Res. No. 77 - 14 - 15 by Ald. Heidemann authorizing the emergency repair and reconstruction of the sanitary sewer main on S. 10 th St. between Ashland Ave. and Mead Ave. SUSPEND AND PASS RESOLUTION MOTION TO SUSPEND Motion by Joseph Heidemann, second by John Belanger. 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, Jodi VanderWeele MOTION TO PASS RESOLUTION Motion by Joseph Heidemann, 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, Jodi VanderWeele

4.2 Res. No. 78 - 14 - 15 by Ald. Donohue, Dassler, Bohren, Hammond and VanderWeele authorizing represented employees of IAFF Local 483 and ATU Local 998 the opportunity to participate in the City's Qualified High Deductible Health Plan in 2015. SUSPEND AND PASS RESOLUTION MOTION TO SUSPEND Motion by Mary Lynne Donohue, second by Ty Dassler. 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, Jodi VanderWeele MOTION TO PASS RESOLUTION Motion by Mary Lynne Donohue, 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, Kevin Matichek, Bill Thiel, Jodi VanderWeele

4.3 Res. No. 79 - 14 - 15 by Ald. Heidemann authorizing entering into a State/Municipal Agreement for the design and reconstruction of the S. Business

Dr. Bridge on S. Business Dr. PUBLIC WORKS

4.4 Res. No. 80 - 14 - 15 by Ald. Heidemann authorizing entering into a State/Municipal Agreement for design and reconstruction of North Ave. from Calumet Dr. to N. 15 th St. PUBLIC WORKS

4.5 Res. No. 81 - 14 - 15 by Ald. Heidemann authorizing entering into a State/Municipal Agreement for design and reconstruction of Superior Ave. from N. Taylor Dr. to N. 29 th St. PUBLIC WORKS

5. REPORTS OF COMMITTEES

5.1 R. C. No. 176 - 14 - 15 by Law & Licensing to whom was referred R. O. No. 119 - 14 - 15 recommending denying Beverage Operator's License # 0546 based upon his failure to accurately reveal all relevant convictions on the application, 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 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, Jodi VanderWeele

5.2 R. C. No. 177 - 14 - 15 by Law & Licensing to whom was referred R. O. 119 - 14 - 15 recommending denying Beverage Operator's License # 0541 based upon 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 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, Jodi VanderWeele

5.3 R. C. No. 181 - 14 - 15 by Public Works to whom was referred R. O. No. 144 - 14 - 15 and Res. No. 75 - 14 - 15 recommending entering into a five-year contract for the Transfer of Residential Solid Waste and Recyclable materials. ACCEPT AND ADOPT AND PASS RESOLUTION MOTION TO ACCEPT AND ADOPT TO PASS 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, Bill Thiel, Jodi VanderWeele Nay: Kevin Matichek

6. ORDINANCES

6.1 Gen. Ord. No. 32 - 14 - 15 Ordinance by Ald. Donohue, Dassler, Bohren, Hammond & VanderWeele amending the Municipal Code so as to add a Part-Time Permit Clerk in the Building Inspection Division/City Planning Dept. LIES OVER

7. MATTERS LAID OVER

7.1 R. O. No. 122 - 14 - 15 by the Chief Administrative Officer submitting the Estimated Unreserved Fund Balances at December 31, 2014 and outstanding debt as of December 31, 2014. ACCEPT AND FILE MOTION TO ACCEPT AND FILE 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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, Jodi VanderWeele Nay:
Joseph Heidemann

7.2 R. C. No. 153 - 14 - 15 by Finance to whom was referred various budget documents that were reviewed by Public Protection and Safety Committee and recommends that the budgets be approved and amend to include (1) part-time clerk in Building Inspection. ACCEPT AND ADOPT 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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, Jodi VanderWeele Nay:
Joseph Heidemann

7.3 R. C. No. 154 - 14 - 15 by Finance to whom was referred various budget documents reviewed by Public Works Committee and recommends that the budgets be approved. 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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, Jodi VanderWeele Nay:
Joseph Heidemann

7.4 R. C. No. 155 - 14 - 15 by Finance to whom was referred various budget documents reviewed by Finance Committee and recommends that the budgets be approved. ACCEPT AND ADOPT 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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, Jodi VanderWeele Nay:
Joseph Heidemann

7.5 R. C. No. 156 - 14 - 15 by Finance to whom was referred various budget documents reviewed by Law and Licensing and recommends that the budgets be approved. ACCEPT AND ADOPT 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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, Jodi VanderWeele Nay:
Joseph Heidemann

7.6 R. C. No. 157 - 14 - 15 by Finance to whom was referred various budget documents reviewed by Salaries and Grievances Committee and recommends that the budgets be approved. ACCEPT AND ADOPT 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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, Jodi VanderWeele Nay:
Joseph Heidemann

7.7 Res. No. 65 - 14 - 15 by Ald. Hammond, Belanger, Carlson and Donohue ordering the 2015 Budget appropriations for the City of Sheboygan funds. PASS RESOLUTION MOTION to amend to add \$25,000 for Code enforcement officer part time and add 25,000 revenue to Municipal Court. Motion by Susan Lessard, second by Kevin Matichek. Motion Fails Aye: Julie Kath, Jim Bohren, Mark Hermann, Susan Lessard, Kevin Matichek - 5 Nay: Mike Damrow, Bryan Bitters,

John Belanger, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Joseph Heidemann, Bill Thiel, Jodi VanderWeele - 10 . MOTION TO PASS RESOLUTION Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Bryan Bitters, John Belanger, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, Jodi VanderWeele - 12 . Nay: Julie Kath, Jim Bohren, Joseph Heidemann - 3 .

7.8 Res. No. 64 - 14 - 15 by Ald. Hammond, Belanger, Carlson and Donohue ordering the 2015 Budget appropriations and the 2014 Tax Levy for use during the calendar year 2015. PASS RESOLUTION MOTION TO PASS RESOLUTION Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: Mike Damrow, Bryan Bitters, John Belanger, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Mark Hermann, Susan Lessard, Bill Thiel, Jodi VanderWeele - 11 . Nay: Julie Kath, Jim Bohren, Joseph Heidemann, Kevin Matichek - 4 .

8. OTHER MATTERS NOT SUBMITTED BY PUBLICATION OF THE AGENDA

8.1 R. O. No. 154 - 14 - 15 by the City Clerk submitting various license applications. LAW AND LICENSING

8.2 R. O. No. 150 - 14 - 15 by the City Clerk submitting a communication from Nematik requesting encroachments for directional signage on the property located at 4243 Gateway Dr. CITY PLAN COMMISSION

8.3 Gen. Ord. No. 33 - 14 - 15 by Ald. Hammond and Lessard granting Nematik the privilege of encroaching upon portions of Gateway Dr. located at 4243 Gateway Dr. for the purpose of installing and maintaining directional signage. CITY PLAN COMMISSION

9. ADJOURN

9.1 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, Jodi VanderWeele